



# 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.

335 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.

340 **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?

345 **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.

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!

485 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.

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.

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**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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1255 **TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT**

**International flight destinations  
Progress report**

1260 **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?

1265 **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 continue, with my team, to keep in regular contact with airline operators that may provide opportunities in securing flight connections outside of the UK.

1270 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.

1275 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.

1280 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.

1285 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.

**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?

1290 **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 ?

1305 **Hon. Mrs I M Ellul-Hammond:** For the winter schedule.

**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.

1310 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.

1315 **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*].

1410 **New hotels**  
**Approaches to Minister**

**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
Usquieri 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  
1605 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.

**Promotional visit to Norway  
Resulting new business**

1610

**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.

1985 **Hon. J J Netto:** Mr Speaker, that was wholly inadequate. 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 gave a lot more information than she is providing us now.

2005 So, Mr Speaker, can I just –

2010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, on a Point of Order. 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.

2025 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?

**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.

2165

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?

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

2330 **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.

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?

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**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.

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**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.

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**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**

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

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**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.

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

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**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.  
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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.  
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**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 explain how the Government's 'Homework Support Group's' policy will work and when the programme will start?  
310

**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.  
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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**

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**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?

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**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.

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?

785 **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.

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 –

845 **Hon. J J Netto:** So do I take it that the figures given me is from January to December.

**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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855 **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 Gibraltarians 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.

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.

**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.

1745

**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 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.

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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*

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**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**

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**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.

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**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*).

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**Hon. P R Caruana:** Mr Speaker, I rise to thank the Hon. the Chief Minister for his kind –

**Mr Speaker:** May I?

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**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.

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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.

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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.

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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.

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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.

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I am grateful to the hon. Member and to Mr Speaker for taking this opportunity to say those words. (*Applause*).

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### Adjournment

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**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*.

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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.*