



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.27 p.m.

Gibraltar, Thursday, 17th October 2013

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

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

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

### PRAYER

*Mr Speaker*

## Order of the Day

### CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Thursday, 17th October 2013.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 19th September 2013.

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

*Mr Speaker signed the Minutes.*

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

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**SUSPENSION OF STANDING ORDERS**

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**Standing Order 7(1) suspended  
to proceed with a Government Bill**

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Bill.

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

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**BILLS**

**FIRST AND SECOND READING**

35

**Financial Services (Information Gathering and Co-operation) Bill 2013  
First Reading approved**

**Clerk:** Bills – First and Second Reading.

40

A Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters.

The Hon. the Minister for Financial Services and Gaming.

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**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Financial Services (Information Gathering and Co-operation) Act 2013.

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**Financial Services (Information Gathering and Co-operation) Bill 2013  
Second Reading approved**

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**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, the Government has strongly supported the application by the Financial Services Commission to become a signatory to the Multilateral Memorandum of Understanding concerning consultation and co-operation and the exchange of information (MMoU) of the International Organisation of Securities Commissions, which is known as IOSCO.

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IOSCO was established in 1983 and is the acknowledged international body that brings together the world securities regulators and is recognised as the global standard setter for the security sector. IOSCO develops, implements and promotes adherence to internationally recognised standards for securities regulation and is working intensively with the G20 and the Financial Stability Board on the Global Regulatory Forum Agenda.

75

IOSCO's membership regulates more than 95% of the world's securities markets. Its members include over 120 securities regulators and 80 other securities markets participants, as in for example stock exchanges, financial regional international organisations. IOSCO is the only international financial

regulatory organisation which includes all the major emerging market jurisdictions within its membership.

80 I should emphasise that there are fully 97 signatories to the MMoU and it includes all the advanced major economies, as well as international financial centres such as Bermuda, BVI, the Cayman Islands, Dubai, Guernsey, Jersey, Hong Kong and the Isle of Man.

85 In order for the FSC to become a signatory to the MMoU, IOSCO has requested that certain changes be made to our legislation. After various rounds of discussion between the FSC and IOSCO, we and the FSC believe that this Bill makes the necessary changes to ensure that the FSC and thereby Gibraltar, can become a signatory to the IOSCO MMoU.

90 I should note, however, that IOSCO will not give its definitive opinion on our legislation until it has actually commenced. It is possible, therefore, that despite our very best efforts, we will need to make changes to the proposed legislation in the near term after its commencement. We expect, however, that any such changes would be in the nature of minor amendments.

95 Mr Speaker, the Government has also taken the opportunity in this Bill to take into account a number of suggestions from the Financial Services Commission in regard to the same subject matter as the IOSCO requests, namely the strengthening and unifying of information gathering and co-operation powers of the FSC for its own regulatory and supervisory functions, and their consolidation of these powers in a single Act, upon eventual repeal of the equivalent provisions in the Supervisory Acts, while ensuring that safeguards are in place against potential abusers of power.

I now turn to the Bill itself.

100 In Part I, clause 2 – Interpretation – the definitions of the existing Supervisory Acts are retained, except that in clause 2, the definition of ‘Relevant Person’ is extended from the current definition under the Supervisory Acts to include, in (f), any person who is or has been directly or indirectly involved in a transaction which the Authority considers relevant to the pursuit of its obligations under this or any of the Supervisory Acts.

105 In Part II – Confidential Information and Documents – clause 3(1) sets out the crucial principle that information obtained by the authorities defined in clause 2, that is to say primarily the Financial Services Commission, must treat the information it obtains confidentially. Like clause 2(2), clause 1 is modelled on section 23 of the existing Financial Services Commission Act 2007. However, in clause 2(2) several further exceptions to the duty of confidentiality are added, primarily in order to meet IOSCO’s requirements.

110 These are: in clause 3(2)(d) the Memorandum of Understanding between the Authority as defined in clause 2, primarily the Financial Services Commission and other authorities – an IOSCO requirement; in clause 3(2)(e) to permit disclosures to a domestic authority listed in Schedule 1, effectively removing present restrictions on the FSC from speaking to itself with information obtained under one Supervisory Act in relation to information obtained by it under another Supervisory Act; in clause 3(2)(f) to permit disclosure to foreign authorities with functions corresponding to those of the Authority as defined in clause 2; in clause 3(2)(g) to clarify that disclosure for consolidated supervision is permitted; in clause 115 3(2)(h), (i) and (j) to permit the FSC to disclose information to liquidators and auditors of regulated firms, as well as to those responsible for ensuring compliance with company law.

120 In clause 4, Mr Speaker, this clause is modelled on section 54 of the current Financial Services (Markets in Financial Instruments) Act and it is an essential requirement of the IOSCO MMoU. One effect of this clause is that, for example, when a request for assistance is made from a non-EU authority that is party to an MoU with Gibraltar, the FSC could honour this request without running through a separate check list of requirements to satisfy itself that the request is proper, as this will already have been addressed prior to entering into an MoU.

125 Clause 5: this clause gives effect to the IOSCO MMoU requirement that the FSC, as a relevant authority in Gibraltar, has the express power to enter into co-operation agreements.

In clause 6, Mr Speaker, the clause is derived from section 33 of the Financial Services (Investment and Fiduciary Services) Act and has been included to meet the MMoU requirement that the power to require production of documents be extended to include requests for information.

130 Clause 7 is derived from section 33A of the Financial Services (Investment and Fiduciary Services) Act. A similar provision already exists in some of the other Supervisory Acts. The Government considers it useful for the FSC to require a skilled person’s report in any relevant area under supervision, in a consistent and harmonised manner.

135 Similarly, Mr Speaker, in clause 8 this clause is derived from section 101 of the Financial Services (Insurance Companies) Act and is being included here as it does not exist in all Supervisory Acts. This deals with the appointment of inspectors. Its merit lies in allowing for focused investigations by suitably qualified individuals to report on the affairs of persons carrying on or who are believed to be carrying on or to have carried on a regulated activity.

Clause 9 deals, Mr Speaker, with the powers of inspectors. IOSCO requires that inspectors should be allowed to examine individuals under oath and this is reflected in clause 9.

140 Clause 10, Mr Speaker: the clause permits the Authority to require that an inspector make interim reports and a final report of his investigation and allows for copies of any such reports to be forwarded to various persons and authorities, including the Minister with responsibility for Financial Services. The clause is taken from section 103 of the Financial Services (Insurance Companies) Act and is being included here as it does not exist in all of existing Supervisory Acts.

145 Clause 11, Mr Speaker, relates to the duty to produce records. This clause places an obligation on the person whose affairs are being investigated by an inspector and on any other person whom an inspector examines to provide information including documentation to the inspector. The clause is taken from section 104 of the Financial Services (Insurance Companies) Act and is being included here so as to extend to all regulated activities.

150 Part V, Mr Speaker, clause 12 expressly enables the Authority to co-operate with other authorities which exercise supervisory or regulatory responsibility over a relevant person. This power already exists under section 60 of the Financial Services (Banking) Act. The clause extends this power across all regulated activities and thereby to all relevant regulators, including securities regulators, as required by the MMoU of IOSCO.

155 Clause 13: this clause has been included because the IOSCO MMoU makes specific provision for circumstances where a recipient authority may refuse to co-operate. The clause is drawn directly from paragraph 6(e) of the MMoU.

160 Mr Speaker, clause 14 deals with offences and punishes wilfully making statements or providing information knowing it to be untrue in material respects. The clause is drawn from section 82(6) of the Financial Services (Banking) Act and has been included so that it can be applied across all of the Supervisory Acts.

Clause 15, Mr Speaker, has been included so as to ensure that unauthorised disclosures of information are punishable with sanctions including imprisonment and fines. The clause is drawn from section 16 of the Financial Services Commission Act.

165 Clause 16, Mr Speaker, punishes refusal to supply information or to co-operate with the Authority with an accelerating fine. The clause is drawn from section 104 of the Financial Services (Insurance Companies) Act, except for subclause (3) which is taken from section 2(2)(b) of the Crime (Money Laundering and Proceeds) Act on the protection of legal privilege.

170 Clause 17, Mr Speaker, deals with appeals to the Supreme Court and expressly provides for appeals from a decision of the FSC to the Supreme Court. This has been included as an important check on the Financial Services Commission's powers and is taken from section 104 of the Financial Services (Insurance Companies) Act.

Clause 18, Mr Speaker, sets out the Supreme Court's options once an appeal is lodged and is also taken from section 104 of the Financial Services (Insurance Companies) Act.

175 Mr Speaker, clause 19 ensures that the Authority's power to show information cannot be impeded if that information was obtained under one of the Supervisory Acts and deals with its transitional provisions.

180 Clause 20, Mr Speaker, deals with consequential amendments. This clause repeals a confidentiality section of the Financial Services Commission Act 2007 so as to ensure that clause 3 of the Bill, which is IOSCO compliant, is the sole relevant provision on confidentiality across the Supervisory Acts.

I must also mention that it is our intention to repeal further sections of the Supervisory Acts so that they do not run in parallel with the provisions of this proposed Bill. However, we thought it prudent not to make these repeals for the time being, given the aforementioned possibility that changes based on IOSCO feedback may need to be made to the Act after it has commenced.

185 Finally, I shall be putting the following two minor amendments at the Committee Stage. In clause 3(2) the word 'everybody' should in fact read as two separate words, separated by a space, it being the intention in 3(2) to refer to physical persons and collective entities; and secondly, Mr Speaker, in clause 4(4)(d), the letter 'a' in the word 'authority' ought to be capitalised as 'Authority', as the case is throughout the entire clause.

190 Mr Speaker, I am grateful to my hon. Friend, Mr Figueras, who I have discussed and consulted with on the Bill and we have... These two amendments that I will be moving come as a result of his intervention and I am grateful to him for that and for his co-operation.

I am also grateful to the Financial Services Commission for their work in getting this Bill to the House this morning.

195 I commend the Bill to the House, Mr Speaker. *(Banging on desks and applause)*

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Mr Selwyn Figueras.

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**Hon. S M Figueras:** Mr Speaker, yes, it is my honour and privilege to rise today to speak on the merits of the Bill.

I would like to take the opportunity first of thanking the Hon. Minister and his team for their diligence in dealing with the various enquiries and issues that arose when we discussed the Bill on a number of occasions before today. I would also like to congratulate the Minister on his maiden speech since he returned to this House on 4th July.

Today, the Opposition will not, Mr Speaker, be opposing the Bill.

I first raised the matter of Gibraltar's status as a non-signatory to IOSCO's MMoU publicly in March of this year, highlighting the fact that the act of signing up to the Multilateral Memorandum of Understanding was a very important measure for Gibraltar plc to take.

It was the then GSD Government in 2009 that signalled Gibraltar's commitment to sign up to the Memorandum and the Hon. Mr Licudi, who was at the time responsible for financial services, rightly pointed out that the GSD did not bring relevant legislation to this House before December 2011. Draft legislation, post the election, was then circulated to the then Leader of the Opposition, Sir Peter Caruana, for comment. It was our position then, as it is today, that in the absence of comments, Mr Speaker, it was the now Government's responsibility to actively manage the timetable in this regard to ensure a timely sign up to the MMoU.

At the time, Mr Speaker, the Government also issued a statement saying, and I quote:

'It is also important to note that there is presently no stock exchange in Gibraltar on which securities are listed. This is therefore not an issue that is of any pressing practical importance in that respect. Indeed, it is as important in practice as not having complied with a protocol on commercial fishing in rivers or industrial scale farming, given that there are no such activities in Gibraltar.'

It turns out, Mr Speaker, that as we had said at the time, the MMoU scope was wider than that. More specifically, we had explained in our own press releases, and I quote that:

'The MMoU's reach is, as the Government should be aware of, far wider than the Government lets on. Indeed, a cursory review of the MMoU and the organisations objectives makes it patently clear that the majority of its work is not concerned with stock exchanges but with financial products which are a key component to the financial services industry in Gibraltar.'

In May, Mr Speaker, I asked the then Minister for Financial Services, the Hon. Mr Licudi, whether the Government would be in a position to pass the legislation soon. I was assured that a Command Paper would be issued within a matter of weeks, which Command Paper was indeed issued on 14th June this year. This allowed for a period of two weeks' consultation.

I further understand that there was no response to the Command Paper and I am informed that the FSC, as part of its valued participation in this process, requested a number of changes to the Command Paper draft, one of them being the addition of subclause (f) to clause 2, which the Hon. Minister has alluded to in his address this morning.

Additionally, I have been given to understand by the very helpful team that has worked with the Hon. Minister on this Bill, that the other significant difference between the Command Paper and the Bill before the House is the deletion of a comprehensive list of consequential amendments which was part of the original draft in the Command Paper. The only consequential amendment that remains in the Bill today is the deletion of section 23 of the Financial Services Commission Act 2007 which will now, practically word for word, be law under clause 3 of the Bill. As for the other consequential amendments missing from this Bill, I am satisfied, following a discussion with the Hon. Minister, that from a practical perspective, it is desirable to attend to these others when there is certainty in respect of Gibraltar's approval as a signatory of the IOSCO MMoU.

In the time between publication of the Command Paper on 14th June and the publication of this Bill Mr Speaker, which was on 29th August, the financial services industry saw two further developments. Those were the publication by the European Securities and Markets Authority (ESMA) of its guidelines for the model MoU concerning consultation, co-operation and exchange of information related to the supervision of the Alternative Investment Fund Managers Directive entities and, importantly, four days later, the signing of regulations transposing that Directive into local law.

The ESMA guidelines set out the model for the Memorandum of Understanding between the EU and non-EU supervisory authorities for the purposes of achieving the appropriate supervision co-operation agreements required by the Directive – a Directive which, as I just explained, was implemented in Gibraltar a mere four days after the publication of those guidelines. Those guidelines further explain, and I quote:

'That the [ESMA] MoU should be complementary to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information of 2002 (revised in 2012). This implies that, in order for it to be considered that both the European competent authority and the non-EU supervisory authority, have cooperation agreements in place as required by the Directive, both authorities should be signatories to both the MoU set out in the guidelines and the multilateral Memorandum of Understanding [IOSCO]...'

270 Mr Speaker, Gibraltar is not currently on the list of EU competent authorities and the passage of this Bill into law is critical to Gibraltar's inclusion in it. It will only be after Gibraltar signs up to the IOSCO MMoU that this limitation will be lifted and that Gibraltar will be able to fully offer itself as the AIFM jurisdiction that is fully open to the new and very exciting opportunity that this represents for the local funds industry.

Turning to the substance of the Act, the Hon. Minister has very comprehensively gone through all the provisions and there is nothing that I can add that he has not already dealt with.

275 To conclude, therefore, whilst Members on this side of the House may consider that it would have been desirable for this matter to have been concluded some time ago, we are all keen to see this legislation make its way into the statute books and, crucially, in so doing, are hopeful that our support for the Bill may see Gibraltar's inclusion on the list of IOSCO MMoU signatories without delay.

**Mr Speaker:** Any other Member?

280 I now put the question, which is that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

285 **Clerk:** The Financial Services (Information Gathering and Co-operation) Act 2013.

**Financial Services (Information Gathering and Co-operation) Bill 2013**  
**Committee Stage and Third Reading to be taken at this sitting**

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**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

295 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken now? (**Members:** Aye.)

**COMMITTEE STAGE**

300

**Financial Services (Information Gathering and Co-operation) Bill 2013**

305 **Clerk:** Committee Stage and Third Reading.  
The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Financial Services (Information Gathering and Co-operation) Bill 2013.

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*In Committee of the whole Parliament*

**Financial Services (Information Gathering and Co-operation) Bill 2013**  
**Clauses considered and approved**

315

**Clerk:** A Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters.

320

Clause 1.

**Mr Chairman:** Stands part of the Bill.

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**Clerk:** Clause 2.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 3.

330 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Chairman, in clause 3(2) the word 'everybody' which is on line 3 should be replaced by the two words, 'every body'.

**Mr Chairman:** Those in favour? Those against? The amendment is carried.  
Clause 3 as amended stand part of the Bill.

335 **Clerk:** Clause 4.

**Hon. A J Isola:** Mr Chairman, in clause 4(4)(d) the word 'authority' should be capitalised with a capital 'A'.

340 **Mr Chairman:** Is that amendment agreed to?

**Hon. S M Figueras:** Yes, Mr Chairman.

345 **Mr Chairman:** Clause 4 as amended stands part of the Bill.

**Clerk:** Clause 5.

**Mr Chairman:** Stands part of the Bill.

350 **Clerk:** Clause 6.

**Mr Chairman:** Stands part of the Bill.

355 **Clerk:** Clause 7.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 8.

360 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 9.

365 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 10.

**Mr Chairman:** Stands part of the Bill.

370 **Clerk:** Clause 11.

**Mr Chairman:** Stands part of the Bill.

375 **Clerk:** Clause 12.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 13.

380 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 14.

385 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 15.

**Mr Chairman:** Stands part of the Bill.

390 **Clerk:** Clause 16.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 17.

395 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 18.

400 **Mr Chairman:** Stands part of the Bill.

**Clerk:** Clause 19.

**Mr Chairman:** Stands part of the Bill.

405 **Clerk:** Clause 20.

**Mr Chairman:** Stands part of the Bill.

410 **Clerk:** The Schedule.

**Mr Chairman:** Stands part of the Bill.

**Clerk:** The long title.

415 **Mr Chairman:** Stands part of the Bill.

#### BILLS FOR THIRD READING

420

#### **Financial Services (Information Gathering and Co-operation) Bill 2013** **Third Reading approved: Bill passed**

425 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Financial Services (Information Gathering and Co-operation) Bill 2013 has been considered in Committee and agreed to with some amendments, and I now move that it be read a third time and passed.

430 **Mr Speaker:** I now put the question, which is that the Financial Services (Information Gathering and Co-operation) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

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## Questions for Oral Answer

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

440

#### **Upper Rock Nature Reserve** **Private cars visiting**

445 **Clerk:** (viii) Answers to Oral Questions.  
Question 544/2013, the Hon. D J Bossino.



**Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism provide details of the numbers of private cars which have visited the Upper Rock Nature Reserve broken down on a monthly basis since he assumed office?

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

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

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SCHEDULE TO QUESTION NO 544/2013

	UPPER ROCK PRIVATE VEHICLE MOVEMENT											
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2012-13	1,834	1,561	1,459	1,398	1,896	1,161						
2013-14	1,190	1,749	1,135	1,871	1,407	1,145	2,026	1,075	738	711	901	1,442
									941	513	1,091	1,071

**Hon. D J Bossino:** Mr Speaker, whilst I receive the schedule, can I ask the Hon. Minister why it is – I am sure it is an administrative issue – that Table T11 as set out in the Gibraltar Government website, which details the total number of Upper Rock Nature Reserve visitors by month and year, ends in June of this year, 2013? Can he give an explanation as to why it has not been updated for the last five or six months?

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**Hon. N F Costa:** Mr Speaker, I do not know the answer to that, but I will be happy to find out for him.

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**Hon. D J Bossino:** Mr Speaker, the reason why it is raised, it has come to my notice, is precisely because I was doing some research in relation to the question that I have just posed and I just find it surprising that the information is not contained in that particular schedule and is rather outdated.

But if I can just have a second to review the schedule, I would be grateful.

Mr Speaker, not surprising in fact that the figures, if one does a comparative exercise between last year 2012-13 and the current year 2013-14, there is a reduction of about 50% particularly in August and September. The other months are more or less the same. Does the Minister have any concerns in relation to that and does he have any comment to make in relation to those figures?

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**Hon. N F Costa:** Well, Mr Speaker, of course, any decrease in numbers travelling to the Upper Rock is not welcome news and I am sure that the hon. Gentleman will appreciate that on this side of the House we take that view. But before I take any concern of the statistics I would do so if there was a consistent pattern over perhaps three to six months as opposed to – as he has correctly identified – just two months.

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**Hon. D J Bossino:** Yes, Mr Speaker, clearly those two months are ordinarily the busiest. In fact, if one does an analysis of those same figures for last year, as you would expect precisely because it is a summer season, you see a massive increase and it must be very worrying indeed from the Government's perspective – it certainly is from my perspective and I am certainly not surprised by the figures – that the figures should be so far reduced from last year. Because in terms of the income which is being received in Government coffers, that must have a significant debt.

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So the only point I make is that although he says that he is reserving comment until there is a longer period of time when he can make an analysis, surely he can already make an analysis based on the fact that we are dealing with the busiest, traditionally as one would expect, the busiest period of time in terms of visitor arrivals at the Upper Rock.

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**Hon. N F Costa:** Well, Mr Speaker, in respect of the preface to his question, he says they would make a significant impact on the revenue stream of the Government; it will make an impact to the extent that it has been reduced, no more and no less. It is a mathematical calculation which he can make in the same way that I can.

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495 He must remember, Mr Speaker, so that the public is not alarmed – and I am not saying that the hon. Gentleman is trying to be alarmist – that his question is specifically cast in terms of the numbers of private cars. We are not talking about people walking up the Upper Rock or tour operators, which of course is the main way in which people go to the Upper Rock.

500 **Hon. D J Bossino:** Mr Speaker, obviously I cannot make... I have not asked that specific question but obviously I refer the Hon. Minister to the point I made earlier in terms of the information that is ordinarily provided on the Government website and is not available from during that year and I look forward to seeing that information posted so I can make that analysis, indeed whether there has been a reduction in Nature Reserve visitors over the last year. I would expect that one would also see a dent in those arrivals because obviously people also travel in cars. If there are less cars going up one would have thought that there were also less people accessing the Nature Reserve. But at this stage, I think it is just supposition until we have the precise figures in relation to visitor arrivals, but I am grateful to the Hon. Minister for the explanation that he has given.

510 **Clerk:** Question 546, the Hon. –

**Mr Speaker:** A supplementary question from the Leader of the Opposition.

515 **Hon. D A Feetham:** Yes, Mr Speaker, it is the Hon. Minister that has raised the question of the Nature Reserve visitors and tour operators by suggesting that while these figures may not be reflective of the overall position when one takes into account Nature Reserve visitors and tour operators.

Does he have the figures for Nature Reserve visitors and tour operators and does he know whether those are up or down or is it just a comment? In other words, let us wait until we see what figures there are in the future in relation... what the figures show in the future in relation to these two areas.

520 **Hon. N F Costa:** Yes, Mr Speaker, as I said when answering to the preface to the question of the hon. Gentleman, Mr Bossino, the question was cast specifically in relation to private cars and therefore I replied to say that, in terms of the overall picture, we would need to consider as well tour and the transport operators.

525 I remember reading in *Hansard* an answer given by the Hon. Mr Peter Caruana when numbers were down in one particular year and he said that when numbers were down in terms of vehicular traffic in the Upper Rock, the positive flip side to that was that there was less congestion and therefore perhaps more pleasant.

530 **Hon. D A Feetham:** And can the hon. Gentleman perhaps postulate a reason why these are down for the months of August and September?

535 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman surely knows the reason for that, and that is because our neighbour to the north decided recently to harass and bully little Gibraltar and decided to impose the most inhumane, disproportionate checks at the border, which surely had an impact on the number of tourists coming in.

540 **Hon. D A Feetham:** Mr Speaker, and perhaps can he confirm that in Cabinet, when all this was discussed, that the hon. Gentleman told the Chief Minister, ‘Well, next time that you throw concrete blocks into the...’ – (*Interjections*)

**Mr Speaker:** No, no, no! Order! Order! That is totally irrelevant.

**Hon. D A Feetham:** Well... may I...

545 **Mr Speaker:** I am not going to allow the Leader of the Opposition, under the guise of this sort of question, to hold a debate on the restrictions at the frontier.

**Clerk:** Question –

550 **Hon. D J Bossino:** Mr Speaker, but one I think relevant and serious point that arises from the answers he has just given to the Hon. the Leader of the Opposition is whether, when answering the... although I did not pose it specifically. When researching the answer to the question that I have posed in relation to private vehicle traffic, whether that ought not to have put him on inquiry in relation to whether there has been a consequential decrease in the number of visitors to the Upper Rock. That is the question I pose and  
555 he simply says, ‘Look, I don’t know’, and that is his answer on the record.

But I really must insist whether he has any inclination, any information available to him, any indication at least, as to whether there has been a consequential decrease in the number of visitors to the Upper Rock Nature Reserve. I think that is certainly, from my personal prospective, the important point which arises from the reply he has just given to the Hon. the Leader of the Opposition.

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**Hon. N F Costa:** Mr Speaker, once again the question is cast in very specific terms. As I am sure that he understands I do keep... well, not just myself, but of course the Gibraltar Tourist Board and people in my Ministry, we do keep an ongoing review of the number of visitors that come into Gibraltar.

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Those visitors that come to Gibraltar do so by walking into Gibraltar, private vehicles, through tour operators and of course, we also have the cruise liner passengers who disembark and also go to the Upper Rock.

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So I am more than happy to engage in answering his questions, but I would rather that we do it scientifically and forensically, rather than on an overall memory exercise that I would have to do now, rather than being able to go through the figures and bring them to him in this House and he can then ask me the supplementaries that he wishes on that information.

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**Hon. D J Bossino:** Mr Speaker, is he telling the House that he has no indication whatsoever whether the figures are at least going up, down or more or less the same? Whether there is a worrying trend or something that one ought not to be concerned about, precisely because of the other channels of sources of visitor arrivals which have come through from the various points that he has mentioned? Can he at least clarify that position for me?

580

**Hon. N F Costa:** Mr Speaker, yes. I have already clarified the position to the hon. Gentleman. I told him that his own analysis with which I agree, was that there were two months, August and September when the numbers were down and I have already replied to him that, in order for me to be able to say whether I am worried about whether there is a steady decrease or there was a two-month anomaly, I would like to see figures for a stream extending more than two months. Surely in terms of statistics on numbers we would have to take an annual view or at least a six-month view and not on the basis of two months where there has been a decrease, decide whether or not that will have an impact on the rest of the year.

585

I have also told him that I am more than happy to engage in answering his questions on the other modes of entering into Gibraltar, but rather than doing an exercise based on my recollection, on my discussions with my officials, when we have considered the statistics and we have spoken to transport operators, etc that he does so properly by giving me notice of the question. I will more than happy to provide that to him and my view of those statistics, but over an annualised period, rather than basing on a two-month period, which I am sure he will agree with me, would give a skewed result.

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**Hon. D J Bossino:** Yes, but Mr Speaker, it is the Minister for Tourism who has referred us to the despicable behaviour by the Spanish Government in the manner that it has behaved (**Several Members:** Hear, hear.) at the frontier. Yes, it is. That is... there has to be... Mr Speaker, that behaviour has to be – (*Banging on desks*)

600

Look, Mr Speaker, the Hon. the Leader of the Opposition has condemned the behaviour by the Spanish Government and this Party clearly condemns that behaviour as a collective. But Mr Speaker, surely then, he must... he must say, Mr Speaker, he must admit, that this cannot be the result of a two-month anomaly. I mean, if he is citing what is happening at the frontier which must be the obvious reason as to why there is such a huge reduction in the number of vehicular traffic accessing the Upper Rock, then surely given that the – borrowing the Hon. Chief Minister's word – 'choke-hold' at the frontier continues relentlessly, then surely one would expect that that will not be an anomaly and that that it will continue for many months to come, it seems. Does he not accept that analysis and the premise of the argument that I have just put to him?

605

**Hon. N F Costa:** Mr Speaker, this is bordering on the politically absurd.

610

I have already told the hon. Gentleman that I refuse to be drawn into making a hypothesis on the numbers, as the number of people that would be coming into Gibraltar for the rest of the year on his own analysis which was [*inaudible*] across the floor of this House, not just seven minutes ago, that the number of visitors were down in private cars in September and August. And he notes also in the preface to the question, that the other months were more or less where they were meant to be.

615

So if the other months were more or less where they were meant to be and the only decrease relates to August and September, then I suggest to him that we wait until we have the full picture, which will be to take into account the full year, and then we can talk about the *facts* – the statistics – rather than me hypothesising and speculating as to whether or not there will continue to be an August and September, or

whether it will be a January, February, March and April which were more or less the same as the year before.

620 **Mr Speaker:** Next question.

625 **Lester Hotel, Devil's Tower Road**  
**Expressions of interest in development**

**Clerk:** Question 546, the Hon. D J Bossino.

630 **Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism advise whether there has been any further developments whether by way of a further expression of interest or otherwise, in relation to the development of the Lester Hotel at Devil's Tower Road?

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

**Hon. D J Bossino:** Mr Speaker –

**Mr Speaker:** I think we have missed a Question – Question 545.

640 **Clerk:** No, we have not, it is 546. Question 545 is going to be answered by the Minister for Health. (*Interjection*) Correct.

645 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Mr Simon Lester of Lester Hotels came to see me on Friday, 3rd May of this year to update me on the project.

Mr Lester subsequently attended a meeting of the UKGTA in London in June 2013 as an observer. He gave a brief update on the project at this meeting. The GTB and I have had further e-mail correspondence with Mr Lester.

650 All I can say at the moment is that it is the present intention of Mr Lester to proceed.

655 **Hon. D J Bossino:** Mr Speaker, my first reaction is to welcome the news on the basis of the... The last occasion I asked in relation to this particular hotel was in September 2012, more than a year ago. The reply that the Hon. the Minister... This is the Lester Hotel – I see his bemused expression, I thought I had got it wrong.

The reply from the Hon. the Minister was that, pretty much, the thing had died a death because he had failed, I think it was, to pay his... the application fee for planning permission and then both the Hon. Leader of the Opposition and myself quizzed him as to whether he was making any further enquiries, given that this was potentially an important investment in Gibraltar. This was a hotel which I think at least the original plans were to build it at Devil's Tower Road. So what I can tell the Hon. the Minister is that I do welcome the news and the fact that there is a further expression of interest by the potential investor and that the Government is lending him a friendly ear and assistance I am sure in that regard.

665 Can he tell me, I do not know, whether there is any specific progress? Has the application fee been paid for planning permission? What further information, what further particulars can he give me so I can at least perhaps even have a time line as to when it is expected that the hotel will go up, whether there is anything which will delay or even prevent the proceeding of this particular project?

**Hon. N F Costa:** Mr Speaker, on a point of clarification, and whereas I do not have the Hansard excerpt which I normally do, I am quite sure I did not say that the matter had died a death.

670 What I told the hon. Gentleman and the Leader of the Opposition at the time was that Mr Lester had not paid the application fee and that I had made enquiries and that that was factually the position. But I did not suggest as a result of that it had died a death, but rather that the matter had not been progressed by the potential developer.

675 Since the answer to this House, there were developments by the developer and I have set them out in the answer to his original question. The matter is very much in the hands of the developer. He knows the support that the GTB and I are willing to give him in the event that he were to start the process. We spoke about marketing opportunities, marketing channels, how the Gibraltar Tourist Board is geared up to be able to market the project once it starts and when it starts is a matter entirely for him. He did relate to me the reasons in a private meeting which are of course entirely confidential, but I am sure that he will know

680 that I am just as eager as him as is everyone on this side of the House, for there to be an increase in bed stock of the quality that Mr Lester proposes to build, so as soon as he starts we will welcome the proposal and the project with open arms. I will also receive marketing support from the Gibraltar Tourist Board.

685 **Hon. D J Bossino:** Mr Speaker, this is based on information that I have received. Can the Hon. the Minister for Tourism advise whether there is any linkage between this potential project and the east side development?

690 **Hon. N F Costa:** Mr Speaker, the only way I can answer that question is 'not that I am aware'. When we spoke on the 3rd June or the date that I gave him, there was no mention at all of discussions in respect of the east side. We spoke of a very specific plot of land which is the same plot of land that was determined when they were in Government.

695 **New cruise terminal  
Progress in development**

**Clerk:** Question 547, the Hon. D J Bossino.

700 **Hon. D J Bossino:** Further to Question 702/2012, can the Minister for Tourism advise whether any progress has been made in relation to the possible development of a new cruise terminal?

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

705 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.

As I stated in answer to Question 702/2012 and after consultation with the local cruise agents and senior executives of cruise companies, I can assure this House that they are perfectly satisfied with the current facilities at the cruise terminal and that therefore monies would be better spent elsewhere.

710 May I take the opportunity to remind the House, Mr Speaker, that the existing cruise terminal was a project started by the GSLP Government and inaugurated by the GSD when in office. Therefore Mr Speaker, it gives me great pleasure to say that there are currently no plans to build a new cruise liner terminal.

715 **Hon. D J Bossino:** Mr Speaker, what an interesting lesson in history – what an interesting lesson in history there!

Well, Mr Speaker, as I understand the answer, the Government has decided not to proceed in relation to, the question was specifically, the possible development of the new cruise terminal. Apparently the basis for that is on the grounds of consultation which has been undertaken by his department no doubt. Now the question is this, because in their manifesto the GSLP Liberals promised that they would be providing, and I quote, 'improved terminal facilities'.

725 So, in the context of my question which dealt with possible developments in relation to the terminal, my question is, how are they going to make that particular manifesto commitment good. And in a spirit of constructiveness, can I tell him that from the little I know of the cruise liner industry, I am advised that – and I think it was mentioned in the manifesto itself which was a page which I assume that the Hon. the Minister had a hand in drafting – that the industry is looking in the future at the hop on/hop off facility. As I understand it the cruise liner terminal as it stands at the moment is not equipped to provide that facility. So can the Minister provide any information in relation to that?

730 **Hon. N F Costa:** Mr Speaker, in respect of some of the preface of his supplementary question, the consultation was done by my staff and myself so I spoke personally to the cruise liner executives in Miami and in the UK and also locally. In fact I think one of the first e-mails I received when in office, was an e-mail from I would say the biggest cruise local agent in Gibraltar, setting out to me in enumerated paragraphs why money should *not* be spent on a new cruise liner terminal. That advice was in fact echoed by everyone else that I met.

735 This is why I say in the answer to my question that it is £380,000 I believe the amount to be spent or was it £3.8 million rather? It was £3.8 million. Yes, it was £3.8 million because it was just underneath the threshold tender for an EU tendering process. Yes, it was £3.8 million for sure and it certainly was the case that £3.8 million could be much better spent differently.

740 He seems now to be amalgamating this question with another one as to the hop on/hop off issue. That  
has been, I am advised by the Hon. the Chief Minister, an issue since 1998 which has been a live one  
discussed by the local operators, etc and in respect of the – to take the last supplementary question, he  
gave me two, in respect of the manifesto commitment on the cruise liner terminal, that we would improve  
745 the liner terminal, we have already done some work, as I am sure I must have mentioned in the Budget  
address.

We have attended to creating a new canteen within the cruise liner terminal building, we have also  
better prepared existing surfaces, we have painted the walls at the terminal, we have removed the  
humidity that was there and we are also considering whether there is any use to the disused part of the  
750 building which is at the south.

**Marketing, promotion and conferences  
Head 30, Tourism expenditure**

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**Clerk:** Question 548, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism provide a detailed breakdown of the expenditure  
described as ‘marketing, promotion and conferences’ in Head 30 of the Estimates Book under Tourism?  
760

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):**  
765 Yes, Mr Speaker, I will be delighted to hand over to the hon. Gentleman a schedule with the information,  
if he were to supply to me the year to which he refers.

Which year do you want?

**Hon. D J Bossino:** Mr Speaker, when I phrased the question, to be honest I did not have a particular  
770 year in mind. I was referring to the Budget Book which... and I will tell him what was the cause of  
concern in my mind. There was an actual expenditure of £27,261 for 2011-12 and then an estimated  
figure with a forecast outturn for 2012-13 of £45,000 in each column and then obviously for this budget  
year, the Hon. the Minister has budgeted in relation to that particular item another £45,000. So really  
775 what I wanted was an explanation as to why he considers that there is such an increase from £27,000 to  
£45,000. Does that assist?

**Hon. N F Costa:** So, Mr Speaker, are we talking then of 2012-13 or 2013-14?

**Hon. D J Bossino:** Yes, it is obvious from the explanation that I have given, Mr Speaker, that the  
780 Hon. Minister’s interpretation of what I have just told him is correct, 2012-13.

**Hon. N F Costa:** So Mr Speaker, then if the hon. Gentleman could take me once again to the  
particular item that he wants to question me on, and I will do my best to assist him.

**Hon. D J Bossino:** It is clear on the face of the question. It is Head 30. In fact, I was referring him to  
785 the wrong one. It is actually Head 30... The reason being that there are two questions posed in almost  
exactly the same terms which deal with the Tourism Head and also the Port and Shipping. The one I  
referred to, the figures I gave him earlier were wrong. They referred to the Port and Shipping Head,  
whilst the figure related to Tourism are there... It is at page 104 of the Budget Book and it is Head 30,  
790 subhead (3).

It is the description, Mr Speaker, the Hon. Minister is asking for a description, it is ‘Marketing,  
Promotions and Conferences’ and then it is sub-divided into (a) Gibraltar Tourist Board and (b) London  
Office. I am in fact more interested in the Gibraltar Tourist Board figure.

I do apologise if the question was not asked in as particular a manner as he would have liked for him  
795 to provide me with the information. I am not sure whether he has the information there available, but it is  
a matter which can be stood down for, either he can write to me during the course of the next month or I  
can indeed pose the question again at the next sitting.

**Hon. N F Costa:** Mr Speaker, I have no issue writing to the hon. Gentleman, now that he has been  
800 able to clarify the scope of the question and the year.

**Small boat marina  
Construction developments**

805 **Clerk:** Question 549, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, I hope this question has sufficient particulars for the Hon. the Minister to answer.

810 Further to Question 94/2013, can the Minister for the Port advise whether there have been any developments in relation to the construction of the 700-berth small boat marina and, if so, what these are?

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

815 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I am delighted that the hon. Gentleman should feel so comfortable in trying to make light of the fact that he forgot to state in the question the year to which he refers and that he should then have the tongue in cheek to try and make fun of it when he rises, rather than to silently forget the fact that he asked a question to which one could not know the answer because the year was not cited.

820 Be that as it may, Mr Speaker, the construction of the 700-berth small boat marina is going out to public tender in accordance with the Public Finance (Control and Audit) Act 1977, Procurement (Public Contracts) Regulations 2012.

Sufficient particularity there, Mr Speaker, and the tender notice has already been issued.

825 **Hon. D J Bossino:** Mr Speaker, I thought the question was pretty clear on the face of the Budget Book and the Hon. Minister knows that whenever he has any doubts in relation to any questions that I may have posed, he normally picks up the phone and asks me. But clearly he wanted to have his day in Parliament and choose to embarrass me. So be it. In fact, on a question which I am sure he could have answered just by picking up the phone if he wanted any further particulars – particulars which, in my  
830 view, were clear on its face.

But, Mr Speaker, in relation to the 700-berth small boat marina, is the Government still confident that it will be able to complete the projects within the two years of this Parliament, because they are very...? The Hon. the Minister for Justice is obviously very excited about this particular project, no doubt, because he has a very close involvement with it. But does he remain confident that he will be able to complete this project within the two years of this Parliament?  
835

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows that I hold him in very high esteem and therefore it is hard for me to say these things, but in respect of the last question, he has embarrassed himself. He did not need me to embarrass him by forgetting the year, I am sorry.  
840

And we are not just confident; we are sure.

**Hon. D J Bossino:** Mr Speaker, the Hon. the Minister gave a very technical reply to the question that I posed, and I would simply remind him of what he told this House in February of this year, in relation to the projects when I posed the question.  
845

He had told me that plans had been drawn up for the small boats marina; he said that the project was at the technical assessment phase, in terms of analysing a wave study and commissioning geo-technical surveys, etc – the environmental stage commission, the appropriate EIA, the maritime navigation assessment phase – can he give me any particular progress that has been made from February to date?

850 **Hon. N F Costa:** Mr Speaker, yes, delighted.

The hon. Gentleman refers to Question 94/2013 where I do set out the various studies and surveys which were being conducted. Those have obviously now been carried out, which has allowed us to proceed to the tender stage.

855 **Hon. D J Bossino:** Does he at this stage have an estimate of the cost of the project?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an issue that has come up on a number of occasions, in particular when we are dealing with something that is going to go out to public procurement. At the estimate stage, the Government is not going to give that information across the floor of the House or put it in the public domain because of course that could affect the competitiveness of the tender process and the value that the taxpayer gets for its money. I think the hon. Gentleman will understand that.  
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865 Once a tender is awarded, it is awarded in a particular amount and that amount is disclosed, but we are in the middle of the tender process and therefore it would not be appropriate to provide that detail.

870 **Marketing and official visits**  
**Head 29, Port and Shipping expenditure**

**Clerk:** Question 550, the Hon. D J Bossino.

875 **Hon. D J Bossino:** Can the Minister for the Port provide a... Well, this is the question which arises, it is the same point where the Minister has asked for better particulars, so I will treat that question in the same manner as I have done with Question 548, Mr Speaker.

**Mr Speaker:** Well.

880 **Clerk:** Well, could the Hon. Minister...?

**Hon. D J Bossino:** Shall I pose this formally?

885 **Mr Speaker:** Read it out.

**Hon. D J Bossino:** I will read it out.

Can the Minister for the Port provide a detailed breakdown of the expenses incurred under the 'marketing and official visits' head in Head 29 of the Estimates Book?

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

895 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, must I also read my answer or can I just agree across the floor of the House to send information to the... I need to read it?

Well, without any animus whatsoever to restart the debate we had two questions ago, I will be delighted to hand over to the hon. Gentleman a schedule with the information, if he specifies the year to which he refers.

900 **GibiBikes**  
**Update**

905 **Clerk:** Question 551, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister for Transport provide this House with an update in respect of the GibiBikes urban bicycle rental facility?

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

915 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the position with the GibiBikes urban bicycle rent facility remains as set out in answer to Questions 927 of last year and 89 and 91 for this year.

920 The House should further know, Mr Speaker, that notwithstanding the best endeavours of the Gibraltar Bus Company and my Ministry to reach an amicable resolution with My Bike Station Limited to resolve the various problems set out in answers to previous questions, it became clear that an impasse had been reached. Her Majesty's Government of Gibraltar therefore instigated court proceedings in the Supreme Court of Gibraltar against My Bike Station on 27th July this year.

Furthermore, Mr Speaker, the hon. Gentleman opposite has been kept apprised by me of developments on confidential terms.



925 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer in the House this morning and certainly, as he will appreciate already, grateful for the opportunities that he has given me to discuss this matter on Privy Council terms and the information that he has provided me with over the months.

I have brought this matter to light once more in this House, Mr Speaker, in order to effectively appraise the public and those users of the service – I suspect in declining numbers – who have expressed concern at what appears to be the unrelenting and inevitable loss of a service that they have come to rely upon over months and years, I think it is now.

930 I would ask the Hon. Minister whether... and I have not asked these questions specifically, so if he does not have the information, then certainly I will ask in future sessions. Is he able to say how many of the bikes that were within the system are... continue to be available today?

935 **Hon. N F Costa:** Yes, Mr Speaker, out of a possible 130, five remain working. Five, yes. As the hon. Gentleman knows, the bikes come installed with a particular chip which is required for the system to operate. Unfortunately, because of the problems that we have had with the supplier, we have been unable to fix the bikes. The hon. Gentleman knows, given our confidential briefings, that we really have tried to resolve the issue with the existing supplier. It certainly was the last resort to have to start proceedings but, representing the taxpayer, I felt that we have not been provided the service to which the previous administration contracted and we saw that there was no other choice but to start court proceedings.

940 **Hon. S M Figueras:** Mr Speaker, would the Hon. Minister say in this House whether the Government is exploring options for an alternative urban bicycle rental facility and if they are, at what stage these explorations might be?

945 **Hon. N F Costa:** Mr Speaker, I know that the hon. Gentleman asks me these questions across the floor of the House, but I know that he knows, because I have told him, that we are actively pursuing different options with companies outside of Gibraltar, obviously, because there is no resident expertise. With one particular potential operator, I would say that we are quite advanced, in that they should be in the process of forwarding to me – if they have not done so this morning or yesterday – quotes for an entirely new urban bike scheme.

950 **Hon. S M Figueras:** I am grateful to the Minister for that answer and certainly that would imply – and I will not ask him simply, because it is almost too obvious – that by that reply, the Government appears committed to replacing the urban bicycle rental scheme at some point during this term, given the state of play with the new potential suppliers. I will wait with some excitement for news of developments in that regard.

955 I do have one final question to ask the Hon. Minister and that is would the Minister concur that – and again with hindsight it is very easy to assess these matters in the way that I am going to – would the Minister concur that it might perhaps have been – in the face of a deteriorating system and the difficulties that were being experienced, would it have been perhaps – better to take the initiative and suspend the service in a manner that, might not, whilst inconvenient, would not have run the risk, as I suspect it may well have, of putting users off the concept generally, killing it rather than letting it die a death? Would the Minister not concur with that observation?

960 **Hon. N F Costa:** Well, Mr Speaker, first of all, to answer the preface to the supplementary, he says that the Government appears to be committed to replace the existing scheme with a new scheme. Well, I think it is fair to say that that forms part and parcel of the integrated sustainable transport and traffic plan and one of the questions that has been asked in respect, not just of Government Departments, but of course the surveys that have been conducted at households and on the street, are whether people would use bicycles as a mode of transport to go to work or for other use, and that will certainly factor into that.

965 I think it is no secret to say that bicycles, the use of bicycles, are welcome and then of course this is the reason why, given that the potential reply in that integrated policy will be that the use of bicycles should be advocated, like walking, and not the use of cars to go to work, for instance. We are already looking that should that be the conclusion, we would have a supplier in place to be able to come into Gibraltar and provide the new rental facility.

970 As to whether we should have suspended the scheme rather than let it die a death, well unfortunately right now it is an ailing patient, there are only five bicycles, but it is not dead yet. There are still operatives with the GibiBikes scheme that work with the Gibraltar Bus Company and the reason why the system was not cancelled was because, perhaps naively of me, I thought at different junctures that we were close to coming to an agreement that would have enabled us to fix the bikes, go from five or 12 at the time or 22 to 130 and have an operating effective system which would have resumed. That is why it was not cancelled.

990 **Hon. D J Bossino:** Mr Speaker, in fact I think the Hon. the Minister if he recalled when I had my hon. and learned Friend's responsibility for transport, I did raise questions in relation to the GibiBike scheme and in fact I think the way that we left it last year was that there were broadly two issues which had to be resolved. I recall that one of them was contractual in nature and the other one I cannot remember at this stage. But then when I asked the question, I was told that both those broad issues had been resolved and that we were now in the process of seeing the scheme developing and flourishing. So I am very glad for his last reply.

995 But, given that the relationship with the current previous supplier and the Government is now no longer there, can I ask what the nature of those proceedings are?

1000 **Hon. N F Costa:** Mr Speaker, in respect to the preface to his supplementary, he is in fact referring to Question 97/2012, where I do in fact say that the Government had identified problems, that we had met with the supplier and that it had been resolved. I even went further and said that it is expected that the remaining bike stations will be in place within the next few months. So his recollection is absolutely correct, we came to the point where we thought that everything had been resolved and it was just a question of bringing the bike stations to Gibraltar.

1005 As to the nature of the proceedings, I have briefed his hon. and learned Friend in confidence. I have no problem in doing the same with him, but I think that it is not appropriate to go into the nature or the detail of proceedings across the floor of the House, the matter being *sub judice*, but as I say, it does not stop me from further briefing Members opposite, should they wish to have further details in the same way that I was more than happy to do so with Mr Figueras.

1010 **Hon. D A Feetham:** Mr Speaker, the claim form – and I quite understand the desire and if it is acceptable on this side, by all means we will accept briefings on confidential terms – but a claim form and the particulars of claim, depending how they are filed, are public documents.

1015 Now, the issue that concerns me in relation to the answer that the hon. Gentleman has given and perhaps he might want to reflect on what I am about to say to him, is that if the claim, and I do not know, but if the claim is a claim for damages, perhaps, or specific performance with damages as an alternative (A Member: Or both.) or both, the problem with the answer that the hon. Gentleman has given to this House, is that he is already searching for alternatives and it appears that the relationship has broken down and therefore it might affect and might impact on the claim for specific performance.

1020 Perhaps the hon. Gentleman might want to reflect on that and perhaps clarify that what he is not suggesting is that the Government has, at this moment in time, already made the decision to look for an alternative, but the Government is looking for an alternative, should the Government need to look for an alternative depending on how the proceedings go in relation to the claim for specific performance. Of course, these are public proceedings and it may be used against the hon. Gentleman.

1025 **Hon. N F Costa:** Which is why, Mr Speaker, I noted to the hon. Gentleman that the Government is actively considering different options, and, as the hon. Gentleman correctly notes to me, they are public documents, so you are more than happy to get a copy and we can discuss them.

1030 **Bus fleet  
Update on replacement**

**Clerk:** Question 552, the Hon. S M Figueras.

1035 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister for Transport provide this House with an update on the replacement of the Gibraltar bus fleet?

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

1040 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, following a pre-qualification questionnaire, five companies were invited to tender. These companies have submitted their proposal and vehicles have been brought to Gibraltar for testing.

1045 The result of these tests, together with the tender submissions, are currently being considered by the Procurement Office Board constituted to consider the tender. It is anticipated that this Board will be making its recommendations to Government in the near future and the Government expects to announce an adjudication of this tender in early December of this year.

1050 **Hon. S M Figueras:** Can the hon. Gentleman say whether... or rather is the Hon. Minister able to say whether there is a time frame in mind, once the process is complete – I am mindful that he has just said that they are in the tender process – whether there is a time frame for delivery of or for the roll out of the new buses in the coming months and years that he may be able to share with us?

1055 **Hon. N F Costa:** Yes, Mr Speaker, the answer is from what I am told by the Procurement Office, because of course it is not dealt with by my office directly, that once the buses are ordered it should take 12 months.

1060 **Hon. S M Figueras:** Can the Hon. Minister say whether, of the tenders being considered, any of them are for eco-friendly vehicles and if they are, the nature of those vehicles whether in the one or two or all the tenders? A general indication would be welcome.

1065 **Hon N F Costa:** Mr Speaker, first of all, it goes without saying that as a Government we would wish to choose the most environmentally friendly vehicle, but of course, we are not considering tenders yet. We are not considering tenders yet. I said in my original answer to the question that we have to wait to receive the recommendations of the tender board, so I cannot answer the question that he has just asked me.

1070 **Bus fleet maintenance**  
**Catering for gaps in resources**

**Clerk:** Question 553, the Hon. S M Figueras.

1075 **Hon. S M Figueras:** Yes Mr Speaker, can the Hon. Minister for Transport provide details of the steps being taken to cater for the gaps in resources being experienced as the aging bus fleet undergoes routine and unexpected maintenance?

1080 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1085 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the steps that the Gibraltar Bus Company Limited can undertake to cater for any gaps in resources remain as contractually set out in the agreement Her Majesty's Government of Gibraltar inherited from the previous administration and to which it is contractually bound until August 2014.

**Hon. S M Figueras:** Mr Speaker, am I to take from the Minister's reply that he is not open to discussing what it is the bus company is actually currently doing in relation to filling the gaps in resources that they are experiencing, in terms of what replacement vehicles are being used and such like?

1090 **Hon. N F Costa:** Mr Speaker, it is not that I am not open to discussing any supplementaries that the hon. Gentleman asks me. I am simply answering the question that he has, and the bus company is tightly bound contractually to a particular private operator in terms of how it can manoeuvre to fill in gaps and resources.

1095 But if he wants to know the logistics and the mechanics, if a Dennis Dart bus were to for whatever reason require some maintenance or repairs, then a replacement Dennis Dart bus is used. If a Mercedes bus is used, then that has to be sent to Spain for repairs and another bus, Toyota Coaster or another Toyota would be used to replace it.

Those are the simple logistics of filling in gaps when one bus is undertaking repairs.

1100 **Hon. S M Figueras:** Mr Speaker, I note what the Hon. Minister says. However, in respect of at least the Dennis bus, just picking up on an example that he has given, the Hon. the Minister has said that if a Dennis bus breaks down, then another Dennis bus replaces it on the route. I have noticed certainly personally and others have seen, that there are replacement buses which are not Dennis buses currently servicing certain routes, namely Toyota Coasters as well.

1105

**Hon. N F Costa:** Yes, that is why I mentioned Toyota Coasters.

**Hon. S M Figueras:** Right, but since the Minister mentioned that if a Dennis bus is undergoing maintenance another Dennis bus will replace it, if there is a finite number of Dennis buses and one

1110 assumes – and I will be corrected if I am mistaken – that all Dennis buses are being used or are already deployed on routes in Gibraltar, that where one is undergoing maintenance and another replaces it, surely you are already short of one because they are all deployed.

I do not know whether perhaps the Minister can provide further information in that regard.

1115 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct to say that if, for instance, a Dennis bus breaks down and requires repairs, then the bus managers will look at which buses are available for that particular route. The hon. Gentleman also needs to take into consideration that it depends when a bus breaks down, that a particular route may be a slow route or one which is not generally used, so that the managers can in fact delay the timetable by say five minutes and there is one bus less.

1120 But what the hon. Gentleman needs to take into account, as I have said in the answer to the question, is that we are bound by the contract that is in place and we are very much limited by those contractual restraints.

1125 **Mr Speaker:** Next question.

**Taxi drivers  
GPS enabled taxi meters**

1130 **Clerk:** Question 554, the Hon. S M Figueras.

1135 **Hon. S M Figueras:** Mr Speaker, yes, can the Hon. Minister for Transport say how he plans to tackle the lack of availability of taxi drivers at any given time to take full advantage of the new GPS enabled taxi meters?

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

1140 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I cannot accept the premise of the question which is cast in extremely wide and general terms. It is not the case that there is a lack of taxis, which is what I suppose he meant, rather than a lack of taxi drivers, because there are more taxi drivers than there are taxis. So I am reading his question to mean a lack of taxis at all places and at all times.

1145 In fact, since the introduction of the new Taxi City Service regulations and the employment and deployment of seven Transport Inspectors, I have received consistent positive feedback on the much improved city service. (**A Member:** Hear, hear.)

1150 Further, and as I have said on previous occasions in this House, the new GPS tracking system which provides real time vehicle positioning and status updates together with the recruitment of the inspectors, allows Government to monitor our roads, taxi ranks, the coach terminal and the airport.

Therefore, if a Transport Inspector receives a dispatch call, a complaint or appreciates that there is a lack of availability of taxis in a particular area, the officer has the legal power to immediately instruct a taxi to attend the area where the service would need to be provided. This was a power that did not exist before until the amendments were introduced.

1155 I conclude by reminding the hon. Gentleman that the effectiveness of the new system is actually being monitored daily by the Inspectorate, whom I meet very regularly, as indeed I do with the Gibraltar Taxi Association and, as I noted in my Press Release of 29th July, the Gibraltar Taxi Association and I have agreed, of course along with the Transport Inspectors, to review the situation three months from the date of the new City Service, to determine any changes that are required to be made.

1160 **Hon. S M Figueras:** Mr Speaker, by way of clarification and this might be of some help to the Minister, the question was drafted specifically in terms of taxi drivers, given representations that I have received certainly from a number of taxi drivers, that the system, for all its virtues and positive feedback though you may have had since its inception – all of which is certainly welcome on this side of the House, as I am sure community wide – the representations that I have received is that it is a very good system, but a system the effectiveness of which is limited only by the availability of numbers at any given time, hence phrasing the question of taxi drivers available in any given time.

1170 It may well be that, in the Minister's assessment, there are enough taxis certainly, but if at any given time there is a lack of taxi drivers driving those taxis, the effectiveness of the system may be limited thereby. That was the point of the question being asked.

I am grateful to the Minister for the replies and certainly take note of the fact that this is something that is under review and we will revisit at some point in the future in this House and I am grateful.

1175

**Coach park  
Location on former Naval Grounds**

1180 **Clerk:** Question 555, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes Mr Speaker, I note that the question is directed at the Minister for Traffic but that the Minister for Transport will be answering it.

1185 Can the Hon. the Minister for Traffic say how long the coach park will be located on the former Naval Grounds?

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

1190 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, to facilitate the construction of the affordable housing scheme on the site of the current coach park at Waterport, the coach park will temporarily be moved to the Naval Grounds.

Details are currently being finalised for the permanent relocation of the coach park and an announcement on this will be made in due course.

1195 **Hon. S M Figueras:** Is the Hon. Minister in a position to confirm that the permanent location of the coach park is intended to be the site of the old airport?

**Hon. N F Costa:** Mr Speaker, different options are being considered.

1200 **Hon. D J Bossino:** Mr Speaker, is the old terminal one of those options which are being considered?

**Hon. N F Costa:** Mr Speaker, *all* means that.

1205

**Public service vehicle access to border area  
Alternative options**

1210 **Clerk:** Question 556, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for transport say further to Question 217/2013, which options the Government is exploring for public service vehicle access to the area of the border during peak times as an alternative to the runway crossing?

1215 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1220 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the position remains the same as set out in my answer to Question 217 of this year.

**Hon. S M Figueras:** Mr Speaker, the Minister in answer to Question 217 said, and I quote:

‘...that at this point I would only like to say that there has been some extensive consultation with different operators...’

1225 He mentioned the GFSB and various other stakeholders as part of that consultation and this was back in May of this year. Has there been no progress on that agenda since that meeting, Mr Speaker?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think I have given some details to the House previously in respect of this potential matter.

1230 Of course, the hon. Gentleman is talking about an area which is not controlled by Her Majesty’s Government of Gibraltar. Much of the area in question is controlled by the Ministry of Defence. We are talking about a military runway and therefore this is an issue that is being dealt with principally by me in

1235 relation to discussions with the Ministry of Defence, and those are not things that move quickly or apace sometimes, given the safety issues that affect crossing the runway other than at Sir Winston Churchill Road.

So Mr Speaker, there is nothing more to report at this time. When there is, I have no doubt that we will want to make a public announcement about it, if those options progress.

1240 **Hon. S M Figueras:** Yes, Mr Speaker, I am grateful to the Hon. the Chief Minister for his input. The MOD issue is not one that was flagged in reply to the original Question 217 in May, but certainly the Minister did intimate that discussions were afoot and that options were being considered. Certainly he did suggest that we should revisit the issue a few months hence and this is where we are today. Is the Government in any position to disclose what options if any are being considered?

1245 **Hon. Chief Minister:** Mr Speaker, when one is forthcoming with information, one finds that it is constantly then thrown back at one.

Mr Speaker, I thought it would have been obvious to the hon. Gentleman that by talking about the runway, he is talking about the Ministry of Defence and that one did not have to explicitly flag up the Ministry of Defence, because it is implicit when we are talking about the runway.

1250 But if I can just refer him to the subject of the question, he is talking about public service vehicle access to the area of the border during peak times as an alternative to the runway crossing.

1255 Well, Mr Speaker, look, if one wanted to be pedantic and not give him information, one would say there is no alternative of access to the frontier, other than through the runway. Whether that is across Sir Winston Churchill Avenue or whether it is elsewhere on the runway, it *has* to be on the runway unless we are proceeding with a tunnel, in which case I would have expected the question was about the tunnel or about the new, environmentally friendly floating buses that would have to float their way somehow to the border. (*Laughter*) I mean... So Mr Speaker, it clearly must be an issue that he would have understood was in discussion with the Ministry of Defence.

1260 Now look, whenever there is something to report, there will either be a public statement or there will be something said in this House. He must agree with me that it is desirable that we should find, if possible, alternatives for public service vehicles, so that they do not have to get caught, not necessarily in queues coming north to south; we are talking more about queues going south to north at different times of the day, and not necessarily related to the issues that we have today at the frontier, simply traffic issues.

1265

#### **Mid Harbour Small Boats Marina Project Hindrance to cruise liners**

1270 **Clerk:** Question 557, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Mr Netto is currently giving evidence in the Giraldi Inquiry, so instead I will be asking his questions today.

1275 Mr Speaker, given the overall dimensions of the Mid Harbour Small Boats Marina Project, can the Minister for the Port state if he is satisfied that such a size will not hinder the movement of large cruise liners within the Port?

1280 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1285 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as part of the planning process the Port was consulted by the project manager on a number of occasions. The area specified as being suitable for the development of the Marina, was agreed. In doing this, a minimum clearance of 400 metres was specified which will provide adequate manoeuvring space for any vessel which is of dimensions able to use the berth on the inside of the Western Arm.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say who the experts are that he consulted in order for this conclusion to have been arrived at?

1290 **Hon. N F Costa:** Mr Speaker, I have just said in the answer to the question that the Captain of the Port was consulted by the project manager.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister referred to a survey in answer to Question 549 to my hon. Friend, Mr Bossino which enabled the tender process to go ahead. Could Parliament have a copy of the findings of this survey?

1300 **Hon. N F Costa:** The environmental impact assessment, the copy was forwarded by the Hon. the Minister for the Environment to the Hon. Mr Netto.

**Sandy Bay reinstatement and beach stabilisation  
Potential delay to project**

1305 **Clerk:** Question 558, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1310 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Tourism and the Port say if as a result of the Spanish Government's decision to stop the transportation of sand and stone through the frontier, will this mean a delay in the completion of the Sandy Bay reinstatement and stabilisation of the beach, including the combination of breakwater groynes, and if so, how does the Government intend to finalise the project?

1315 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, we do not expect any delays to arise in respect of the completion of the works in time for the next bathing season.

1320 With regard to the supply of sand for beach replenishment, Government has invited tenders for this prior to the announcement of the Spanish blockade. Tenders have now been received and are currently being assessed and an award of tender is expected shortly. There is no delay to this element of the project anticipated.

1325

**Terminal Management Limited  
Payment to former Commercial Manager**

1330 **Clerk:** Question 667, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister with responsibility for Aviation provide details to this House of the payment, if any, that has been made to the former Commercial Manager at Terminal Management Limited?

1335 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1340 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will be answering the question as Minister for Tourism and Commercial Affairs.

As I rise in this House to answer the question, I clarify that I understand the question to ask whether Her Majesty's Government of Gibraltar made a payment to the former Commercial Manager of Terminal Management Limited due to the termination by the previous administration of his position at Terminal Management Limited.

1345 The answer is that Her Majesty's Government of Gibraltar has made no payment to the former Commercial Manager at Terminal Management Limited for termination of his employment by the previous administration.

1350 **Hon. D J Bossino:** Mr Speaker, that answer applies to the Government-owned company as well. In other words, it was not a Government-owned company which has made any payment to the former Commercial Manager.

In other words, what I am asking is this: whether the Government has made any payment to the former Commercial Manager at the Airport. What I am asking is whether Terminal Management Limited itself has, which I understand is a Government-owned company, whether it itself has... It isn't?

1355 **A Member:** It is a private company.

**Hon. D J Bossino:** It is not? Ah, it is a private company. Yes, go on...

1360 **Chief Minister (Hon. F R Picardo):** Just to assist the House for the purposes of perhaps Mr Bossino then formulating a supplementary, if he wishes, Terminal Management Limited was always a private entity, which had an exclusive contract with the Government to run the terminal, and I believe that the directors were the shareholders of that company.

1365 **SPORTS, CULTURE, HERITAGE AND YOUTH**

**Fire Brigade Audit Report  
Publication**

1370 **Clerk:** Question 559, the Hon. Mrs I M Ellul-Hammond.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer given to Question 218/2013, can the Minister with responsibility for the Fire Brigade say when the Fire Brigade Audit Report will be made public and what the main findings of it are?

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

1380 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I cannot state at this stage when the report is going to be made public. This will happen once the Government and the unions have finished the strategy of implementation of the report's relevant recommendations.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, has the Hon. the Minister already discussed the report with the staff and management?

1385 **Hon. S E Linares:** Yes, sir.

1390 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in May the Hon. Minister said the time frame would be no more than a further two months. When does the Hon. Minister envisage he will be able to provide a copy of this report?

**Hon. S E Linares:** Mr Speaker, as stated in the answer that I have just given to the question, once the Government and the unions have finished the strategy for implementation of the report's relevant recommendations. So until that time, we are not in a position to publish it.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea of how long it will take to formulate the strategy?

1400 **Hon. S E Linares:** No, I do not have at this moment because it is a work in progress and until we have all the meetings with the union which we are having and discussing the report, we are not in a position to go out public with the report.

1405 **Gibraltar Cricket Association  
Provision of alternative facilities**

**Clerk:** Question 560, the Hon. E J Reyes.

1410 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure provide details of the alternative facilities which will be provided to the Gibraltar Cricket Association as a result and consequence of the loss of accessibility of Europa Sports Ground for the playing, teaching and development of the sport?

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



1415 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** No Mr Speaker, not at this stage, but I have met on various occasions with representatives of the Gibraltar Cricket Association, the most recent on 24th July and 13th August. We are still in discussions with them on this issue.

1420 **Hon. E J Reyes:** Mr Speaker, as a result of those discussions and so on, is the Minister in a position to home us into what sort of areas are being seriously considered by both sides as alternative facilities?

**Hon. S E Linares:** Not quite yet, no.

1425 **Hon. E J Reyes:** Mr Speaker, does the Minister have any possible time frame by which he hopes to have alternative facilities available for the Cricketers Association?

**Hon. S E Linares:** Well yes, Mr Speaker, it is determined by as soon as we start eating into the usage of the Europa Point. At present, cricket is still being played there, so there is no problem at this stage.

1430 **Hon. E J Reyes:** So Mr Speaker, can the Minister confirm that I am correct in deducting from that, in that until an alternative site and premises are available for the playing of the sport and so on, the accessibility to Europa Sports Ground will still continue in favour of the Cricket Association?

1435 **Hon. S E Linares:** Not necessarily, Mr Speaker.

**Hon. E J Reyes:** So, Mr Speaker, unfortunately for the cricket fraternity, there could be a period of time when they have no access to an actual playing field and so on?

1440 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, this is a balancing act, as the hon. Gentleman will know. It could be, but we certainly hope it will not be, and we will do everything possible to ensure that it does not come about, that cricket will not have facilities available because of the need to break ground on the GFA's UEFA standard pitch. Now, this is an issue of space and I am sure that the hon. Gentleman shares the Government's desire that cricket should have the best possible facilities available to it as the alternative to Europa as soon as possible.

1445 But unfortunately, Mr Speaker, in two and a half miles by one mile, it is not always possible to move with the speed that one would wish, but he must take from the answers to these questions, which do not just involve the hon. Member because it involves the wider land plan of Gibraltar, that the Government is moving with great alacrity to ensure that insofar as possible, there will not be a day when cricket will not have facilities available to it as a result of the need to also make available to GFA the alternative area in Europa which they and UEFA have identified as the best place for the GFA UEFA standard stadium.

1450

#### **Gibraltar Rugby Football Union Provision of renewed facilities**

1455 **Clerk:** Question 561, the Hon. E J Reyes.

1460 **Hon. E J Reyes:** Can the Minister for Sport and Leisure state if he has, since the answer to Question 519/2013, held discussions with the Gibraltar Rugby Football Union in respect of providing renewed facilities for the playing, teaching and development of the sport; and if so, provide details of any agreements reached?

1465 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have met with the Gibraltar Rugby Football Union on a number of occasions informally. A further meeting has been arranged for this month.

1470 **Hon. E J Reyes:** Yes, Mr Speaker.

I know that the Minister says that he has met them informally and that he has a meeting planned. I wish to express to the Minister a concern – and confirmation from him, if possible, that he also shares my concern – that recently in a sports report in the local daily paper, there was some concern being expressed by members of the rugby fraternity about having to borrow MOD facilities and having turned up on a weekend and those not being available due to other MOD things.

1475

So can the Minister confirm his sharing of my concerns, as well as those of all sports lovers, that we really have to work together with the rugby fraternity to get them adequate facilities to ensure that the sport progresses, more so in the light of their pending application for international membership?

1480 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to associate the whole Government with those sentiments because the Government has supported and will support the application of the Gibraltar Rugby Football Union to become federated internationally and will continue to do so.

1485 But I want to go a bit further, Mr Speaker, and say that we should not just be working on that together as a community, we should have the full support of the Ministry of Defence in doing so. The Ministry of Defence enjoys the facilities that the Government makes available to the whole community as members of this community – *important* members of this community as they are.

1490 And its own sports facilities should, in my view, therefore also be shared with the community insofar as possible, when security concerns are not relevant. This is an issue that I have taken up directly with the Ministry of Defence as part of the ongoing discussions with the Ministry of Defence about all issues related to defence in Gibraltar and the footprint of the Ministry of Defence in Gibraltar.

I am sure that he would want to associate with those comments too.

1495 **Hon. E J Reyes:** Yes, Mr Speaker, I will unreservedly associate myself with the feelings expressed by the Chief Minister. He can certainly count on the unanimous support as well from this side of the House. I think the Chief Minister, in his succinct manner, has analysed the situation carefully and certainly the whole of Gibraltar will unite behind the Chief Minister on that matter, for the benefit of sports, and keep our fraternal relationship with the MOD, but in equal sharing and we must all give as well as receive.

Thank you for that, Chief Minister.

1500

#### **Gibraltar Sports and Leisure Authority Vacancies**

1505 **Mr Speaker:** Question 562, the Hon. E J Reyes.

1510 **Hon. E J Reyes:** Can the Minister for Sports and Leisure say how many vacancies currently exist within the Gibraltar Sports and Leisure Authority and by when this Authority expects to fill these vacancies?

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

1515 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there are two vacancies for the posts of Sports and Leisure Assistants. All applicants have already been interviewed and it is projected to fill the vacancies in November of this year.

#### **Sports grants Payments so far during 2013-14**

1520 **Clerk:** Question 563, the Hon. E J Reyes.

1525 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made so far, pertaining to the financial year 2013-14, in respect of sports grants under each of the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

1530 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker.

I now hand over to the hon. Member opposite, details of the sports grants awarded so far in the 2013-14 financial year.

1535 **Mr Speaker:** It is a rather lengthy schedule. Could I suggest that we proceed with other questions and then the Hon. Mr Reyes can come back to any supplementaries that may arise from that schedule after he has studied it?

**Hon. E J Reyes:** By all means Mr Speaker, we have done that before and it has worked perfectly fine and I am content with that.

Schedule to question 563/2013

a) Grants to Sporting Societies:

Gibraltar Netball Association	£6786.82
Gibraltar Amateur Athletics Association	£1755.88
Gibraltar Hockey Association	£8566.27
Gibraltar Amateur Basketball Association	£5160.00
Gibraltar Federation Sea Anglers	£6746.69
Gibraltar Hockey Association	£6500.00
Gibraltar Shooting Association	£5250.00
Gibraltar Shooting Association	£3050.00
Gibraltar Hockey Association	£10500.00
Gibraltar Triathlon Association	£4000.00
Gibraltar Cheerleading Association	£ 300.00

b) International Competition

Island Games	£1798.00
Straits Games	£ 133.78
Island Games	£1392.31
World Fire Police Games	£ 250.00
Island Games	£ 330.87
Macabi Games	£5000.00

c) Sports Development

1 <sup>st</sup> Aid Course	£500.00
Sports Leaders UK	£521.23
1 <sup>st</sup> Aid Course	£405.00
Gibraltar Ice Skating Association	£442.50
Gibraltar Amateur Athletics Association	£496.85
1 <sup>st</sup> Aid Course	£820.00
Gibraltar Hockey Association	£1240.00
Gibsport Middle School Championships	£500.00
Gibraltar Hockey Association	£2150.00
Gibraltar Hockey Association	£2400.00
Gibraltar Climbing Association	£120.00
Gibraltar Shooting Federation	£747.30
Gibraltar Climbing Association	£292.21
Sports Development Association	£180.00
GASA Congress Scotland	£583.26
Gib Amateur Athletics Association Congress	£625.00
Findel – Sports Equipment	£940.00

Schedule to question 563/2013 contd.

d) Hosting of Special Sports Events

Gibraltar Classic Vehicle Association	£1200.00
Gibraltar Kennel Club	£10000.00
Gibraltar Squash Association	£5000.00
Thundercats Racing	£8500.00
Gibraltar Amateur Basketball Association	£52000.00
Backgammon Festival	£20000.00
Harley Davidson	£2600.00
Bowling Championships	£20000.00
Junior Chess Festival	£18000.00
Darts Tournament	£4550.00
Darts Competition	£188.10
Darts Competition	£256.50
Gibraltar Regatta - Accommodation	£436.00
Darts Tournament	440.00 Euro
Darts Tournament	£955.00
Royal Gibraltar Yacht Club	£6000.00

1540

**Europa Point  
New football stadium**

**Clerk:** Question 564, the Hon. E J Reyes.

1545

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details inclusive of cost and completion dates in respect of the new football stadium which is to be built at the site of the Europa Sports Ground?

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

1550

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 565 and 566.

**Clerk:** Question 565.

1555

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details in respect of any possible losses pertaining to the existing playground or recreation areas at Europa Point which may occur as a result of the development of the new football stadium in that area?

**Clerk:** Question 566.

1560

**Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm that the new football stadium to be built at Europa will fall under the auspices of the Gibraltar Sports and Leisure Authority?

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

1565

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, it is anticipated that the new football stadium at Europa will not be a GSLA asset but a GFA asset. Costings, etc are not yet finalised. Loss of facilities, etc will not be clear until final plans are laid before the DPC by the GFA.

1570

**Hon. E J Reyes:** Mr Speaker, if the new stadium there will not fall under the auspices of the Sports Authority but run instead by the GFA, it is... am I correct in assuming there that it will then be a donation for the Gibraltar Government to build a sports facility and pass it over entirely to a sporting association, for which then the taxpayer has no control or say on its use?

1575

**Hon. S E Linares:** Well, Mr Speaker, details of that kind have not yet been decided with the GFA, so therefore it needs to be decided. But the asset will definitely be managed and taken over by the GFA.

As to how much they will pay or how much is the contract and all that, I have not got any details on that yet.

1580

**Hon. E J Reyes:** And Mr Speaker, will the Minister also bear very much in mind that, for example, during normal school hours, facilities for football there and so on should be made available to schools in all sectors as an extension of current existing sporting facilities within our education system.

1585

**Hon. S E Linares:** Well, Mr Speaker, that will be up to the GFA and I am sure the GFA will gladly have school children there playing football and doing sports there. But again, this is up to the GFA and how they handle the stadium. Being a Football Association, I would doubt very much that they would not allow schools or children, if they so desire, to use it. So it is a question of seeing how the GFA are going to manage that. It is up to them.

1590

**Hon. E J Reyes:** So the GFA, in my interpretation the GFA are the ones who are going to decide how, when and by whom those facilities are being used. Would that mean then that in exchange for that the GFA will give up its current daily allocations at the Victoria Stadium so that GSLA can then allocate those to other bodies?

1595

**Hon. S E Linares:** No, Mr Speaker, not necessarily. Again, as I have just said, it is a work in progress. It depends... What the hon. Member then is saying is that if the GFA or the schools use the football, then they are going to use the football in the Victoria Stadium. I think it is a question of the GSLA working with the GFA to see how they can maximise... and the stadium being under the management of the GFA, to maximise the area, to maximise the use of the stadium.

1600

But again, it is up to the GFA to co-ordinate with the GSLA.

**Hon. E J Reyes:** Mr Speaker, does the Minister envisage that the upkeep, running costs and so on of the new Europa Stadium, that the bill for that will be borne as well by the taxpayer or will that be borne by the GFA from whatever other income they can derive?

1605

**Hon. S E Linares:** Well, Mr Speaker, if it is run and managed by the GFA, I am assuming that the GFA will have to have the funds to run the place and running costs will be under the GFA.

1610

So yes the answer is yes, the GFA will have to manage the stadium. How then they do it and where the funds come from is up to them.

**Hon. E J Reyes:** And does Government envisage any sort of refund from the GFA for its initial investment costs in the building of the stadium or will that be entirely a gift from the Government to the GFA?

1615

**Hon. S E Linares:** Mr Speaker, I think I have already answered that question. It is up to the GFA to run its place and we have not got into those details yet.

**Hon. E J Reyes:** Mr Speaker, maybe I did not explain myself. Yes, the Minister did answer about the running and so on, but what I am saying is, the cost towards building to which the Minister has said that he still does not have the details and so on. What I am saying is, if the Government of Gibraltar is going to pay for the cost of building that stadium and then pass it over to the GFA to manage, to upkeep and so on, does the Government have any intention of recouping back from the GFA some of the money that it is investing in the building of this stadium or is the Government considering giving it as a gift to the GFA?

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1625

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just say that we have to be very careful as to how we deal with these matters now, because the GFA is now a member of an international organisation which has its own rules and which prescribes what it is that football associations can do and what their relationships with governments are.

1630

For example, if there were not such barriers, Mr Speaker, then Germany, for example, that has the best performing economy in Europe could simply pump money into its football team and they would then have a huge advantage. So there are rules as to what it is that football associations that are members of the European Federation of Football Associations can do in their interaction with the government, and there are rules as to how they fund their headquarters, and if you call it the *national* football stadium, Mr Speaker. But the *national* football stadium in that parlance does not mean the *state* football stadium. It means the football stadium in the ownership of the National Football Association.

1635

For that purpose, Mr Speaker, as I understand it, in my discussions with the GFA in relation to the land issue that arises here, UEFA have a fund to assist what is known as infrastructure projects in *all* of the federated states and through that funding, entities that are football associations in each of the 54 states

1640 that are members of UEFA, fund their stadia and their other arrangements, like the management that the Hon. Minister was referring to of the stadium, which then produces income. And of course the German Football Federation will have a larger stadium that will produce more income than smaller federations may have.

1645 But it is not a question of governments being free – however much we might wish to – to inject a lot of cash into their football associations. I believe that the fund is called the ‘HatT...’, maybe the ‘HatTrick’ fund – I am no expert on this – which is the one that is used to assist the federations to develop their stadia and their facilities, and there are other funds available for the development of young footballers, etc. So in all of that context – and this is what the Hon. Minister is alluding to – there are a lot of rules that we need to ensure that we comply with in the way that Gibraltar as a nation assists our national football association. That is the subject of discussion at the moment between the Government and the GFA and the GFA and UEFA.

1650 What I think I am able to disclose, Mr Speaker, and I think we have alluded to before – and it may not be a disclosure; it may be something that the hon. Gentleman has already been told by us in this House – is that of course the Government feels that it is able, within the rules, to donate to gift the land of the stadium, where the stadium will be built, to the GFA. That is within the rules – that appears to be within the rules – and we can do that because it is for a sporting purpose.

1655 So in the same way that we might give the Cricket Federation or the Rugby Federation or any other Federation the use of a particular area and even create a lease in relation to whatever facilities you are able to use there, in this instance because the facilities cannot be public facilities – that new stadium cannot be a public stadium; it has to be a GFA-owned stadium – the advice that we have is that we can go as far as to gift the land.

1660 So, stage 1 is where you build... Well, that can be given by the nation to the GFA’s structure for this purpose, which is likely to be a corporation, as long as the lease provides that it is only to be used for sporting purposes. Otherwise, of course, if somebody were to buy from the GFA to then build houses on it, the Government would be entitled to a premium for the change of use, right? But the grant of the land, the gifting of the land into a structure set up by the GFA for this purpose, is within the rules. What happens there after that, we have to be very circumspect about what the rules at a European level allow us to do and do not allow us to do.

1665 I hope that is helpful.

1670 **Hon. E J Reyes:** Yes Mr Speaker, very helpful and I am grateful because the Chief Minister has actually been able to clarify what the ordinary person in the street hears and no one is quite certain, you know, the veracity behind that thing and they have asked me; hence why I hint at some of these questions. Certainly the Chief Minister and the Minister for Sport can rest assured that where things are being done properly, they will receive the full support from this side of the House in respect of the development of that sport. I may even tie it up, Mr Speaker, with your permission to the previous question on cricket about their usage of the sports ground.

1675 It is public knowledge that the Gibraltar Cricket Association are actually members of the ICC and hence derive some funding. They are worried and have probably shared this thought already with the Minister, that they could lose certain funding – even their membership could be put in jeopardy, if they do not meet the minimum requirements of playing fields that are available. I know in my time as Minister for Sport, they needed to have at least three different sites where the game could be played. But the Chief Minister did clarify before with the Minister for Sport, that if there is any time span of non-availability of a pitch, it would be a very short period of time and that I think will be very well received by the Gibraltar Cricket Association.

1680 May I, Mr Speaker, indulge in your generosity and ask the Chief Minister and the Minister for Sport and indeed all this House, to share with me in rejoicing that the Gibraltar Football Association is actually making history today by playing in the under-19 UEFA qualifiers this afternoon, a half past two kick-off – which unfortunately I think many of us will have to miss, but I am sure we will be updated by today’s social media on the score. (*Banging on desks*)

1685 **Hon. Chief Minister:** Yes, Mr Speaker, in fact arrangements have been made for these screens to show the match whilst the Chief Minister’s Question Time goes on.

1690 Mr Speaker, the Government is very alive to the issues of the Gibraltar Cricket Association, as I have told him before. But he has alluded to something which I think is worth commenting on, which is that they receive funding; and the Rugby Federation, if it becomes federated, will also receive funding.

1700 And then again, there are options for them to enable them to develop their facilities with that funding, something which they have not been able to do until now, with the existing regime, because all of the areas that each of them have been using are public areas which are multi-use. The difficulty, Mr Speaker, is, and the opportunity, in finding them an area which is exclusive use because then their federations fund the development of that facility and although maybe taking a little bit longer than any of us might want,

1705 because of the territorial extent of Gibraltar – and there are some people who do not even like the fact that we are trying to get a little bit bigger – it is certainly something that is very much on the Government’s agenda as a deliverable, which provides exclusive use facilities wherever possible, or shared exclusive use facilities – if I make that clearer, for example, rugby and cricket may be able to share but it is exclusively theirs in joint ownership and therefore their federations can jointly fund.

1710 Finally, Mr Speaker, if I can say this on behalf of the Government and people of Gibraltar and on behalf of this Parliament: God speed to the under-19s today. I know that they had a tough friendly match in preparation. I know that they will do their best – Gibraltarians *always* try their best when they are abroad. This is only the beginning and, Mr Speaker, we have great hopes for what the Gibraltar national team will be able to do when they go abroad in particular, but one thing they will *always* do is represent us in a sterling fashion, representing all the hopes and aspirations of the people of Gibraltar for success on the pitch.

1715 So God speed to them this afternoon. (*Applause*)

**Heritage related sites  
Works undertaken**

1720 **Clerk:** Question 567, the Hon. E J Reyes.

1725 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 236/2013, can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage related site, stating by whom these works were carried out?

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

1730 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 236/2013 I now hand over to the hon. Member opposite the information requested.

Schedule to Question No: 567/2013

Further works undertaken at Heritage sites inclusive of costs and works carried out.

a) **Site:** Giralda Gardens Bunker  
**Works:** Demolition of wall, removal of concrete walls, rubble, sand and vegetation. Hiring of equipment skips

**Contractor:** Construction & Maintenance Service Company Limited

**Total Amount:** £13,249.00

b) **Site:** Harding's Battery  
**Works:** Manufacturing of carriage and transportation and placing of gun and carriage from South Gate to Europa Point (Harding's Battery)

**Contractor:** Casais Gibraltar Limited

**Total Amount:** £20,000.00

c) **Site:** St Jago's Arch / South Port Gates  
**Works:** Conservation Works (May, June, July, August)

**Contractor:** Knightsfield Holdings

**Total Amount:** £29,285.24

d) **Site:** Eastern Beach Bunker  
**Works:** Clearing of rubble, plastering, repair to ceiling and walls, hiring of skips and equipment, repair of girders, manufacturing and installation of windows

**Contractor:** Construction & Maintenance Service Company Limited

**Total Amount:** £5,410.00

1735 **Mr Speaker:** Again, can we attempt to make progress whilst the information is being circulated and considered.

1740 **Parson's Lodge; Moorish Castle  
Works carried out 2013-14**

**Clerk:** Question 568, the Hon. E J Reyes.

1745 **Hon. E J Reyes:** Further to the answer to Question 523/2013, can the Minister for Heritage provide full details of all works undertaken at Parson's Lodge during the financial year 2013-14, inclusive of information pertaining to cost and contractors who carried out any works?

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

1750 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 569.

**Clerk:** Question 569.

1755 **Hon. E J Reyes:** Further to the answer to Question 523/2013, can the Minister for Heritage provide full details of all works undertaken at Moorish Castle during the financial year 2013-14, inclusive of information pertaining to costs and contractors who carried out any works?

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

1760 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 523/2013, further works carried out at the Parson's Lodge are as follows:

Contractor – Koala Construction; the total amount was £1,553.14 and the works were remove, supply and fix a new flagpole.

As to the answer to Question 569, no further works have been carried out at Moorish Castle.

1770 **Cultural grants  
Details of awards so far 2013-14**

**Clerk:** Question 570, the Hon. E J Reyes.

1775 **Hon. E J Reyes:** Can the Minister for Culture provide details of cultural grants awarded so far pertaining to the financial year 2013-14?

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

1780 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite details of the cultural grants awarded so far in this financial year of 2013-14.



**Schedule to question 570/2013**

<b>Cultural Grants for financial year 2013/14</b>	
Colourworks Limited – Sponsorship for Runway 2013	£4,500.00
Posters for Runway 2013	£600.00
Ainslie Andrews- Winner Rock Chef	£2,000.00
GNDO - World Jazz Championship Poland	£2,520.00
GNDO- World Show Dance Championships Germany	£6,000.00
GNDO - IDO Licence & Workshops	£2,400.00
Art in Movement	£2,290.50
Runway	£5,200.00
Stylos Dance Academy	£1,842.50
Allegro Music Productions	£2,025.00
Kings Chapel Singers	£1,440.00
Gibraltar Horticultural Society	£1,500.00
Jordan Picardo – Vocational dance university scholarship assistance	£6,000.00
Simon Bolland - Vocational dance university scholarship assistance	£6,000.00
Rock on the Rock Club	£2,000.00
Gibraltar Philharmonic Society	£10,000.00
Danza Academy	£2,132.00
Gibraltar Photographic Society	£1,350.00
Santos Productions	£9,527.00
MO Productions	£5,700.00
Gibraltar Sea Scouts Pipe Band	£2,000.00
Re-Enactment Society	£900.00
Jetstream	£4,500.00
Gibraltar Arts & Crafts Association	£1,500.00
Gibraltar Dolls - Christine Mandleberg	£1,950.00
Keith Sheriff – Masonic Institute Symposium	£150.00
Joe Caruana - The Iron Knight of Malta	£2,660.00
Calpe Press - Nhean Haynes Cookery Book	£3,645.00
Jonathan Santos - Book One Inch High witch	£1,125.00
Sonia Golt - Dreams are made of this	£500.00
Nina Danino - Exhibition 2013	£5,000.00
Reach - Reunion Concert	£1,000.00
Runway 14	£3,200.00
Christian Fa – Assistance to represent University in Cultural tour of Brazil (playing an instrument)	£400.00
Janice Felices - Scholarship UK Flights	£3,000.00
Gibraltar face & Body Painting - Festival	£1,000.00
	<b>£107,557.00</b>

**Mr Speaker:** Next question.

1785

**John Mackintosh Hall  
Caretaker position**

1790

**Clerk:** Question 571 the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answers to Written Question 61/2013 and 522/2013, can the Minister for Culture and Heritage say when the position of Caretaker at John Mackintosh Hall will be filled?

1795

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as stated in answer to Question 522/2013 the Ministry for Sports, Culture, Heritage and Youth has no intention of advertising this post.

1800

This will be decided by the Culture and Heritage Agency and the board of the John Mackintosh Hall.

**Hon. E J Reyes:** Yes Mr Speaker, I am very much aware that he said that. I did not say that the Ministry was going to appoint. I said, ‘when will the position of caretaker be filled?’ – whoever the ultimate employer happens to be.

1805

**Hon. S E Linares:** It is up to the employer, when they want to advertise it and bring it out. At present, I have not heard of any indication from them that they are going to advertise, so they must be doing all the work internally and it is up to them to decide.

1810

**Hon. E J Reyes:** Mr Speaker, from my note the last time, the Minister answered the question which was at Question 522. He explained that the vacancy was going to be advertised and filled in by the agency but he said that it would be happening soon. Has there now been a shift in position, Mr Speaker?

**Hon. S E Linares:** Mr Speaker, which answer to which question is he referring to? I have got answer to Question 522: I stated the Minister for Culture has no intention of advertising this post. And in Written

1815 Question 61: 'since my answer to Question 235/2013, the caretaker of the Mackintosh Hall retired. The vacancy will be advertised in due course.'

By saying that, Mr Speaker, 'in due course', it meant that the Ministry is not advertising, no intention from the Ministry to advertise, but it would be in due course for...

1820 **Mr Speaker:** But that surely is not the point. The point is that the Minister, as Minister, is responsible overall for the Culture and Heritage Agency so he is in a position to answer questions on their behalf.

1825 **Hon. S E Linares:** Yes, Mr Speaker, and I also chair the Mackintosh Hall board, management of the Board and I have stated here that this item has not come up from them because they are the ones that manage it; I am just but the mere Chairman. They have not come to me or to the board indicating that this vacancy will be advertised.

1830 Therefore what I am saying is that the Ministry is not advertising because it is not incumbent on the Ministry to advertise. It would be the Mackintosh Hall itself, the board of management of the Mackintosh Hall to decide. Like I said, I have chaired those meetings and there is no indication that they are asking for the vacancy to be filled at this stage.

**Mr Speaker:** Is it not the function of the Chairman of the board perhaps to set the agenda?

1835 **Hon. S E Linares:** I am sure, but if somebody retires and the management, the facilities manager does not come to the board and say, 'Minister', or 'Mr Chairman, we need someone to replace Mr...' In this case it was Mr Capurro and Mr Brown – in fact there are two people who retired. One retired subsequently to that. They have not come back to me and said, 'we need a person', so I am assuming that they are either doing internal cover, or maybe – and I state maybe – in the *next* board meeting, they could well come and say, 'Minister, we have been covering for the last few months, we need those posts to be covered as soon as possible', and then the board takes the decision and brings out the vacancy, if the board decides that the vacancy should be brought out.

1845 **Hon. E J Reyes:** So then, Mr Speaker, can the Minister confirm that there has actually been a shift in position, because I think I am correct in interpreting from the answer given to Question 522, where this House was told that the Agency would bring out the vacancy for caretaker and that it would be happening soon, and am I correct now in assuming from what is happening today that it does not seem to be happening and in any case nowhere near being soon?

1850 **Hon. S E Linares:** As soon as the next board meeting, if they bring it up, which is the answer to the question as I have just explained.

1855 If they come to me and do not explicitly say that they need... When I say 'soon', it means that I go to the board, the board then discusses the issue – which has not arisen, because the board has not discussed the issues of vacancies, but I am sure they will because they are covering at the present with the staff that they have got currently. They are covering up, so as far as I am concerned, and he should know as a Minister, there is always, in Departments, always asking for more and more staff.

In this case, they have not asked readily now for the staff, but I am sure they will – and they will probably ask for even more to cover, but at this stage they have not.

1860 **Hon. E J Reyes:** So Mr Speaker, the Minister has tried to explain to me in his answer that, since the retirement of the caretaker that task seems to have been covered up by somebody else.

I can understand when it is clerical or admin grades that I can ask clerk X and Y to please cover for whatever was left by clerk A who has retired; but in the position of a caretaker, it is something that is a bit more specialised and one at least has to have a minimum, you know, amount of do-it-yourself knowledge and so on. Surely you cannot ask a clerk to cover over certain caretaker duties.

1865 Or, does the Minister have any information that could at least enlighten me as to who is carrying out the duties previously carried out by the caretaker which require minor works and maintenance, routine maintenance issues and so on?

1870 **Hon. S E Linares:** Mr Speaker, a very efficient maintenance team is doing that. He knows that Mr Brown was not the only caretaker there. There is also Mr Victor Soiza who was there as well and he, together with another group of young men, I should say, are doing a very, very good job and they are trainees actually, which he has asked the question as well, trainees which have been engaged to do maintenance work. Therefore they are not only doing the Mackintosh Hall; they are doing all other maintenance work for what he used to preside over, which is the Culture and Heritage Agency, which does not only involve the Mackintosh Hall; it involves many, many other assets.

1875

**Hon. E J Reyes:** And for the record, Mr Speaker, these trainees, are they part of the Future Job Strategy or where do they pertain?

1880 **Hon. S E Linares:** Mr Speaker, he has asked that question before. Yes, they are.

1885 **Electricity Authority**  
**Upgrading the distribution network**

**Clerk:** Question 572, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1890 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer provided to Question 239/2013, can the Minister with responsibility for Utilities state what has been done, or is likely to happen in the next few months in order to upgrade the distribution network of the Electricity Authority?

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

1895 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following improvements to the electrical distribution network resilience have been completed this year with the installation of new sub-stations at the new Mental Health Facility substation and Engineer Car Park.

1900 GEA also upgraded electrical supplies to the Mosque. This is now fed from a GEA supply from Keightley Way substation instead of an MOD (GMES) supply. The Fair substation was also re-sited to the new location at the Naval Ground.

In addition, works are in hand to enhance the network to provide electrical supplies to the Sunborn Hotel.

1905 GEA are also programming enforcing the distribution electrical network over the next six months to allow GEA to take on Edinburgh Estate and Chilton Court consumers which are currently supplied from the MOD (GMES) network.

As part of an ongoing programme to replace and upgrade the high voltage distribution electrical distribution network that was started last year by this Government, the GEA have purchased equipment to replace Bedlam Court substation, Palace Gully substation and Line Wall Road, which are currently awaiting delivery.

1910 The GEA are also finalising the technical specification for the replacement of the next batch of sub-stations to replace Forty Step sub-station, Europa Road sub-station, Devil's Tower Road and Sandy Bay substations.

1915

**New power station**  
**Consequence analysis of proposed site**

1920 **Clerk:** Question 573, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1925 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with the responsibility for Utilities, please advise the House if the Health and Safety consequence analysis has been conducted for the proposed site for the new power station, given the answers given by Government to Written Questions 75/2013 and 76/2013 and if so, provide Parliament with a copy?

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

1930 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no consequence analysis has been carried out at this stage for the new power station, as previously advised.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if no consequence analysis has been done, how come the Government is proceeding with the preliminary works and the tender process?

1935 **Hon. S E Linares:** Mr Speaker, because no consequence analysis is needed. I think the hon. Member Mr Netto is completely confused as to what needs to be done and he seems to have got the information from a Health and Safety course that he attended. Therefore there is no need to have a consequence analysis.

1940 What there is are many other types of analysis, but not the specific consequence analysis that he refers to and that is why I answered the question last time when he asked that there is no need for a consequence analysis.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister has mentioned many other types of analysis. Could he enlighten us as to what these are and whether they have been conducted?

1945 **Hon. S E Linares:** Yes, Mr Speaker.

It is a HAZID, a hazard identification analysis; a COMAH, control of major accident and hazard analysis; an EIA, environmental impact assessment; and a CDM, construction, design and management regulations, which we have to follow. So at least those are four that I have on my list when I asked.

1950 **Mr Speaker:** Given that we are dealing with a power station, I hope all hon. Members found that information very illuminating! (*Laughter*)

1955 **New power station  
Commencement of works for reclaimed site**

**Clerk:** Question 574, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Utilities please advise the House if works have commenced for the reclaimed site for the new power station?

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

1965 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the works on the reclamation for the new power station have not yet started.

1970 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea as to when the works will start?

**Hon. S E Linares:** Mr Speaker, I cannot state when I can inform the hon. Lady that we are doing an EIA at this present time so it is at that process, the EIA process but I would not like to say a date when it starts.

1975 **New power station  
Environment impact assessment of reclaimed site**

1980 **Clerk:** Question 575, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Utilities please advise the House if an environment impact assessment has been conducted at the proposed reclaimed site for the new power station, and if so please provide a copy to Parliament?

1985 Obviously, I am aware that you have answered this question in the previous question.

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

1990 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes Mr Speaker, the environmental impact assessment for the new power station will be conducted by the successful contractor.

Government has done a preliminary assessment to inform the EIA, that the detailed assessment can only be done once the final award of tender is made, as it is a project specific.

1995

**HEALTH AND THE ENVIRONMENT**

2000

**Upper Rock  
Strategy**

**Clerk:** Question 545, the Hon. D J Bossino.

2005

**Hon. D J Bossino:** Can the Minister for the Environment advise whether a strategy has now been developed in relation to the Upper Rock?

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

2010

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will be answering this question as Minister with responsibility for the Upper Rock.

The strategy for the Upper Rock is currently being developed by the Department of the Environment in consultation with the Ministry for Tourism. It is hoped that the draft plan will be ready for consultation with stakeholders by December this year.

2015

**Hon. D J Bossino:** Mr Speaker, in answer to when I posed the question of the Minister for Tourism back in May 2012, he said that the... I asked about the consultation that was being undertaken by the Government and the answer I received was that the next step is that a paper will now be prepared by the Department of the Environment. Is this the paper that he has just mentioned which will be ready in December this year?

2020

**Hon. Dr J E Cortes:** Indeed, this is the draft that we are referring to.

2025

**Hon. D J Bossino:** Mr Speaker, when does he expect that we will have the plan ready thereafter? Because what I assume is going to happen is that once a paper is prepared, if I have understood and followed his answers correctly, it will then be sent out for further consultation, and presumably further input from the various stakeholders and by stakeholders. Maybe he can clarify whether they will include – if I can put it in the broadest terms possible – the environmental lobby and also the taxi drivers who make use of that facility. After that is complete, we will have a plan ready and I asked him at the beginning of my question how long he expects that that will be – how long he expects that that will take for that to be ready.

2030

**Hon. Dr J E Cortes:** Mr Speaker, the stakeholders are precisely as described and will include those entities and individuals who made submissions when submissions were invited from members of the public.

2035

As to time frame, I would not like to commit myself, one thing I have learned in the past 21 or 22 months is to be careful when I commit myself to timeframes.

2040

**Hon. D J Bossino:** Fine, Mr Speaker, I think I will leave it there for now and we will see how matters progress post December.

But can he give an indication as to the nature of the representations that he is receiving and whether the Government is developing, as a Government, a view as to which way... whether the environmental lobbyists will win the day. I know I am putting it in very stark days, I appreciate that, or whether the taxi drivers will have their day, because clearly, I can appreciate from their standpoint that it must be not an easy decision to take. I imagine that their submissions and their views as to how the Upper Rock ought to be used will be diametrically opposed and they have, both sides have valid interests in that area of land.

2045

So can he give us an indication I suppose is my question?

2050

**Hon. Dr J E Cortes:** Mr Speaker, I suppose it is to be argued that the environmental lobbyists won the day when they elected me as Minister, (*Banging on desks*) but there is no conflict of this nature. In any natural asset where there is a large amount of public use, there are challenges and obviously we are aware of those challenges. But the way that I see the plan developing and the amount of work that I have seen already – and I am sadly not involved in the day to day, I would very much like to be able to write the plan myself, but clearly I have very competent officials who are doing this – I think we are going to come up with something that is going to work very, very well for the users of the Upper Rock of all species, including humans and others.

2055

**Commonwealth Park creation**  
**Costs incurred; investment; funding; remedial works**

2060

**Clerk:** Question 576, the Hon. S M Figueras.

2065

**Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for the Environment provide this House with details of all costs already incurred in respect of the creation of the Commonwealth Park, further to the initial costs of some £87,000 incurred in respect of enabling works, including but not limited to excavation works, provision of parking spaces in alternative locations, design work, materials and all other relevant expenses?

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

**Minister for Health and the Environment (Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 577 to 579.

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**Clerk:** Question 577.

**Hon. S M Figueras:** Can the Hon. Minister for the Environment provide details of the Government's estimate of the total investment it expects will be required for the creation of the Commonwealth Park?

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**Clerk:** Question 578.

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**Hon. S M Figueras:** Can the Hon. the Minister for the Environment provide details to this House of the manner in which the Commonwealth Park Project will be funded, in particular, whether the Government intends to fund the project from the proceeds of savers' debentures with the Gibraltar Savings Bank?

**Clerk:** Question 579.

2090

**Hon. S M Figueras:** Can the Hon. the Minister for the Environment provide details to this House of setbacks or difficulties, if any, encountered in the construction of the Commonwealth Park and where relevant, the cost of remedial works?

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

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**Minister for Health and the Environment (Dr J E Cortes):** Mr Speaker, although, for reasons I will refer to in a moment, we will not give an estimate of what the park will cost, I will tell him that to date a total of £1,119,208.20 have been spent on the Commonwealth Park project, inclusive of all enabling works and consultants' fees.

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As stated in answer to Question 784/2012, the development of the car park at King's Wharf site is part of an agreement with the developer of the site at no cost to Her Majesty's Government of Gibraltar. The exact cost of the project will not be known until the final account has been agreed with the contractor.

The project will be funded by a combination of a contribution from the Kusuma Trust and by Government's own funds. The project will also receive EU funding. No other sources of funding are being considered.

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There have been no setbacks or difficulties in the construction of the Commonwealth Park beyond what might be expected on a scheme of this size and complexity. The project is on programme for completion by the end of March 2014.

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**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his reply in that regard, specifically in relation to the costs incurred so far.

I am, however, unable to accept, Mr Speaker, that they are not in a position to provide an estimate of how much it is going to cost in the context of tender awards clearly having been made or the contract having been awarded for commencement of the works. The value of those awards must surely be something that the Government knows and should therefore be in a position to share with this House.

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Would the Minister explain in this House the reasons why it is unable to provide those estimates, when they can in fact say in respect of the housing projects, how much those awards have been valued at, the value of £130 million if I recall correctly? Can the Minister say in this House why, in respect of the Commonwealth Park, that information cannot be provided to the House and to the public?

2120 **Hon. Dr J E Cortes:** Mr Speaker, as I have stated before in this House, this is a project that is being carried out by GJBS and there are still discussions progressing with GJBS on some of the detail. But I think I can explain that this is not the average project and this is not the sort of project that can be cut and dry at the initial stages. The development of a garden has a lot of factors that have to be borne in mind – for example, weather conditions, the choice and selection of the mature trees that are going to be brought in – and this cannot be chosen very much in advance and has to be chosen during the time of the project.

2125 In fact, that is a process that is going on now and it will be very much depending on the actual species and the size of what is available on the market at the moment. And therefore, it is the sort of thing that has to be flexible and cannot be decided beforehand, like for example how much cement is going to be used in building a house. Developing a garden has to be flexible, I have considerable experience in this and in order to achieve the best value for money, we have to have this flexibility.

2130 **Hon. S M Figueras:** Mr Speaker, I disagree with the final point that the Hon. Minister is making in that because we have to have this flexibility we cannot have an estimate (**A Member:** Hear, hear.) I think those are two entirely incongruous points. It is entirely possible for a government that knows that it is going to be spending at least £113 million on two housing projects, to have an idea of what it will be spending in respect of a park, making allowances of course for the flexibility that the Minister says he needs to have in respect of the project.

2135 Mr Speaker, the Minister surely will agree with me that it is absolutely right that the public should know what the estimate is for the cost of this park in the same way as they know, because the Government has freely provided the information, how much the housing projects are going to cost. Mr Speaker, I do not understand – and I ask the Minister to try and enlighten me so that I understand – why it is that there is this hesitation to provide that kind of information which should be really in the grand scheme of things, rather innocuous.

2145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is ground hog day. We have this debate and this question in almost every meeting of the House in relation to this particular development. Mr Speaker, we have answered before that we will provide the full cost of the development of the park and the hon. Gentleman has wanted to insist and insist that we provide the estimate.

2150 The hon. Member, the Minister for the Environment has set out already why it is not possible to provide the estimate in respect of this particular project. It is quite different when one is dealing with fixed price design and build projects like the ones that we are dealing with in relation to the housing schemes, Mr Speaker, which have been announced and in respect of which the data has been given. If the hon. Gentleman does not like the answer, well look, Mr Speaker, he can say what he likes but that is the answer he is going to get. This is not an attempt not to tell the public how much the project is going to cost.

2155 The hon. Gentleman is being told, he will have chapter and verse and the price of every single daffodil, that is, if those are relevant – and I defer to the Hon. the Minister for the Environment – and every tulip and every tree, if he wishes, Mr Speaker, when the project is complete. He will be able to analyse the cost of the compost, Mr Speaker, and absolutely every single other aspect of the park which he has been told, Mr Speaker, will be completed in less than six months' time. So if he simply asks the question how much has it cost, rather than how much will it cost, then he will detect Mr Speaker, the willingness to provide that information.

2160 At this stage, if the Government – in particular the Minister – does not feel comfortable giving the estimate and he has given him his reasoning as to why he does not feel comfortable giving the estimate, well then, Mr Speaker, I am afraid he has to accept that answer, with the caveat that there will be a full disclosure of every penny spent, once spent and at the end of the project.

2165 Otherwise, Mr Speaker, we are simply going to have an exercise going on in every meeting of this House until we have reached the end of the development where we will give the same answer that we have been giving him for a year, Mr Speaker.

2170 **Hon. S M Figueras:** Mr Speaker, the Hon. the Chief Minister will know that we have not been dealing with this in every meeting of Parliament since December 2011. In fact, there has been a gap of about three, four, five, six months, perhaps, since we have raised this issue in the House.

2175 **Mr Speaker:** It was last raised in July. I have the *Hansard* here, 18th July. It was last raised in July.

2180 **Hon. S M Figueras:** I am grateful, but it was not this specific question, Mr Speaker. Yes. This issue will be raised as many times as we consider it necessary and yes, indeed, the Hon. the Chief Minister will say that they will give the answer that they want to give. But the point is this, Mr Speaker: we are asking for the estimate, we are asking whether the Government has an estimate and if it does have an estimate,

whether it will share it. The fact that they will not is now clear because that answer has already been provided.

As to the cost of the Commonwealth Park once it has been delivered, well, I will be asking at that time, what the cost has been.

2185 The question right now is the estimate, because in exactly the same way as the Government sees fit to tell the electorate that a housing project is going to cost  $x$  even though we know that those are subject to commercial realities and practical realities on the ground that may cause that figure to change, it is, Mr Speaker, the public's right to understand what the estimate for that park is, before it is complete, at the time when it is asked for.

2190 Really, it is a very simple question and it is frankly astounding to Members on this side of the House that the Government is unable to provide us with what is really a very simple answer, we are certain, but which for many reasons clearly the Government is unhappy to share.

2195 **Hon. Chief Minister:** Mr Speaker, it has nothing to do with that and the hon. Gentleman needs to understand the parameters of what he is talking about a little bit better, before he gets up and tries to embarrass the Government.

He does not realise Mr Speaker, that the tender awards for the properties in question at the Aerial Farm and the Coach Park are fixed price tenders subject to European rules that cannot vary according to European rules. They are fixed price design and build, Mr Speaker. That is quite different, quite different. Those are not estimates, Mr Speaker; those are fixed price contracts.

2200 It is quite different to say, 'Well look, we are developing something here, we may decide to change some of the specification, we may decide to make something less enhanced or more enhanced.' But Mr Speaker, look, the whole issue is this: *we* are the guardians of the public purse on this side of the House. They are there to check us, fair enough, they can ask whatever questions they like, they can ask the same question over and over again – and he has noticed, Mr Speaker, that I was not taking the point that the same question had been asked within six months, another point I might have taken, because it was not an issue that we were dealing with on that basis.

2205 We are simply saying, as guardians of the public purse, we want to tell you what it cost in detail, every daffodil and every tulip, but what we are not going to do, as guardians of the public purse, is tell you the estimate. Because, as guardians of the public purse, we do not think it is in the interest of the public purse that we should do that. We think that the public purse may actually end up *better off* if we do not share estimates of this sort.

2210 Because Mr Speaker, I have explained it before, *if you do*, some of those who are providing services to you will know how far you are prepared to go. Or is it that he does not know that when you prepare estimates of this sort, you also have to build in contingencies, you also have to build in a percentage of what more you are prepared to spend than the amount that has already been quoted to you?

2215 And so, Mr Speaker, as guardians of the public purse, in the interest of the taxpayer we are telling him, we will tell you every single penny that has been spent, but it is not in the interest of the taxpayer to tell you at the moment what the estimate is.

2220 **Mr Speaker:** Perhaps in order that it may not be thought that I have misled the House, I said that it had been raised in July, last July, but it was in the course of supplementaries. There was no substantive question on the Commonwealth Park project, but in the course of supplementaries – supplementaries involving the additional parking facilities at the Royal Gibraltar Yacht Club and so on – the hon. Member made a reference to the Commonwealth Park.

2225 **Hon. D A Feetham:** Yes, Mr Speaker, but I have to say I find the statement by the Hon. the Chief Minister difficult to understand, on the verge of being a ridiculous statement to make. Look, does he not accept that it is not only in the public interest and in the interest of the public purse for an Opposition to scrutinise not only what a project has cost at the end of the project, but what it is costing, particularly when it is six months, when this project is due to be completed in six months' time.

2230 Because, of course, if what the Hon. Chief Minister is saying really is, well, the Hon. the Minister for the Environment has an open cheque and can spend whatever he wants in relation to this particular project... Look, somebody listening to the debate to the exchanges today may well come to that conclusion because quite frankly, I am none the wiser as to whether, for example, there is a ceiling on this particular contract, or the Chief Minister as Finance Minister has said, 'No, no, no. we are so environmentally friendly as a Government that you can spend whatever you want.' Well, if that is the position, quite frankly we do not believe that that is in the public interest in the public purse. The reality is that the analogy that the hon. Gentleman has provided with the £116 million in relation to the two housing projects announced is an apposite analogy and I will tell him why. Because presumably you have also entered into contracts with GJBS – who is the main contractor – in relation to this particular project and you must know from those contracts how much this project is going to be, what the parameters are in



terms of the cost, unless... I return back to the original point that I made, which is that effectively, the Finance Minister, what he is doing is he is giving the Hon. the Minister for the Environment an open cheque. That certainly is not in the best interests of the taxpayer or the public interest.

Now, can he clarify that?

**Hon. Chief Minister:** Look, Mr Speaker, what is very clearly to me is that hon. Members opposite, when of those hon. Members opposite that were in Government, obviously were never trusted with the purse strings, even in relation to their own Department by the then Chief Minister.

Well, Mr Speaker, let us be very clear, whether he likes it or not, they lost the last election. We are the guardians of the public purse and they are here to ask questions about what we do with public monies. I have told him the complete opposite of what he has now asked me and he has chosen to ignore it. I have told him that not giving the estimate is in the interest of the taxpayer because it may enable us to bring the project in for less than the current estimate, because there are aspects of the work to be done which may be able to be done for less and, because I entirely trust my Ministers – in particular, I trust them with issues relating to taxpayers' money, otherwise I would not be in Cabinet with them – I believe that they are able to deliver projects for the cost estimated or for less, for the quality that the taxpayer expects.

For that reason, Mr Speaker, whether they like it or not, they are going to have chapter and verse, compost bag by compost bag, daffodil, tulip and eucalyptus, the exact cost of developing the Commonwealth Park. They will not be able to hide behind any suggestion that the Government does not want to give the information. What they cannot do, Mr Speaker, is put the Government in a position where we are not able to save taxpayers' money that we might have been able to save them, because they want to insist on knowing estimate versus final cost.

Well, Mr Speaker, I will tell them more. The Government is prepared to commit itself to show them, when the project is completed, the final cost *and* the original estimate. It may be that we go beyond the estimate, like most Government projects have historically done – because those who provide services to Government always see Government as deep pockets – or we may be able to save on the original estimates for each of the constituent parts of the park, but it is in the interests of the taxpayer and we are the guardians of the public purse, that that information be disclosed at the end of the project.

Now, if they were genuinely here to try and assist the Government in that particular respect, and I cannot imagine any Opposition that might want to see a Government have to spend more than they need to on a particular project, then they will accept that, Mr Speaker. Otherwise, they will continue to make statements like the one that the hon. Member has made when he started his intervention that suggested that what I had said had been on the verge of being a ridiculous statement. Well, Mr Speaker, I have only been called ridiculous twice this week: one was by him and the other time, which I consider a badge of honour, was on the front page of *ABC* newspaper. I am getting used to him and *ABC* having the same views about the things that I say.

**Mr Speaker:** Before these exchanges get out of hand, may I give the hon. Members some guidance in general terms. My experience as a Member of this House for over 20 years on both sides of the House, is that Government Ministers very often used to make the point that the Government is making, namely that they did not want to give an exact figure because it was commercially sensitive and that that might give rise to tenders being higher than what they would have been. Invariably, however, Members of the Opposition did not accept that. They always asked vehemently for estimates to be given. So it is nothing new, it is something that has happened over the years.

But I will say this, that when a new project is introduced into the estimate of expenditure, let us say in the Improvement and Development Fund, unless a purely token sum is provided, a realistic sum has to be provided as an alternative, about the amount of money that the Government would estimate that they are able to spend in that financial year. Of course if the project were to go on beyond more than one financial year, they do not have to give the full amount as to what they would expect to spend in a subsequent year. That is in general terms; I think those are the parameters in which any exchanges have to be taken.

**Hon. D A Feetham:** Mr Speaker, I think that what distinguishes this from, really, other questions that have been asked in the past in relation to estimates is that here we have a project that has actually been allocated, the contracts have been entered into by the admission of the Minister it is public knowledge, with GJBS and it is six months from having been completed. So if the Government does not have a pretty good idea of what this project is going to cost today, it will never have an idea until the final costs actually come out. I note the Hon. the Minister for the Environment nodding his head, but he was the one that stood up and basically said he really does not know.

But can I ask the Hon. the Chief Minister this: bearing in mind that the contracts have been entered into with GJBS presumably for an amount – they cannot be open-ended contracts, I do not think that the Government would be mad enough to have... (*Interjection*) No, not on... (*Interjection*) No. Not on... Not in relation... There may be open ended in relation to some aspects of it, but as the overall contractor,

2305 there must be some sum in the contract dealing with how much GJBS is going to be paid, as a minimum, for example. I would be very surprised if it did not.

2310 But can the Hon. the Chief Minister provide this House a flavour of what aspects of the work on this particular site, the cost of which still needs to be determined? Because if we are talking about three banana trees, I mean, look that is laughable, but if one is talking about substantial aspects of the work – and I am asking, what are the works, give me a flavour of the works for which sub-contractors, presumably – but it cannot be GJBS; sub-contractors of GJBS – still have not tendered or the Government or GJBS still has not gone out to the market for prices in relation to those aspects of the work. Can he give me a flavour of that?

2315 **Hon. Chief Minister:** Mr Speaker, I would have thought it was implicit in what I have said, that the works still to be contracted are works which are substantial and will affect the price of the project – not banana trees, daffodils, tulips or compost, because those to an extent – (*Interjection by Hon. D A Feetham*) No, no, I did not tell you that, Mr Speaker. What I told you was that you would have the cost, even of every daffodil and every tulip and every eucalyptus tree. You will also have the cost of any  
2320 banana tree that may be there as well.

**Hon. D A Feetham:** Will you give way?

2325 **Hon. Chief Minister:** No, I am not going to give way. But what I am saying is that in terms of cost still to be incurred and contracts still to be done, there is sufficient there for us to be concerned that that could be reduced in some way and therefore that it is for that reason we do not want to share beyond the estimates already published, as Mr Speaker has rightly indicated, what the potential cost is going to be beyond that. That, Mr Speaker, is, in my view, what they should accept as the end of the point.

2330 Look, if they then want to come back to us when we have delivered the project and say, ‘This could have been delivered for less even than you have delivered it’, or, ‘Well done, we think this is a great project, fantastically delivered at this price’ – great. I have already said that we will let them see the *estimates* at the time that we have also had a completion cost for the project.

2335 Look, Mr Speaker, what could possibly be wrong with that, if that delivers to them all of the information, but not immediately, if it is going to deliver a better deal for the taxpayer?

2340 Look, at the end of the day, we are all here to ensure that the taxpayer gets the best possible deal – they in their checking capacity, we in our spending capacity. That is what we have to ensure and I think the mechanism that I am proposing, Mr Speaker, will ensure that they have all the information necessary to ask the questions which they have been pursuing for some time now, but in the context of not endangering the potential cost to the taxpayer. All the information will be given – the estimate, the actual and, you know, the cost of the banana tree.

2345 **Hon. D A Feetham:** Mr Speaker, I am afraid he has not understood the point that the Opposition is making in relation to this. You see, it is all very well for the Opposition to be able to scrutinise estimate and actual cost after the event. But surely he must accept that it is also part of the Opposition’s job to scrutinise estimate, what it is costing now and what savings can be made now whether the Government is managing, from a cost point of view, this project now – not after the event. So, I mean, what he is suggesting really is that if this project comes in at £1 million more than it really should have been, whether, we can criticise the Government after the event, but we cannot really do our job now in order to at least try and persuade the Government to change course or to adopt a different policy that might  
2350 actually save the taxpayers’ money, and that cannot be right.

Now, you know, he has not answered my supplementary and the reason why I ask it is this –

**Hon. Chief Minister:** I have answered.

2355 **Hon. D A Feetham:** No, you have not. The reason why I asked it is this. When the Hon. the Minister for the Environment stood up and he talked about... he said, well he said, the overall cost is not known, he spoke about trees and he spoke about plants, now I would have thought that that part of the cost of the Commonwealth Park would be the minor part of the cost compared to the structural works that may be required in relation to... or the other types of work that may be required in relation to the Commonwealth Park.  
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2365 Now, that is the reason why I am asking, give me a flavour of the type of works in respect of which the Government – or GJBS in this particular case as the main contractor – still needs to go out to tender. Because if he does that, maybe the Opposition would then be able to say, well actually this involves major structural work, it could cost, for example, £1 million. I can understand the force of the point that the Chief Minister makes. But if the Chief Minister says, well we are talking about really trees and it may be that the position may be different.

Now, that is why I have asked for a flavour of the type of works that still really need to go out to tender on behalf of GJBS.

2370 **Hon. Chief Minister:** Mr Speaker, I think the Hon. the Leader of the Opposition needs to listen more closely to the things that you say and the advice that you give the whole House.

Mr Speaker, I said already in the first answer, or the second answer that I gave him, the works are *not* daffodils, banana trees and compost; they are substantial works. I did not say structural because there are not that many structures there. There are a few but not many. Most parks do not involve structures; they  
2375 involve *infrastructure* – nothing being built. That is the whole point of a park. But Mr Speaker, the way that – (*Interjection by Hon. D A Feetham*) Oh I see, the hon. Gentleman is murmuring under his breath that ‘structure’ does not mean ‘structures’. I mean okay, I mean, I suppose in the *Alice in Wonderland* world in which some of these questions appear to be posed, ‘structure’ does not mean ‘structure’, okay.

Well Mr Speaker, look let us be very clear. The reality is that most Government projects come in over  
2380 budget. The Hon. the previous Chief Minister, now the backbencher, Sir Peter Caruana, said in the context of the new airport when he made the announcement of it, that the terminal was going to cost £24 million. He used to laugh and we sometimes shared a private joke during the course of the election campaign, that I turned up everywhere with the *Chronicle* with the headline that had those £24 million on it, because by then we knew – and the Government had announced – that the cost of the project was  
2385 actually going to be closer to £80 million. Right?

Now, in the context of where we are today with any project, we do not want to emulate that sort of  
overspending for the taxpayer, we want to get a better deal. I think it is right that somebody who, as a  
CEO of a particular entity overspends by that ratio is sacked by the shareholders. Well, that is what  
happened in that context, Mr Speaker, in relation to the airport terminal. We are making huge efforts to  
2390 deliver things for less than we think they might cost at the outside. We are trying to stay within our estimates and we are trying to deliver within those estimates. What they have got from us today is that I have said we will share those estimates, Mr Speaker.

But rightly, when we are dealing with a Government project, it will be set out in the Estimates Book –  
2395 aptly, properly called for the purposes of this particular – if I may call it – ‘debate’, if not question – and then thereafter there will be a balance to complete if the project goes on over a particular year and there will be a final account.

Now, Mr Speaker, in that context, can he not just accept that I am telling him that the works left to be  
contracted are substantial, not just trees – and by the way, Mr Speaker, planting trees and bringing large  
trees, etc is a very expensive business if it is done right. But it is substantial work that is to be done and if  
2400 he does not believe that the Government is acting in bad faith, then can he not accept that we are saying in good faith, this is in the interests of the taxpayer. I have volunteered that we are going to provide Members opposite with the final account and with the estimate. I am just not prepared to do it today, for one reason and one reason only. We think it is in the interest of the taxpayer to continue to try and reduce the costs to be incurred, despite what the estimates we have been given are.

2405 If he considers that that is a good reason for wanting to proceed in a particular fashion, i.e. trying to ensure that the taxpayer gets the best value for money, the best bang for his buck, can I just please ask him to accept that, with the knowledge that the Government has volunteered that all of that information will be given to them.

2410 He will know Mr Speaker, that projects that he was involved in went hugely over budget – hugely. We did not say to him half way through the project, ‘Have you thought of not putting LED lights in the court rooms? Have you thought perhaps that you might want to choose slightly cheaper televisions or that the secure dock might be made of less secure glass?’ in order to try and persuade him to keep the costs down. Mr Speaker, we allowed them to finish the project and then talked about the costs over the estimate and what the value was. I understand that, in his case, it was in the region of £8 million estimated,  
2415 perhaps £11 million total roughly. Well look, Mr Speaker, I will give him this: it is a better ratio than £24 million to £80 million.

**Hon. S M Figueras:** Mr Speaker, I have a supplementary on a different issue now, but still relating to the question, specifically Question 579 in relation to setbacks or difficulties.

2420 The Hon. Minister told this House that there have been no setbacks or difficulties other than the ones that are normally encountered in projects of this kind. Now, the Minister very quickly went on to say that it is not your average kind of project and therefore, in that context, I would be grateful for some more information from the Minister in relation to what those setbacks were, or are.

2425 **Hon. Dr J E Cortes:** No, Mr Speaker, I have no more information. I am not aware of any particular setback that would stand out. What could setbacks be? If you are using a truck, it could have a puncture. That is the sort of normal setback that one could have, but nothing that I could quantify or describe as anything major or of any significance.

2430 I am aware that the hon. Member made some comments in the press during a press release that he issued in advance of asking the questions. I suspect if it had been the other way round and we had done that, we would have been questioned about whether we were using the correct procedure, but that is another point.

2435 But, I do not know what he was referring to then and I do not know what he is referring to now. I am advised that there have been no major setbacks.

2440 **Hon. S M Figueras:** Mr Speaker, to take the Minister's point in relation to the questions being asked in advance of questions in a similar context being filed for answers in this House, it is indeed a very critical point that was raised on a number of occasions as a result of answers being provided publicly to questions already filed in this House and that has been more than well-rehearsed in past sessions of this House.

2445 I refer the Minister to the answer he gave in saying that there had been nothing other than the normal variety of setbacks encountered on projects of this description. Now, it may assist the Minister to know that the information that I received – and again the information may well have been mistaken and if that is the case then that is simply the case – information received from sources close to the project were that there were issues with the water table and the need to drain the site on a continuous or regular basis as a result of that. That was the issue that was brought to my attention, not by a random member of the public but by a source close to the project.

2450 As I have already said, if this information is in fact mistaken, I am happy to be corrected, but I would be grateful if the Minister could provide some information in respect of that.  
Thank you.

2455 **Hon. Dr J E Cortes:** Mr Speaker, if this had been several years ago and I had been sitting in judgement as a magistrate and the hon. Member opposite had been sitting as an advocate, I would probably have dismissed his comments as hearsay. But as we are not sitting in court, I am aware that the water table is an issue, or was an issue, but it was a predicted issue and not a setback, because we knew that the water table has a certain depth and that when foundations – for example, for the bandstand – were being dug, there would be water coming in and that was pumped out. That is not a setback; that is something that was predicted as part of the course of working close to the water table. That is not a setback.

2460 **Hon. S M Figueras:** And of course Mr Speaker, because we are not in a court of law, I asked the question on the basis that I did, and I am grateful for the reply by the Minister.

2465 **Hon. Chief Minister:** Mr Speaker, I move that the House do now recess to 3.00 p.m. this afternoon.

**Mr Speaker:** The House will now recess to 3.00 p.m. this afternoon.

*The House recessed at 12.27 p.m. and resumed its sitting at 3.00 p.m.*