



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Tuesday, 15th January 2013

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

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

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

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

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

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

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

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

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

Questions for Oral Answer

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EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

School audits Copies of reports

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

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

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

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

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

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

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

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

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

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I am not sure that the ...

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Implementation of EBaccs
Plan of action**

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

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

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

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

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

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

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**TLR Review
Progress**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

240 **Child protection issues
Department policy**

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

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

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker safeguarding children, or child protection, is governed by the Gibraltar Area Child Protection Committee.

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

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

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

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

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

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

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

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, Government's IT and Logistics Department is now required to provide IT services for schools. Historically, Bayside has had an IT technician post assigned to it, whereas Westside did not. When this post became vacant in 2009, it was never filled, yet the vacancy was covered by a supply IT technician.
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This is one of the anomalies that this Government committed to rectify – that is to say, the anomaly of having permanent posts covered by supply workers. The technician at Bayside was, therefore, given permanent employment with the IT and Logistics Department and he is now seconded to Bayside. I can also confirm that the recruitment of extra technicians for the provision of IT services in all schools, including Westside, is well underway.
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**Homework Support Group
Government policy**

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

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister for Education now in a position to explain how the Government's 'Homework Support Group's' policy will work and when the programme will start?
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Clerk: Answer, the Hon. the Minister of Education, Financial Services, Gaming, Telecommunications and Justice.

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I am happy to report that this is, in fact, already being piloted at different levels. Within the secondary sector and in the core subjects, students who require additional help with their extended work, homework, are systematically being supported by teachers during lunchtimes and, indeed, after school.
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Secondly, the Department of Education has put in place additional support classes for GCSE and A Level Mathematics hosted at the Department of Education on a weekly basis, where students are taught essential problem-solving skills and, crucially, how to apply what has been covered in class in a range of unfamiliar situations.

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Clearly, all this is work in progress and the advisory service is constantly monitoring and evaluating successful implementation and future demand.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the pilot be set up for the primary sector?

330 **Hon. G H Licudi:** As I have said, this is something that is being piloted at the moment over the course of this year. We will review, at the end of this academic year, and see to what extent, and how, we can extend this to other sectors.

335 **Department bus driver
Status of post**

Clerk: Question 76, the Hon. Mrs I M Ellul-Hammond.

340 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say whether the full-time post of Department of Education bus driver has been filled?

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

345 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the vacancy was first advertised internally on 2nd February 2012 and then on 19th September 2012 but there were no eligible applicants.

350 The vacancy was subsequently advertised in December 2012, opening the vacancy out to applicants from Government Agencies and Authorities to widen the range of potential applicants. The closing date was Friday 11th January and I am, therefore, expecting the vacancy to be filled very shortly or imminently.

355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister have an idea of how many people applied for the job?

Hon. G H Licudi: Mr Speaker, I have absolutely no idea. The closing date was last Friday and I have not enquired or become involved in the number of people that do apply but I do expect, and I am pushing for this particular vacancy to be filled as soon as possible.

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**15-year olds dropping out of school
Government policy**

365 **Clerk:** Question 77, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker can the Minister for Education state how many 15-year olds dropped out of school during the academic year 2011/2012 by school and how many 15-year olds have dropped out this academic year so far by school and how is Government catering for them?
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Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

375 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the numbers of 15-year olds who have left school are as follows – Bayside 2011/2012 – 29; Westside 2011/2012 – 7 and, so far in 2013, or rather this academic year, Bayside 5 and Westside 3.

All 15-year olds who drop out of school are entitled to register at the Employment Service, where they are interviewed to assist them in obtaining employment.

380 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are you saying that they will be put on the Future Job Strategy Scheme?

385 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** In the case of the school leavers – and, in fact, we are talking about between 15 and 18 – we have identified over 100 who are interested in going into construction trade apprenticeships. We are talking to people from City and Guilds in London, with a view to introducing construction trades training which is more relevant to what is

required by the industry in Gibraltar than some of the stuff we have been doing in the past, which has been too closely following the curriculum of the United Kingdom.

390 For example, recently in the UK they introduced a requirement to be trained in central heating to qualify for an NVQ in plumbing, so we are looking in particular at the multi-skills NVQ qualification of City & Guilds, where somebody can do a variety of tasks like bricklaying, plastering and tiling, instead of it being three different trades. We have already identified over 100 who have expressed an interest in that area and are now being familiarised with the world of the construction industry.

395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, finally, will Government consider raising the minimum school leaving age to sixteen after an attempt at GCSE exams?

400 **Hon. G H Licudi:** Mr Speaker, that is a power which the Minister for Education currently has under the Education Act and it is a matter that I will be giving consideration to, in conjunction with the professionals, as to whether that is, in fact, the right option, the right thing for us to do. That will be done, clearly, in consultation and in conjunction with the Employment Service as to whether we should require children up to the age of 16 to stay at school and thereafter either to carry on with their education or receive employment opportunities. It is a matter that is being given consideration.

405 **Hon. E J Reyes:** Mr Speaker, I am grateful to the Minister for Employment for his contribution/clarification.

Is the Minister for Employment aware of some problems that were experienced in the United Kingdom whereby, following the example he just gave, instead of an apprentice just coming out with an NVQ Level 2 – for example, in bricklaying or tiling – there is a more collective one, where I think the nomenclature is the ‘wet trade’ and, although they ended up with a valid City & Guilds accredited NVQ Level 2 craftsman status, the problem experienced in the UK was that potential employers were not quite keen on that because they felt the individual was not specialist enough. He had just basic knowledge of bricklaying and tiling and they were looking for more specialisation.

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415 I just raise this so that, I hope, the Hon. Minister will make himself aware of experiences where potential employers have not quite grabbed these newly qualified, more general trained craftsmen, because we do not want a situation where we are investing good money in good worthwhile courses and yet the employers are the ones that are not reacting favourably. I do not know if the Minister has already had some talks with that about that topic with City & Guilds itself?

420 **Hon. J J Bossano:** I think, Mr Speaker, that the hon. Member is quite right in respect of the reaction of employers in the UK.

I think the reason why the courses are structured the way they are is because they are structured like that in response to the requirements of the UK industry. In effect, that reflects that the training in the UK is primarily for new construction and, clearly, in new construction, a bricklayer is much more productive but is only used for bricklaying and then moves on to another building site to carry on with bricklaying.

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430 I think, increasingly, the requirement for a Gibraltar-based industry will be in the maintenance of buildings, rather than in the construction of buildings. So, whereas we may need to import the workers when the building goes up initially, what we are now finding is that we are not producing enough people to look after those buildings and, in looking after those buildings, it is not a question of building a building from scratch, in terms of brickwork, but rather replacing the odd brick here and there or, you know, putting in a bathroom or having to knock down something and put it up again. That is where the multi-skilled element means that, in effect, what we are trying to produce here, is what is available now from sources in Spain and Portugal, where what we call a mason here is really a multi-skilled wet trade craftsman that can do tiling, bricklaying, plastering and rendering – all four trades – whereas, in the UK, they tend to be four different skills, with four different qualifications.

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440 We are trying to make the local qualification of the *standard* of the UK but of the content of what the industry in Gibraltar requires, because one of the arguments that we have found with the people that we have produced is that somebody says they want a mason and we can deliver a tiler or a bricklayer or a plasterer, but we have not got a mason and we are not producing them.

ENTERPRISE, TRAINING AND EMPLOYMENT

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**Statutory benefits
Unemployed Moroccan workers**

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Clerk: Question 52, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Social Security state how many of the 42 Moroccan workers registered unemployed, as answered in Question No. 1055/2012 are in receipt of Unemployment Benefit or Social Assistance?

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

Minister for Enterprise, Training And Employment (Hon. J J Bossano): Mr Speaker, I will answer this Question together with Questions 53 and 55.

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**Statutory Benefits Fund.
Actuarial review**

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Clerk: Question 53.

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Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Social Security say if the Government has conducted an actuarial review of the Statutory Benefits Fund during 2012, in order to determine the long term liabilities of the various Statutory Benefits payable arising from the Social Insurance contribution?

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Maternity Grant applications

Clerk: Question 55.

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Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Social Security say if any application received and approved for Maternity Grant, as shown in the Government website table SS.3 as updated on 10th December 2012, emanated from a common law relationship, whereby the contribution made by the mother was insufficient in accordance with the rules of the scheme but, on the other hand, the contributions of the biological father did meet the contributions required for a married father?

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

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, of the 42 Moroccan workers mentioned, two were in receipt of Social Assistance and one in receipt of Unemployment Benefit. There has been no actuarial review of the Statutory Benefits Fund and, in relation to the Maternity Grant, no such applications have been received.

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Hon. J J Netto: In relation to Question 52, of the 42 Moroccan workers, the answer provided by the Minister is that there are two in Social Assistance and one in Unemployment Benefit. Do I take it, therefore, that there are 39 Moroccans with, perhaps, no income whatsoever?

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Hon. J J Bossano: Well, it does not follow that they have no income whatsoever, if the hon. Member remembers, they range up to the age of seventy-two. Therefore, they have Household Cost Allowance and they have got Old Age pensions, if they are resident in Gibraltar, after the age of 65. The position is that the ratio is no different from the ratio generally in terms of the unemployed, where the proportions that are getting benefit is limited, compared to the numbers that are unemployed not receiving either Social Assistance or Unemployment Benefit, as he must know since those ratios have not changed since he was there.

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Hon. J J Netto: My understanding would be, Mr Speaker, that these particular unemployed Moroccans would, although registered as unemployed, they would not be in receipt of Community Care, as the Hon. Minister has just stated.

Therefore, one probably concludes that the only reason why they are still registered as unemployed is because they have no other source of income – whether it is a pension – at all. So it must almost necessarily follow that, if they are registered unemployed, they are not in receipt of Unemployment Benefit, they are not receiving Social Assistance, they are not in receipt of Community Care and, most probably, they are not in receipt of any pension, whether Social Security pension or any occupational pension, that they have no income whatsoever – taking into account the situation where most of these people have been in Gibraltar, working in Gibraltar, paying taxes, paying Social Insurance, and not receiving anything from the State, despite the contributions they have made to Gibraltar.

If that is not the case, would the Hon. Minister please look into the matter to try and see whether there are these people who have been long-standing residents in Gibraltar and have no income whatsoever? If that is the case, will the Government or the Minister make a review to ensure that these Moroccans are not destitute with no source of income?

Hon. J J Bossano: Well, Mr Speaker, the hon. Member is making a whole series of assumptions and then asking me to do something to investigate if his assumptions are right and to do something to correct his assumptions, if they prove to be right.

All I can tell him is that the position of the Moroccans has not changed since 9th December 2011. Therefore, if they were destitute then, they are destitute now. I do not believe they were destitute then or now because, it seems to me, I have just produced the answer to the Question, which asked specifically, of the 42, how many were getting Social Assistance.

I will find out if the 42 qualify for Social Assistance. Because it is means tested, I can only suppose that the level of the means test prevents other people from getting Social Assistance. The fact that they are Moroccan does not mean that the test applied to Moroccans is any different to the test applied to Gibraltarians. For means-tested benefits, I am sorry, the hon. Member is wrong. He may say 'Yes'. If he knows that we have had one regime for Moroccans, in terms of being able to get Social Assistance, which is different from the regime that applies to Gibraltar, and he has known it for 15 years, perhaps he can let me have the information and save me having to carry out the research. I will see if I can put right what he allowed to be wrong for 15 years!

Hon. J J Netto: Mr Speaker, the system in place is the system that he introduced when he was Chief Minister, in other words move the benefit from being statutory to being an administrative rule so the system is the system he introduced. But given that he is not going to do anything in terms of at least *looking*, which is not a major exercise, looking whether these 39 Moroccans given that he is both the Minister for Employment *and* Social Security, he can easily, with such a low figure, take it to the Social Security Department, make a review and see what the [*inaudible*] but if he does not want to do it, fine: he does not want to do it.

Moving on, Mr Speaker, in relation to Question 53, in terms of my question, which is an actuarial review, I think the Minister said that no actuarial review has been conducted during the course of 2012. Could I perhaps ask him, in a supplementary question, whether the Government does not believe that having an actuarial review is a good thing in itself, particularly given the manifesto commitment of the Party opposite in Government to make a review in this particular area, in order to inform their decisions whenever they wish to do any amendments in this particular area of work.

Hon. J J Bossano: Obviously, Mr Speaker, if we thought that it was necessary to have an actuarial review we would have done it. Since he likes to make deductions from the answers, I would have thought he deduced already that we did not think it was necessary when I told him we had not done it.

In fact, I have to tell him that the Government in which he served did not think it was necessary, either, when I raised it from his side of the House. Perhaps he should go back and look at the answers that I was given. The reason for that was that, at one stage, when actuarial reviews were being done, they were being done on the basis that the Social Insurance Benefits were funded partly from the return on the investments and partly from the contributions and it was in order to recommend the increase in contributions that was required, by projecting forward the return on those investments.

As I think the former Chief Minister told me in answer to my question, in relation to the matter, some years ago, the position now is that, with present interest rates, there is no way of making the Social Insurance Fund self-funding and, effectively, it is a pay-as-you-go fund, which means that you collect the money and you pay it out, except that the amount that we collect is £10 million a year less than the amount that we pay. You do not require to pay an actuary to know that you have got a deficit of £10 million. All you need to do is to look at the accounts. And you do not need an actuary to tell you, in fact, that if you want to wipe out the annual deficit of £10 million by how much you need to increase the contributions. The reason for the actuarial review was making a projection in terms of the prospective burden on the Fund in the future.

I can tell him that one of the shortcomings in the last actuarial review that was made was that it was

570 based on the resident workforce and he may or may not know that the Department of Social Security produced a report some years ago – I think it was in 2010 – pointing out the long-term problem that there was with all the workers that are not resident in Gibraltar who, under Community law, if they had done 52 weeks here, will eventually be entitled to a pension. It is in the knowledge that that problem exists in the future, that we are looking not so much at getting an actuary to tell us how much more we all need to pay, which may well be double what we are paying now, in order to put the existing Fund on a sound footing but we are looking – and I am specifically looking – at how we can create a Fund for the future that addresses that problem.

575 It is not simply a question of an actuarial review because, fundamentally, an actuarial review would be if we were intending to keep with the system, which is already losing £10 million a year, and loses an *increasing* amount every year because, in fact, the ratio of recipients of benefit to contributors is all the time changing negatively: that is to say that, every year, there are more people being paid than people paying in.

580 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister for Employment actually have any figures in relation to the ages of these 42 Moroccan unemployed, with him?

585 **Hon. J J Bossano:** No, I have not got it with me, Mr Speaker, because I gave them in the answer to the question, as referred to by the original Question. I gave the age of each and every one of them. How many there were of 60 or 61 or 62, all the way to 72.

590 **Hon. D A Feetham:** Is he also satisfied now... We do not know what the unemployment figures are, I have got a question in the Order Paper later on. He did say, on the last occasion, that he thought that unemployment was around the 500 figure mark (**Hon. J J Bossano:** Yes)

595 When I last asked him, is he satisfied, on the basis that it is about 500, therefore the percentage is about 8.4% Moroccan workers... The 42 account for about 8.4% of the overall unemployment figures. Is he satisfied that that figure does not indicate a high level of unemployment amongst the Moroccan community, bearing in mind the number of Moroccans here in Gibraltar? Is he satisfied with that and that these are within normal parameters?

600 **Hon. J J Bossano:** The mission of the Employment Services is to employ everybody who is registered as unemployed, irrespective of their nationality or their age. It is not very normal to have people over 65 who are already drawing a pension, registered as unemployed but, in Gibraltar, the pension is not related to having to give up work, like it is in the United Kingdom.

605 In the United Kingdom you could not have both your Social Insurance pension and be registered and be working but you can here. Therefore, people are perfectly entitled, *after* they retire, to register and seek a second job and the group that we are talking about specifically... the original question was over 60. So, the fact that there are... (*Interjection*) Over 60, yes.

Hon. D A Feetham: So the position with the 42 is that these 42 are over 60. In fact, there may well be more Moroccan unemployed that are over 60.

610 **Hon. J J Bossano:** Yes.

Hon. D A Feetham: I understand.

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**Future Job Strategy scheme
Persons employed previously and in receipt of social assistance**

620 **Clerk:** Question 54, the Hon. J J Netto.

625 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Social Security say how many of the persons employed, who have been in receipt of Social Assistance in the age group 18 to 25, are shown in the Government website Table SS.8 as updated on 10th December 2012, found employment through the Future Job Strategy Scheme or through alternative means during 2012, broken down by month and gender?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will

630 answer this question with Question 56, 58, 59 and 64.

635 **Future Job Strategy scheme**
Companies which have signed contracts with ECTL

Clerk: Question 56, the Hon. D A Feetham.

640 **Hon. D A Feetham:** Mr Speaker, can the Minister for Employment state how many companies signed contracts with Employment Training Company Limited as at 31st December 2012?

645 **Future Job Strategy scheme**
Trainees placed in public service

Clerk: Question 58.

650 **Hon. D A Feetham:** Mr Speaker, can the Government provide a breakdown of Government Departments, Government companies or Authorities in which each Future Job Strategy trainee is placed, indicating in relation to each, the type of training that person is receiving?

655 **Future Job Strategy scheme**
Trainees placed in private / public sector

Clerk: Question 59.

660 **Hon. D A Feetham:** Can the Minister for Employment state, as at 31st December 2012, how many Future Job Strategy trainees were placed in the private sector and how many in the public sector.

665 **Future Job Strategy scheme**
Companies which have signed contracts with ECTL

Clerk: Question 64.

670 **Hon. D A Feetham:** Mr Speaker, is the Minister for Employment now in a position to provide a list of names of employers who have signed contracts with Employment Training Company Limited in respect of the Future Job Strategy employees.

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of trainees who found employment through the Scheme in 2012, broken down by month, is as follows – February – 1; April – 1; May – 2; July – 2; August – 2; September – 1; October – 2 and November – 1. Broken down by gender: nine males and three females.

680 The number of trainees who found employment through alternative means by month was January – 2; February – 4; March – 1, May – 1; July – 3 and November – 2. The gender breakdown is nine males and seven females.

685 **Mr Speaker:** If I may interrupt the hon. Gentleman. Did you say May – 1?

Hon. J J Bossano: No. Male nine and seven females. The gender breakdown.

Clerk: No, May – the month of May.

690 **Mr Speaker:** The month of May.

Hon. J J Bossano: No. No. Oh, in May... Sorry, in May it was 4.

695 As at 31st December 2012, 179 companies had signed contracts with the Employment and Training Company Limited. The persons receiving training through the public service are distributed in the following areas:

700 Care Agency; Ministry of Enterprise; Training & Employment; Department of Social Security; Department of Consumer Affairs; Department of Education; GHA; Citizen's Advice Bureau; Gibraltar Court Service; Gibraltar Sports and Leisure Authority; Gibraltar Tourist Board; Ministry of Sports, Culture, Heritage and Youth; Human Resources Department; Royal Gibraltar Police; Statistics Department; Treasury Department; Gibraltar Bus Company; Ministry for Social Affairs; Ministry of Finance and Education; Gibraltar Electricity Authority; Gibraltar Maritime Administration; Income Tax Department; Housing Works Agency; Department of Postal Services and Terminal Management.

705 The type of training that these individuals are receiving are as follows: Administration and office skills – 81; Construction – 59; Social and health care training – 43; Mechanical and allied trades – 24.

As at the 31st December 2012, 331 trainees were placed in the private sector and 207 were placed within the public sector. The following employers have signed partnership agreements with ETCM: Acehoba Limited; Music Copyright (Gibraltar) Limited; Hammonds; SFA Total Refurbishments; A & K General Builders Limited.

710 **Hon. D A Feetham:** Mr Speaker, unless I am mistaken, he has not answered... Ah! That was the one... I beg your pardon, 57... We have not asked 57, just 56 and then we went over to 58.

715 Mr Speaker, just in relation to 56, the number of companies that have signed contracts with Employment Training Company Limited as at 31st December 2012, can the Hon. the Minister for Employment confirm that every single one of those companies that have signed contracts actually has a trainee placed with them.

Hon. J J Bossano: I cannot tell him at this very moment how many have because, in fact, they all have different starting dates and different finishing dates.

720 There are some companies, for example, that have taken on some people, employed the ones they took initially, and asked for more trainees. There are others that have only taken on trainees in the last month or so and there are others that may have taken the trainee on after the completion and no longer have any, but I would say those are the minority because the initial thing was 11 months, starting from February onwards. Therefore, there were very few on 1st February when the system came into being and although, 725 in some cases, the period of the training has been less, quite a lot of these training agreements were for the eleven months and therefore would be expiring in January. So there would be, I would say, quite a lot of the 179 – if not all of them – still have some people of the ones that started initially but are now reaching the end.

730 **Hon. D A Feetham:** Yes, the reason why I ask is because I asked a Written Question – Question 257/2012 – I asked this question in writing and you very kindly provided a schedule containing the answer. There were 22 companies that did not actually have any trainees that had signed contracts, but did not appear to have any trainees. Can he explain why such a large number of companies that have signed contracts with trainees – I can, in fact, hand over the schedule to him so he can verify for himself... but that is the answer that he gave me in writing in December last year.

735 **Hon. J J Bossano:** Well, yes. There is no mystery, Mr Speaker.

740 I am telling him that the trainees go in and come out. Therefore, people can sign... they sign the contract at the beginning and the training may start later. That might have been either people who have not yet taken them on or who have now employed them. It does not mean that there has to be a simultaneous, instantaneous commitment translated into [*inaudible*]. Somebody can sign an agreement this week and the trainee can start in three weeks' time, or somebody could have signed the agreement and the trainee finished three weeks ago.

745 At any point in time there will be a given number that are in the process of either taking them on as employees or starting on with new trainees. There is nothing special about 20

750 **Hon. D A Feetham:** Can it also include a situation where the company has signed the contract with ETCL but, in fact, has not decided to take on the trainee on a permanent basis? Therefore, the figures that you are giving me – the 179 – actually includes, within that, a number of companies that have done precisely that, taken somebody on but then said this person is not suitable and sent them back to the ETB. Can that also explain the figures...?

Hon. J J Bossano: I think it is important to recall that we are not training people where there are no jobs. There are vacant jobs in respect of which we are providing trainees from the Department. Therefore,

755 this is clearly an inducement to overcome the argument of an employer, that the reason why they bring somebody from outside is because there is nobody trained here.

If we provide somebody, we give the person a choice of a number of possible candidates. The employer selects the trainee and has a month in which to decide whether they consider that person to be suitable. If, at the end of the month, they send that person back, then they get given a replacement. There is no case of a company saying: 'I'm signing an agreement and then you send me somebody for one month – I don't want this one and don't send me any more...' That does not happen – if that is the question.

765 **Hon. D A Feetham:** Mr Speaker, what I am trying to really look at, and trying to verify for myself, is the success of the Scheme. Of course, you say there are 179 companies that have signed contracts with ETCL: of course, we then look at the number of trainees that have actually been taken on permanently – and I accept that we are now coming to the end of the 11 months for the first batch of –

Hon. J J Bossano: Yes.

770 **Hon. D A Feetham:** – people that signed contracts but, in relation to the success rate – and the success rate is relatively low... I am not suggesting that it is going to remain low and I hope the Hon. the Minister for Employment is very successful in ensuring that trainees find employment. But, of course, the figures that he is giving me is that 12 trainees have actually found a job as a consequence of the Scheme – the Future Job Strategy Scheme – placed and then taken on by the employer. That is 12: nine male, three female so, of course, there appears to be a discrepancy at the present moment. 'Discrepancy', perhaps, is the wrong word but there is a gulf between those 12 and the 179 contracts.

775 One would expect there to be a figure closer to 179 people that are ultimately taken on, so can he assure the House that, in fact, when one looks at these figures that he is confident that, come the maturity of these contracts, so to speak, after 11 months that the figure is going to be closer to 179 rather than obviously the 12 that it is at the moment?

785 **Hon. J J Bossano:** Well, it is a little bit closer because I can tell the hon. Member that this figure is at the end of December and it is already closer today, that is, there have been a number that have been taken on since.

I think there are two elements in the arithmetic that he is doing that he is overlooking. One is that there are people who have left and found another job but in the same industry. That is to say, we have got people who are in construction training who finish up maybe working for somebody else rather than the person who is training them. There is nothing... We cannot penalise the employer for that. And there are people who have found jobs in a completely different industry where, in fact, the nature of the training is not as specific as construction.

790 We have, for example, somebody that may have been training to be a receptionist in a legal firm and has found a better job in a gaming company and left, so they are in the figures that I gave him. I gave him both the people who have found work, other than with a training provider, and the people who have found work *with* the training provider.

795 So, the answer is that it was not because the training provider did not want them. I think the fact is that the some of the employers are not entirely happy about the situation where they do the training and then somebody else gets the benefit of that training, but the commitment applies only one way. We do not have a requirement that the trainee cannot go. It is that the trainer has either to take him on or pay.

800 **Hon. D A Feetham:** Yes, Mr Speaker.

Of course, the answer the hon. Gentleman has just provided me also makes an assumption – an important assumption – because it is underpinned by the assumption that the 16 who found jobs off their own bat, so to speak, have been employed in the same industry and that the placement that they had in relation to the Future Job Strategy, and whatever training they may have received, was actually *relevant* to the job that they ultimately found. Can the Minister, perhaps, enlighten this House in relation to that? Does he know, out of the 16 that found jobs off their own bat, how many of those actually found employment in the same industry or sector in which they were trained as Future Job Strategy trainees.

810 **Hon. J J Bossano:** Well, I can only give him an indication, Mr Speaker, because he is not asking me a supplementary about the Question he has put now, he is asking me a supplementary about the written answer to a written Question of the last House.

815 **Hon. D A Feetham:** I am asking him in relation to the answer that he has given to the Question that my hon. Friend, Mr Netto, has asked. Because you have batched his Question with mine and because they are relevant to mine, I have sought to ask you a supplementary in relation to that. But it is in relation to

No. 54 that you have answered: Nine male, three female have found jobs as a consequence of their training and within the company that they were placed as Future Job Strategy trainees, and nine males and seven females have found jobs off their own bat but not in the company that they were placed...

820 **Hon J J Bossano:** Yes. Those were people within the ages between 18 and 25. Therefore, in that area, what I have told you in relation to the normal working of the Scheme does not necessarily apply – that was in relation to the information on the internet, in the table from the Social Security.

825 **Hon. J J Netto:** Mr Speaker, I wonder whether the Hon. Minister can clarify, because the figures that he has provided me in Question 54 do not seem to square up with the Government figures on the Government website. From the figures he has provided me, (*Laughter*) after looking at the column 18 to 25, it did say there had been a total of 10 people who found employment through the Future Job Strategy Scheme and there had been another 16 who had found employment through other means. That makes it a total of 26. When we look at the Government website for December, which is what my questions asks –
830 December – the number of people in December who found employment in the column, 18 to 25, is 4, so am I missing something out or does the figure not tally?

Hon. J J Bossano: Mr Speaker, the answer that was prepared, was prepared on the basis of all the people that were in that table who had found employment at different months of the year.
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Hon. J J Netto: No, for December. If the Hon. Minister would give way – if he goes to my Question, my Question asked for December.

Hon J J Bossano: No, the hon. Member asked in respect of December: the reference is *as updated* in December and the table was updated in December but it does not mean that it was updated by putting a figure about December. It was updated because the last time the figures were there were for June and the
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845 **Hon. J J Netto:** So do I take it that the figures given me is from January to December.

Hon. J J Bossano: Absolutely, yes.

Hon. D A Feetham: Yes, Mr Speaker. In relation to Question 58, he gave me a list of Authorities and a list of Departments which is all very helpful, and he also gave me the totals at the end. What he did not give me – what the Question asks – is a breakdown in relation to each Department where those trainees are actually placed. In other words, in the Department of Trade and Industry, or Department of Enterprise, there are three trainees; in the Leisure Authority there are nine trainees. That is what I was asking. Does he have that information, that he can provide, because that is the question?
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855 **Hon. J J Bossano:** I do not have that information, but I did give him the answer last time when he asked the same thing. I told him that people are moved from one area to the other and I can tell him that the answer I can give him today will not necessarily be true tomorrow. Now, if that is what he wants to know, at a particular day on a particular time – how many there were in different places – then I can get that for him but it is not that they are there permanently.
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Hon. D A Feetham: No, I understand that they are not there normally.

The Questions are all designed to give me a picture of what the position is on a quarterly basis. I don't mind if the hon. Gentleman provides that information on a quarterly basis and I don't have to ask him on a month by month basis, but I would certainly appreciate if the hon. Member were to provide me with that information because it is what the Question asked. I will then not ask the same Question until three months' time so that I know what, effectively, the movement of trainees is within Departments on a quarterly basis, providing me with a picture. I do not need it on a monthly basis, but if he can... Can he write to me and provide me with that information, bearing in mind that I have already asked the Question...
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Hon. J J Bossano: Yes, there's no problem with that, Mr Speaker.

Hon. J J Netto: Mr Speaker, I have done the exercise once again on the basis of the latest information and it still does not tally. The figures he produced was 26 but if you add the column on the Government website it's 32.
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Hon. J J Bossano: I will check the accuracy of the figures. All I can tell him is that, Mr Speaker, I

880 spent a lot of time asking people to make sure that the answers that they give tally and have them working overtime on Saturdays and Sundays to make sure it happens, but it may have escaped the tally that they are required to do. I will make sure that, if there is an inaccuracy in the numbers given, it is put right.

885 **Registered unemployed
Figures for 2012 quarters**

Clerk: Question 57, the Hon. D A Feetham.

890 **Hon. D A Feetham:** Mr. Speaker, can the Minister for Employment provide the figures for registered unemployed for each of the quarters in 2012?

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

895 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question with 60, 61, 62 and 63.

900 **Job vacancies
Figures for 2012**

Clerk: Question 60.

905 **Hon. D A Feetham:** Mr Speaker, can the Minister for Employment state how many job vacancies were being filled by people who were registered as unemployed between (a) 0-3 months (b) 3-6 months (c) 6-12 months (d) 12-24 months and (e) above 24 months for 2012?

910 **Registered unemployed
As at 31st December 2012**

Clerk: Question 61, the Hon. D A Feetham.

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

920 **Notice of termination / engagement
Public sector for 2012**

925 **Clerk:** Question 62, the Hon. D A Feetham.

930 **Hon. D A Feetham:** Can the Minister for Employment state how many (a) notices of termination of employment and (b) notices of engagement of employment were received by the ETB from the public sector in 2012 including, for the avoidance of doubt, Government-owned companies and Authorities, divided by nationality?

935 **Notice of termination / engagement
Private sector for 2012**

Clerk: Question 63, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many notices of (a) termination of employment and (b) engagement of employment were received by the ETB in respect of the private

940 sector in 2012, divided (a) by nationality, and (b) by industry sector.

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

945 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the average figures for registered unemployed Gibraltarians for each quarter of 2012 are as follows: 1st quarter – 522; 2nd quarter – 4...

I'll start again. The average figures for registered unemployed Gibraltarians for each quarter of 2012 are as follows: 1st quarter – 522; 2nd quarter – 484; 3rd quarter – 588 and 4th quarter – 493.

950 The vacancies filled in 2012 by registered unemployed between a period of 0-3 months – 7,149; from 3-6 months – 208; from 6-12 months – 78; from 12-24 months – 28; and 24 and above – 72.

Registered unemployed as at 31st December 2012, broken down by the period of time registered, were: up to 3 months – 200; 3-6 months – 106; 6-12 months – 62; 12-24 months – 16; and above 24 months – 19.

955 **Hon. D A Feetham:** 19?

Hon. J J Bossano: 19: 1-9.

In the public service in 2012, the number of terminations by nationality was as follows: Gibraltarian – 588; Moroccan – 23; British – 113; EEC – 18; Non EEC – 2; Spanish – 68.

960 Engagements, by nationality, in the public sector were: Gibraltarians – 1,267; Moroccan – 11; Other British – 153; Other EEC – 18; Non EEC – 4; Spanish – 40.

In the private sector the terminations, by nationality, were: Gibraltarians – 2,086; Moroccan – 100; Other British – 1,601; Other EEC – 1,012; Non EEC – 120; Spanish nationals – 1,924.

965 By Industry Code, the breakdown is as follows: Water Supply – 5; Shipbuilding – 301; Other manufacturing – 59; Construction – 1,449; Wholesale – 100; Retail Trade – 590; Hotel Trade – 62; Bars and restaurants – 689; Repair of consumer goods – 42; Sea transport – 104; Air transport – 8; Road transport – 146; Post and communications – 17; Banking Finance and Insurance – 879; Public Administration – 141; Police and Fire Services – 153; Education – 54; Medical and Health Service – 36; Other Services – 2,008.

970 Engagements in the private sector in 2012, by nationality, were: Gibraltarians – 1,521; Moroccans – 79; Other British – 1,628; Other EEC – 934; Non EEC – 132; Spanish nationals – 1,748

As I informed the Member before, the computer programme does not provide the function of giving a breakdown by industry in respect of vacancies filled.

975 **Hon. D A Feetham:** Mr Speaker, obviously in the time available I cannot do an analysis in relation to Question 62 and Question 63. I did do the analysis the last time I asked – I have asked on a number of occasions but for the last time I had useful information, for a useful period of time, I undertook the analysis and – I am just looking at my analysis and then ask the Question – if one looks at the notices of engagement and the notices of termination both between the private sector and the public sector for the first six months of last year, in relation to the private sector there is a deficit of engagement, in relation to terminations, of 108. In other words, there are 108 more terminations than there are engagements.

980 In the public sector there are actually 610 in the public sector surplus, so there are 610 more engagements than there are terminations. Does he know whether that is the trend that continues, from the figures that he has provided me, right through the year, from June last year when I last did this exercise? I did it for the first six months. Does he know whether that trend carries forward?

985 **Hon. J J Bossano:** Well, the trend is in the same direction. I cannot tell him offhand whether it is to the same degree. That is to say, I cannot tell him whether the numbers in the second half have been the same as the number in the first but I can tell him that the number has been a decline in the private sector and an increase in the public sector in the second half as well.

990 **Hon. D A Feetham:** Yes, I appreciate the answer. That is precisely what I thought would be the trend. Can the Hon. the Minister for Employment provide an explanation as to why there is this trend of a decrease in notices of engagement in relation to those of termination in the private sector?

995 **Hon. J J Bossano:** Well, Mr Speaker, the answer to that is already available to him in what I have read out because there is an industry breakdown. He will see that the biggest single increase in terminations is in the construction industry, and when I have given him the industry breakdown, he will see that, although it is spread throughout the industry, 1,449 are in the 'construction sector' and 'other services' is the biggest of the lot, which is 2,008. In the 'other services' we have a fairly high turnover in the gaming industry, where the figures are very high but, in fact, the terminations have been of this order

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regularly. That is to say, there is... I mentioned before that we have a very, very high churn of workers in the private sector – of the order of 30% or 40%.

1005 **Hon. D A Feetham:** Yes, Mr Speaker, but you see, again, in June and July of this year, when I looked at the figures for the loss of employment within the construction industry, the loss of employment within the construction industry had actually occurred at the beginning of last year. It happened to coincide with the fact that the new Government – the new administration – had come into office, had stopped virtually all of the projects that pertained from the previous administration and there were a lot of construction workers laid off at the beginning of the year. Now, is he saying that that construction lay-off has actually continued across the year because I don't think that is right?

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1015 **Hon. J J Bossano:** Well, the figure of 1,449 is for the whole year. I don't have the figure for the first six months but he will be able to tell, by comparing this with the previous one, how much more there has been in the reduction in that area.

1020 I think the hon. Member should remember that there is a constant, and there has always been a constant, move of workers in that industry from one employer to the other. That is, if one company loses a contract, they lay people off and if another company gets it, they take them on. In fact, in the economy as a whole the difference between the level of employment in December 2011 and the level of employment in December 2012 is 120.

1025 **Hon. D A Feetham:** Mr. Speaker, yes but, according to these figures that he has provided – the level of employment – the increases are in the public sector, not in the private sector, so any increase has been in the public sector.

1030 Can I ask the hon. Gentleman, is he concerned by this apparent loss of jobs in the private sector and does he expect there to be an upturn in jobs in the private sector in relation to this coming year – looked at the last year – this coming year, bearing in mind any projects that the Government may have in the pipeline, for example? First, does he feel concerned about the trend and is he confident that the trend will be reversed this year?

1035 **Hon J J Bossano:** Well, I can tell him the trend that will not be reversed this year, and that is that in the last 12 months, we have had a very substantial increase in the number of Gibraltarians working and that trend *will* continue in the next year. That I can tell you.

1040 Therefore, Gibraltarians and other residents in the figures that I have given him, if he looks at it and he compares the nationality breakdown, he will find that there have been more Gibraltarians and British citizens gaining employment in the year than those losing employment in the year

1045 What we have lost have been Frontier Workers who, clearly, only come in when we are short of workers locally. So if there was tomorrow, a great deal of increase in construction work and the industry is incapable of meeting that demand, people will come in and if those works finish, people will go out. That has been the pattern for as long as Gibraltar has been relying on imported workers for its construction industry – and that is where most of it is.

1050 In the case of the other services, as I say, a big chunk of the other services are the gaming companies and whether they lay people off or they take people on is not something that is in the gift of the Government of Gibraltar. If it was up to us, I would have them taking on new people all the time but the private sector provides work because there is a *need* for manpower. To the extent that we cannot meet the manpower from Gibraltar's own resources, they have to bring them in from outside. It is the policy of the Government to try and meet as much as it is possible to meet from within Gibraltar and we hope to get there eventually.

1055 **Hon. D A Feetham:** Mr Speaker, with respect to the hon. Gentleman, he has not provided me with an answer.

1060 I understand that there has been an increase. What I am suggesting, and what the figures show, is that the increase in jobs has been in the public sector, not in the private sector: in the private sector there has been a *decrease* in jobs. I accept that, in the public sector, from the answer that he has provided me, the majority of jobs in the public sector have gone to Gibraltarians, in fact – not British: there is a deficit in British, certainly for the first six months of last year. (*Interjection by Hon. J J Bossano*) I accept Gibraltarians but that indicates that the Government is creating employment within the public sector, most of which actually happens to be Future Job Strategy trainees because there are 500 out of – for example, during the first six months of last year, the 608 in the public sector – Gibraltarians 500 and something of those, 50 of those were within the Future Job Strategy Scheme and the remainder were, obviously, increases of employment within the public sector.

An increase in employment in the public sector, whilst it may create economic activity – and I accept it : people in jobs then have money in order to get mortgages and spend etc – is not reflective of the

1065 general health of the economy and the labour market if what we see on the other side, in the private sector, is a decrease in jobs.

So, I will ask him again: is he satisfied that there is no downward trend in jobs in the private sector and none that the Government believes it has got to reverse during the course of this year?

1070 **Hon. J J Bossano:** Well, Mr Speaker, he knows the answer to the question that he is asking because he has actually identified that the bulk of those public sector jobs are people in training who will be given jobs by the private sector. They appear as public sector now but they will appear as private sector employees the moment the training is over. That is the answer: he knows it.

1075 **Mr Speaker:** Any other supplementaries?

**Public sector employees
Breakdown and details**

1080 **Clerk:** Question 65, the Hon. D A Feetham.

1085 **Hon. D A Feetham:** Can the Government provide a breakdown, by nationality and department, of employees within the public sector, including Government companies and Authorities, on 11 month contracts stating, in relation to each, when they were first employed, irrespective of the date on which their current 11 month contracts commenced?

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

1090 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I am informed by the relevant Departments that this information is not computerised and therefore not readily available.

1095 **Hon. D A Feetham:** Mr Speaker, it is a very convenient situation indeed.
Can the Hon. the Minister for Employment provide me with an indication of when he feels that this information might become available and if I asked it again – if I asked it, for example, next month – whether he would have the information next month? You see, we have expressed concerns on this side of the House in relation to the Government using these 11-month contracts to have people on revolving 11-month contracts and we don't believe that that is a fair situation.

1100 I have had exchanges with the hon. Gentleman across the floor of this House in relation to the use of 11-month contracts in relation to Spanish workers and we all agree that we all want more Gibraltarians in jobs. I agree, he agrees and everybody agrees, but to have a situation where you actually notify a worker, as happened last year – a Spanish worker in Mount Alvernia, just before Christmas – that their 11-month contract was not going to be renewed, apparently not for reasons about that person's suitability for the job, does not seem right to us. This is an important part of Government business because I also recall that, at the beginning of last year, the hon. Gentleman told me that, no, that the policy had not changed from the previous administration and that nobody was being put on revolving 11-month contracts. Well, if he knows that, he ought to know, effectively, the underlying information, too.

1110 **Hon. J J Bossano:** Mr Speaker, first of all, we cannot have put people on revolving 11-month contracts because that would require us to have been in 22 months and we haven't been. All the revolvings had been taking place before 2012 (**Hon. D A Feetham:** Not necessarily.) and we inherited people on revolving 11-month contracts in 2012 when we came in.

1115 Secondly, the hon. Member is asking me not about a specific sector of the public sector but about every single worker in the public sector and he is asking me to find out whether they were first employed with their first revolving 11 months in his time. That it is to say the hon. Member says it is very convenient that we have inherited from them a system that is incapable of answering this question about something that happened in his time. Well, all I can tell him is that, in 2012, there was nobody given an 11-month contract which has been there for a very long time without an 11-month contract... But I can
1120 only tell him about 2011 and 2012. I can tell him it is impossible to examine manually the profile of each one of the 5,000 people registered with the ETB to find out when was the first time they started work. It is impossible, unless we chose to provide a massive amount of money for overtime and have people working every weekend for the next six months. I can tell him that the instructions to my Department are that they check and re-check the figures that I produce and they go back and look at the computer to make
1125 sure that I am giving accurate information to him and to this Parliament.

1130 But he is asking a question which is about every public sector employee. I have no way of knowing whether every public sector employee is, or is not, on an 11-month contract and whether, before 2012, they had an 11-month contract which went back in time and whether they started work with an 11-month contract or they started work with some other kind of contract, which is what the Question seeks me to provide. It is not possible to do that other than manually and I don't know whether it is even possible with a computerised system to programme for that specific information because one of the things that he may be interested to know is that, in order to provide him with the information in the way he asks the questions, I would have to bring people in to alter the programme of the ETB so that they provide the breakdowns that he wants. It was not there automatically, but I am happy to do it if he is entitled to ask for information in the way that he finds most useful and we have got an obligation to provide him. I am sure he would remember that I also found that I wanted to have information in certain ways and I was told the amount of manpower that would be involved in doing these things manually would be prohibitive.

1135 As regards the specific example that he has given, about the case of the Care Agency, I can tell him that when it came to my notice I rang up the person responsible, the public servant responsible for having given this contract, and suggested that... it was not the most wise thing to do, to actually have a contract that terminated on Christmas Day. The answer that I got was: 'Look, we've recruited this person to cover maternity leave and it so happens that her contract ends on the day the person comes back. Unless I get a political directive to keep people beyond their maternity cover for which they were recruited, they were recruited on a contract that ended on that day... they were told it ended on that day when they were recruited and the reason for the day is that the person happens to be coming back on that day from maternity leave.' So it was not a political decision, it was a decision that was taken at the time by the people who are employed to take these decisions. The fact that they took it, to me, it seemed odd to... I would have thought if you were going to have somebody working at the very least you would want them to carry on working over the Christmas period when, in any case, there is usually a demand for workers because people tend to be away from work in that.

1140 It was not that somebody was being spiteful by choosing to put somebody on the dole on Christmas Day. It just happened to be like that and I asked for an explanation, without having to be prompted by a Question and by having it raised here, simply because it did not seem to me to be a nice thing to do to anybody. But the answer was that it was straightforward, that that was they were told when they were going to start and when they were going to finish: they knew it from the beginning and the reason was that it so happened that the person they were covering for was coming back then.

1145 So, as far as the 11-month contract was concerned, the rationale of the 11-month contracts which were there when we came in were to provide cover. The only thing that has changed, in terms of the recruitment in the Agency, is that the argument that was used previously, that they could not recruit local people because they had no experience, has been dealt with by providing trainees and giving people the opportunity to gain the experience and now what the Agency does is it can now recruit experienced people that they themselves have trained. That is what is happening.

1150 **Hon. D A Feetham:** Well, Mr Speaker, I don't know whether he has all the full facts in relation to this particular case because my information is that this particular individual was working within the Care Agency for two to three years. This had not been... working for two to three years within the Care Agency and, in fact, is it not the case, Mr Speaker, is it not the case that so incensed were the workers of Mount Alvernia at the fact that this particular worker was to be effectively... her contract was not going to be renewed after the 11 months and, in fact, that there was a general strike being threatened and that the Chief Minister had to personally intervene and go and visit... *(Interjection and laughter)* and intervene and go to Mount Alvernia himself?

1165 **Hon. J J Bossano:** I do not think his source of information is more accurate than mine but, certainly, if we had known that, we would have celebrated the 'general strike' with the other function which I was invited by Unite to attend to celebrate the first general strike in 1970-something. That would have been the second general strike in Gibraltar!

1175 Look, all I can tell the hon. Member is that I *personally* rang the lady who is responsible for human resources in the Department and asked for an explanation. If the hon. Member says that the information that I have given him is wrong then I can tell him that I was misled by that person and I will go back to that person and find out why, because I was told, when I questioned why are we terminating the contract of employment of somebody on Christmas Day – which does not seem to be the right thing to do: irrespective of their nationality, nobody wants to be sacked on, and nobody should want to sack anybody on, Christmas Day – the answer was 'She was told, when we gave her the contract, that she would terminate on the 25th because the person she was covering for is coming back from maternity leave on the 25th, so there's nothing... this is normal. That is the way maternity cover works, but if you give me a political directive to carry on employing somebody that I don't need, when somebody is coming back from maternity leave, then I will do it'. The answer is 'No, I just wanted to know because it had been

brought to my notice. I wanted to know why we were doing it.' That was the explanation I was given and that is the explanation I am sharing with the hon. Member.

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The fact that that person may have been used to provide maternity cover on previous occasions may be true or not true. I have not checked that. But, presumably, if they have it is because the practice over the last three years, before *we* got in, under the previous administration, was to do that, to have people in to cover maternity. If it has happened once in our time and three times in his, then he should have put it right when he was there! (*Laughter*)

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Hon. D A Feetham: But Mr Speaker is it not the case that the problem and the reason why the workers at Mount Alvernia were threatening a strike was because of the underlying policy from his Department of not allowing a Spanish worker to actually apply for the job because they were not resident here, because he had taken a decision, no matter how good a person is, no matter how qualified a person is, if that person is of Spanish nationality, that person should be barred from applying for the job? Is that not the case and is that not the underlying reason for the strike threat that the Chief Minister had to avert with his visit to Mount Alvernia?

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Hon. J J Bossano: Well, Mr Speaker, he has asked me that question before and I have told him it is not true and you know I notice how emotional he is about defending the rights of workers that are Frontier Workers. All I can tell him is that I have come across some instances in *his* time when Gibraltar workers were sacked with one month's notice, with no explanation, after working continuously for six years for *his* Government. So I wish he cared as much for Gibraltarians as he does about the people from outside.

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Hon. D A Feetham: Well, Mr Speaker, just returning to some of the answers that he gave me before because there were a number of points that he made ...

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Mr Speaker: We are on Question 65.

Hon. D A Feetham: On the same Question, on the same Question.

Mr Speaker: Right.

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Hon. D A Feetham: It is not true to say that the policy of the GSD Government was to effectively, discriminately use [*inaudible*] of contracts. The position under the GSD was that people who started were placed on probationary contracts to see whether that person was suitable for the job. But if that person was suitable for the job, they were then placed on permanent employment.

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Can the Hon. the Minister for Employment give an assurance to this House today that these 11-month contracts are not going to be abused by the Government and his Department, in order to ensure that he somehow keeps a control as to who is employed in Gibraltar and who is not employed, particularly, obviously, in the public service? (*Interjections*)

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Mr Speaker: Order.

Hon. J J Bossano: Mr Speaker, I do not know what the policy of the GSD was with the benefit of hindsight but I can tell him that the policy that was reflected in the practice was that there were innumerable people all over the place, residents and non-residents, who had been continuously renewed without being made permanent. Yes and, in fact, we gave a commitment that people who had been on permanent supply in a number of areas were made permanent because they had been there continuously. (*Interjections*)

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Mr Speaker: Order, order. I am not going to have hon. Members speaking across the floor when somebody holds the floor.

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Hon. J J Bossano: Thank you, Mr Speaker.

The hon. Member has put a question about the whole of the Government on the 11-months contract. The 11-months contract that were there, if they were the second time round, it was the second time round because we renewed them for 11 months, but if they had been there for a very long time, it must be because they were renewed before we were there because, mathematically and arithmetically, it cannot be any other way.

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If the hon. Member says that there is something wrong with not making somebody permanent after a certain time then I can tell him that there are examples in *his* time where, for no apparent reason, this happened to other people. The reality of it is that if anybody feels that they have been denied a legal right,

1250 then the recourse is open to them to challenge it.

The policy of the Government is to give priority of employment to Gibraltar residents – that was the policy on which we were elected. My job in the Employment Service is to make that policy more likely to be delivered, by ensuring that I provide the opportunity for people who are resident in Gibraltar to apply for these jobs. The reality is that, in the Agency for years, Gibraltarians could not apply for these jobs because the requirement was that the experience they had to have, they could not get because there was nowhere to get the experience. This is why they had people on short-term contracts. The Government that was here previously, in answer to my Question, when I was pressing for opportunities for local people, told me on innumerable occasions that the policy was to give priority to local people and that when they brought in people from outside, it was in order to fill jobs until local people were trained or ready or qualified. So I do not know why they should find a policy that they previously defended, objectionable now.

We are actually trying to do a better job of what they protested they were trying to do. I hope we will be able to achieve it and that he will be able to congratulate me on it before the next election.

1265 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister not accept that there is a difference, there is a fundamental difference, between the view that we all share in this House – that obviously it is... we *all* want more Gibraltarians in jobs – and the difference between that and the abuse, and systematic abuse, of 11-month contracts in order to cull a particular nationality from the public service, regardless of whether that person is *good* for the job, that person is *good* for service users, *good* for the public service. What one needs to be looking at is, obviously, those kind of factors, whether somebody is good for the job. Does he not accept that there is a fundamental distinction between the policy that we all agree with and the abuse of 11-month contracts and is he, and is his Government, abusing the 11-month contract or is it not?

1275 **Hon. J J Bossano:** As I pointed out to the hon. Member, revolving 11-month contracts requires at least twenty-two months and we have not been twenty-two months so I do not know what abuse he is talking about.

If he looks at the numbers employed, he will find that the difference between a year ago and now is that there is *one* Frontier Worker less. The policy is that, from now on, he will find that the number of Gibraltarians will increase because we are training them in order to be able to increase. The policy of the previous Government was not that they *wanted* to bring these people in but that they had no choice but bring them in to *cover*.

The whole philosophy of having contract workers, since time immemorial, was not so that the contract workers would then become permanent and block the jobs for future school leavers but that the contract workers should fill a gap in our skills mix and if we have got a shortage of skills you bring people in from outside until you can produce the skills. I do not think any other country does anything other than what we are trying to do, which is to protect Gibraltarians and other permanent residents here in terms of competition, which is very tough, and where the competition is not of our own making but because of the needs of others, which we understand.

I can understand that the people who can get a job here will fight tooth and nail to keep it even if they have been brought in to cover a short term need. They will want to convert that job. Of course, they do because they have got their own interests and their families to look after and that is understandable. But our job *has* to be to bring down the level of unemployment and then when we find that we have really exhausted what is available then, of course, others will have an opportunity to take what work there is. The more jobs there are and the more people we employ, the better for everybody but not at the expense of having higher unemployment levels than we need to have.

1300 **Hon. D A Feetham:** I accept the underlying sentiment. What I do not accept is the way that the Government is actually going about it in this particular instance.

Of course, the Hon. the Minister for Employment says ‘We have only been in office for twelve months: we are now coming to the end of the twelve months and now we are deciding whether to renew 11-month contracts.’ But that does not necessarily follow because you could have a situation where somebody has had a job on probation on these 11-month contracts and the eleven months actually expired in May, or in June, or in July – at any time during the last year – because I accepted that the policy of the Government, not in relation to Spanish nationals, but across the board...

The GSD Government did not discriminate against anybody. What we had was a system of 11-month contracts, (*Interjection*) an 11-month contract to see whether somebody was good for the job. (*Interjection*) Yes, good for the job and, in certain circumstances at the end of the probationary period, (*Interjection*) in certain circumstances at the end of the eleventh month, there were some individuals – and I accept that because I know that actually happened – there were some individuals where they may have been extended for a further three months because people, because the Department concerned,

management, was undecided as to whether that person was good for the job or was not good for the job – was good for the job, was not good for the job. (*Interjections*)

1315 **Mr Speaker:** Order, order, order!

Let me recapitulate as to what is happening. We have a question here on a specific matter which the Hon. the Minister for Employment has informed the House that the information was not available. I allowed leeway on the question of this particular employee who had her employment terminated on 25th December because I thought it was linked with the question of the 11-month contract and I should be liberal in that respect. But the situation that we now have is that we are having a debate on general employment policy and I honestly think the matter has been exhausted sufficiently and that we should now move on to the next Question.

1325

**Gibraltar Savings Bank
Independent management**

1330 **Clerk:** Question 66, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Minister with responsibility for the Gibraltar Savings Bank state what steps the Government has taken to ensure that the Bank has an experienced and independent managerial team?

1335 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this Question with Question 67.

1340

**Gibraltar Savings Bank
Independent regulation**

1345 **Clerk:** Question 67.

Hon. D A Feetham: Mr Speaker, can the Minister with responsibility for the Gibraltar Savings Bank state what steps the Government has taken to ensure the Bank is subject to independent regulatory oversight.

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

1355 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the Savings Bank is selling the same savings instruments under the same management that it had been selling them previously and there is no requirement for additional regulatory oversight.

Hon. D A Feetham: Mr Speaker, certainly on this side of the House we accept that, if the Savings Bank is just simply doing what it was previously doing and has been doing for decades, then there is no need for any other type of independent regulatory oversight, we accept that.

1360 But, Mr Speaker, is it not the case that the Government intends – and I note from his comments made to the *Gibraltar Chronicle* just before Christmas, I think on the 17th December – that the Government intends to *expand* the services of the Gibraltar Savings Bank, to include the provision of current accounts, deposit accounts, interest bearing accounts and also to provide and facilitate loans to small businesses? Does the Hon. the Minister for Employment not accept and, in this case, the Minister responsible for the Savings Bank, not accept that, in those circumstances, there *is* a need for an experienced and independent managerial team and also a need for independent regulatory oversight?

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1370 **Hon. J J Bossano:** Well, Mr Speaker, if the hon. Member accepts that what is happening now from a new building is what was happening now before from the old building, then the position is as I have told him in my answer.

If, in the future, something else is happening which requires something different to be done, it will be looked at when the time comes. It is as simple as that. At the moment, what is being sold are debentures, bonds and seven day notice accounts. I do not accept that if, instead of the account being seven days, the

1375 account is a notice account where you can have your money on call, that that requires anything different. So if he thinks that if the length of the notice is less than seven days the management team is incompetent, then I do not accept that.

1380 **Hon. D A Feetham:** Mr Speaker, is the Government reviewing, then, its target date for the commencement of new services – and I am including within that statement – ‘new services’ – what the hon. Gentleman actually referred to as ‘guaranteeing loans for small businesses’, for example, just before Christmas, when he said the target date was March? Is the Government reviewing that target date at all, or not?

1385 **Hon. J J Bossano:** No, Mr Speaker, I did not say what he says I said.
The hon. Member has a habit of attributing things to me and then asking me to give explanations of the things that he makes up. The answer is that if he goes back and reads what I said, he will find that I said that the target date of March was for the expansion of the service into providing current accounts, that those current accounts would be accounts that had to be in credit *and* that the reason why it was a target, rather than a commitment, was because it depends on the software that we are in the process of purchasing, which will enable us to do that.

1390 That is to say, with the system that we have got in place now and the manpower we have got in place now, we could not service current accounts. The idea is that we are going to go down the route of having, initially, the guinea pigs, as it were, the people that we have got in our training companies so that we pay them by having an account for each of them and crediting their pay at the end of the month in that account and giving them a debit card, which will allow them to draw money from their account to take their wages out and they only have to leave £10 behind to keep the account open and therefore, I said, at the time, that it was important that people should not lose confidence in the Bank because of any glitches or failures and that, therefore, we wanted to go down the route of not rushing into things until we are sure that we are able to deliver to the customer the service that we want.

1400 It is in everybody’s interest: this is a publicly-owned entity. It does not belong to the Government, it belongs to the people and, therefore, we want to make sure that, as we increase the range of services we offer, we do it one step at a time. The first step, and the one that we hope will be happening by the end of this financial year, will be that we have the programme installed which will enable people to have a current account from which they can withdraw their money: the only requirement in that current account, as I have already said publicly, will be that, if it is a personal account, they need to keep always a minimum of £10 in the Bank. If it is a company account, or the local business community, they will need to keep £100 in the Bank. That is the stage that we are at: that has not happened yet.

1405 We hope that will happen but it depends on how quickly the systems are put in and we test them and we find that they are working as they should. We cannot have a situation where, for example, somebody has his account with the Savings Bank, maybe outside Gibraltar, where he will be able to draw money out and then finds that it does not work. So we want to make sure that we test everything as we go along and that it is working as it should.

1415 **Hon. D A Feetham:** So, then, when you were quoted in the *Chronicle*, Mr Speaker – I beg your pardon, Mr Speaker, when the Hon. the Minister was quoted in the *Chronicle* – as saying that you did not expect new services to the public – current accounts, no charge on personal and business accounts, small business loan guarantees, interest on current accounts, free cash handling – to start to come on-stream until March, effectively what the Hon. the Minister is saying is that you are not going to be dealing with any kind of loans – the Hon. Minister, I see, is looking at his i-Pad – this is the... fifth paragraph of the article, that the question of loans to small businesses, that that is something for the future and is not going to come on-stream in March, whereas the provision of current accounts that *may* come on-stream in March. I am just trying to look for timelines and, in terms of the provisional loans to small businesses, when does he expect that that is going to come on-stream, then, if not in March?

1425 **Hon. J J Bossano:** Mr Speaker, I am not going to give him any dates when anything is going to come or not come because I have already told him, several times, that all I am saying is, the target – and the first thing in that target is the move to provide current accounts... I am taking this a step at a time because I think it is the *right* way to go about it, rather than rushing into something and find that we face problems which, then, people say ‘This is not working’ and they lose confidence in the service we are trying to provide.

1430 So the answer is the first target is the current accounts. Provided the software is in place, working and people are comfortable with it by March, it will happen in March, If they are not, it will not happen by March. It is only when we have had that running for some time, and we go on to other things, that we will fix targets for the next stage. But the answer is there is not a timetable by which everything is going to happen.

1435

Hon. D A Feetham: Can he confirm that the Government is still committed to the Savings Bank actually providing loans to small businesses, either in the form of guaranteeing loans issued by third party banks or directly by the Gibraltar Savings Bank?

1440 **Hon. J J Bossano:** Well, no, I cannot confirm that because I have not said that, Mr Speaker.
I have said that we are committed to expanding the service that the Bank provides and then, when the time comes when we need to provide support for businesses, when and how we do it we will decide when the time comes to do it. We are committed to providing it but we are not necessarily committed to providing it in the way that he has suggested.

1445 **Hon. D A Feetham:** Alright, so he is confirming that the Government is committed that the Gibraltar Savings Bank be used as a vehicle for the provision of loans to small businesses. Correct?

1450 **Hon. J J Bossano:** No I have not; I have told him the very opposite Mr Speaker.
Either the hon. Member is hard of hearing or the hon. Member insists on saying the opposite of what I am saying. I have said 'No'. I have said we are committed to providing the support but not in the way that he has suggested and the way he has suggested is the text of his last supplementary. The answer is 'No'.

1455 **Hon. D A Feetham:** Well, can I read from his manifesto, then. Perhaps he can agree with his manifesto, if he does not agree with me. His manifesto provides that the objectives of the Bank would be the provision – and I quote –

'the provision of loan facilities for small businesses to help them expand and see them through periods of difficulty'.

1460 Is that the position?

Hon. J J Bossano: Well, the fact that that is the objective does not mean that the objective will be delivered in the way that he has spelled out.

1465 **Hon. D A Feetham:** No, I am reading from his manifesto now. How does the Government intend to deliver on the objective, stated in his manifesto, that loan facilities will be provided for small businesses to help them expand and see them through difficult periods?

1470 **Hon. J J Bossano:** Well, Mr Speaker, I have no intention of telling him how we intend to do it (*Laughter*) and I have got no obligation to do it.

I can remind him of the many occasions – of the many occasions – when he was in Government and the Government in which he served was asked to explain things in their manifesto and their reply was 'Look, you did not have it in yours, so you have no right to ask me how I am going to do it in mine'. And you know, what applies to the goose, applies to the gander! Therefore, that is the answer he is going to get, Mr Speaker.

1475 **Hon. D A Feetham:** Can he, at the very least, Mr Speaker, confirm that the Gibraltar Savings Bank is not going to be providing loans, or loan guarantees, to small businesses? At least I can phrase my question in the negative: can he confirm that is the case?

1480 **Hon. J J Bossano:** In the negative, I will not confirm it any more than in the positive because I am not prepared to tell him how we are going to do it. I am not going to tell him we are going to do it and I am not going to tell him we are not going to do it and I am not going to give him any explanation here. He will find out when it happens.

1485 **Hon. D A Feetham:** Mr Speaker, he has already said to me, I am asking the question in a positive way. I said 'Is it the Government's policy for the Gibraltar Savings Bank to provide loans to small businesses, either directly by way of loans or guarantee loans by third party banks?' He has chastised me in very strong terms by saying 'Neither. How could you ask that question when I have said that we have no intention of doing this a few moments ago!' Then I asked him to confirm in the negative: 'Well, can you confirm that you are not going to do this?' – and now he does not want to provide me...

What is it, Mr Speaker? What is the Government's policy in relation to this, particularly in the light of the GSLP's manifesto commitment at the last election?

1490 **Hon. J J Bossano:** Mr Speaker, he is not asking about the policy, he is asking how we are going to deliver the policy and I am not prepared to tell him.

Hon. D A Feetham: Well, he is not prepared to tell me what the policy is, full stop.

1500 **Hon. J J Bossano:** No, I am not prepared to tell him how we will deliver it. The policy is the policy that he has read out.

Hon. D A Feetham: Mr Speaker, deliver what? Can I ask him: deliver what?

1505 **Hon. J J Bossano:** Deliver support for the small business community that he is talking about. That will happen but it is not going to happen the way he thinks and if he says the opposite I will not confirm that it is going to happen in the opposite.

1510 The answer is that, when the time comes and it happens, he will suddenly discover, finally, that we have found a way of doing it which he cannot undermine or criticise, which is the only interest he has in this – not helping the business community – trying to stop it happening before it even gets off the ground.

Hon. D A Feetham: Mr Speaker, I am afraid the hon. Gentleman attributes to me too much influence. I do not believe that the business community is going to decide one way or the other simply because of whatever criticism I may come up with. The reality of the situation is that there is a lot of concern from the business community, expressed independently of any concerns that I have expressed about [inaudible] management in relation to this Bank and also independent oversight.

1520 Mr Speaker, can he confirm that, effectively, what the Government is doing, is he is now resiling and truncating the manifesto, the very clear manifesto commitment, because it is all very well for the Government to say the Government ‘is committed to using the Savings Bank in order to provide support for small businesses’, but that is not what the manifesto says. The manifesto says the provision of loan facilities for small businesses to help them expand. It is not about support, it is specifically about loan facilities. Now is the Government resiling from that manifesto commitment, of using the Gibraltar Savings Bank to provide loan facilities for small businesses?

1525 **Hon. J J Bossano:** Mr Speaker, what the manifesto says is going to happen is what is going to happen.

1530 How we do it and when we do it he will find out when it happens. If the hon. Member says that a lot of people in his circle, or in the business community, that have concerns about the level of regulatory oversight that there is, it is quite simple. They do not have to use the Bank. We will give people better service, better terms and better services. They can either take his advice and not use it, or use it. Nobody is going to be *required* to make use of the Gibraltar Savings Bank.

1535 It seems to me very clear that he has made a lot of statements that put doubts in people’s mind before today’s Question and the first thing he has had to do today is to admit that, given that what everybody knows is that what the Bank at the moment is doing is what the Bank was doing for the last fifteen years, there is absolutely no basis at all for any of his public statements about the need of a new regulatory framework, none whatsoever.

1540 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Minister for Employment, the Minister responsible for the Gibraltar Savings Bank, not accept that the last answer is fundamentally misconceived? It is wrong.

1545 How can the Hon. the Minister for the Gibraltar Savings Bank say that ‘This is a simple matter: it is a matter of whether the consumer uses the Bank or does not use the Bank.’ Does he not accept that there is an underlying liability for the Gibraltar Savings Bank and, therefore, the Government and, therefore, the taxpayer? If the Government offers loans and people default on loans, does he not accept that and, therefore, that there is significant public interest in relation to it?

1550 **Hon. J J Bossano:** Well, Mr Speaker, what I do not accept is that I have to stand up here and answer hypothetical questions about whether people will be concerned if I offer loans, which I am not offering, because he is actually creating the things that he claims will worry people in order to worry people.

1555 He has already admitted that there is no such things happening today and I have to answer in Parliament for what is happening today, not for what may, or may not, happen in a year’s time, or in six months’ time, or in a week’s time, which he thinks he can present in the way that is most beneficial to his self-serving party’s interest and not the interests of Gibraltar. What I have said to him is not that the issue is one whether people want to use the Bank, or not to determine whether that is the end of the liability or the regulatory framework or anything else. What I said to him is, if *he* is concerned about the Bank from the point of view of the security that it offers the people who put their money in it, then it is quite simple. He can not put his money in it and he can recommend to his friends or relatives not to put theirs. If he is concerned about the public exposure, look, it is no more exposed today than it has been in the last fifteen years.

1560 He can keep on putting questions about what is likely to happen, or not likely to happen in the future, and I will not speculate about what will happen in the future because I do not have to.

1565 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman obviously does not understand the difference between asking a hypothetical question –

Mr Speaker: You have asked the question about the manifesto, the policy, and you have had an answer to that question.

1570 What you have not had an answer to is the manner in which it is going to be carried out but, as I understand it, the Minister has given a commitment, saying that that is the policy, what is in the manifesto.

Hon. D A Feetham: Well, I am not sure that –

1575 **Mr Speaker:** Well, ask then. Perhaps you can ask the question again, if you want to.

Hon. D A Feetham: Yes, I am not sure that is what he has actually told me but, Mr Speaker, what the Hon. the Minister – and I think it is an important point – what he is not understanding is the difference between a hypothetical question and me asking a question about future Government policy.

1580 Future Government policy is not hypothetical, particularly in the light of the fact that he has actually made public statements saying that the Bank will be providing business loan guarantees and particularly in the light of the fact that the manifesto actually says that the GSLP was committed to the provision of loan facilities for small businesses and still on this side of the House we're still at a loss Mr Speaker as to whether there is a commitment at some time in the future – I am not asking him when now. I accept that I
1585 asked him before but because I thought that it was [*inaudible*] – I am not asking him for when but *if* there is a commitment by the Government? I think it is a fair question. It is a reasonable question. It is a proper question: whether there is a commitment by the Government to have the Gibraltar Savings Bank offer loan facilities to small businesses through the Gibraltar Savings Bank – yes or no?

1590 **Mr Speaker:** Right, now, that is a question.

Hon. J J Bossano: Mr Speaker, the Government is committed to put in place whatever is necessary to make the commitment to provide the loans. How it will be done, or not be done, is not something that I am prepared to spell out to the hon. Member. I am not going to do it.

1595 **Mr Speaker:** So, it is clear that the answer to that specific question is yes.

Hon D A Feetham: He has provided me with an answer to that question and I am very grateful to the Minister for the Gibraltar Savings Bank. If he had provided it 15 minutes ago, (**Hon. J J Bossano:** I did.) we would have actually (*Interjection*) but, Mr Speaker, can I, can I ask him, in the light of the fact that the Government is committed to providing loan facilities for the Gibraltar Savings Bank, does he not accept that the nature of that kind of business is fundamentally different to the business that the Savings Bank has been conducting over the last number of years and there is, in the light of that, a need for independent managerial oversight, *experienced* managerial oversight, and also independent regulatory oversight, too?

1605 **Hon. J J Bossano:** No, Mr Speaker, because I have not said we are going to do it through the Gibraltar Savings Bank. I have said we are going to do it and I am not telling him *how* we're going to do it.

That is what I have just told him, do we need to re-wind the tape?

1610 **Hon. D A Feetham:** I thought that Mr Speaker was going to come to the rescue of the hon. Member and say 'Actually, that's what I thought that he had said.' We had not on this side of the House (*Interjection by Mr Speaker*) because the Question was in relation to the Gibraltar Savings Bank not by the Government.

1615 **Mr Speaker:** Given that the Speaker has only been in this House for 20 years and the hon. Member has been for 40, I do not think he needs to be rescued by me! (*Laughter*)

1620 **Hon. D A Feetham:** Well, certainly, Mr Speaker, I apologise if I misread the expression on Mr Speaker's face when I was asking the question. I thought that Mr Speaker was about to tell me, but then he left it: 'I think he's answered it because, yes, they are providing it through the Gibraltar Savings Bank.' So, again, the Government is not going to be providing loan facilities through the Gibraltar

Savings Bank? Correct?

1625 **Hon. J J Bossano:** Mr Speaker, the Government will be providing the support to the business community.

I am repeating my words for the fourth, or possibly the fifth, time, that we are committed to the manifesto. How we do it and when we do it I am not prepared to tell the Member now or at any time until it happens. He can ask me as many times as he wants and I will not give him the answer that he is trying to get. I don't believe he's remotely interested in it, other than to try and undermine it before it happens by finding fault with it.

1630 The fact that he says if you are doing it then you'll need regulatory... shows precisely what the purpose of the question is. I am here to provide him with information about what is happening now, not with information about what is going to happen in the future and explain to him how we propose to get there, so as to give him the opportunity to start shooting it down before it even comes on stream. It's as simple as that.

1640 **Hon. D A Feetham:** Mr Speaker, it appears that we are coming perilously close to the Peter Cumming scenario: 'I am not answering your question because I don't like your politics.' That is the reality of what the Hon. the Minister for the Savings Bank has actually just said but, (*Applause*) Mr Speaker, does he not accept – and now, turning to a different aspect of this, arising from something he said some time ago – that, in the light of the fact that the Government is expanding its services in relation to current accounts and the handling of money, that the procedures in place in relation to money laundering, and I am talking about also the oversight in relation to those procedures – oversight at managerial level and also oversight at regulatory level – have to also take a step upwards from what it has been thus far?

1650 **Hon. J J Bossano:** Mr Speaker, if I can answer his preliminary remarks, let me say that I don't like his politics, whether he is asking questions or not asking them. (*Interjection and laughter*) Therefore, my answer is not influenced by my dislike for his politics. That is there permanently. Right.

1655 Secondly, can I remind him that the person sitting next to him chastised my hon. Colleague, Mr Licudi, for asking questions about the road traffic plan on the basis that it was not because he was interested in the information being helpful but he was just that he was seeking the information in order to be able to criticise and undermine him. The hon. Member is shaking his head so I will go back and fetch the *Hansard* and give it to him by the next meeting.

1660 Thirdly, I have to say to him that the officers... The Accountant General who has – as a result of his public remarks, thought it necessary to write to the Financial Secretary – writes:

1660 'All officers involved in the management of the GSB are fully aware and keep up to date with the Financial Services Commission's guidance notes on the requirements to prevent money laundering and terrorist financing activities, as well as all legislation relating to the provision of the latter.'

1665 We have our own training manual in place which encompasses the requirements of the above and is given to all staff upon appointment to the GSB. This is updated as and when there are changes in the legislation: a copy of the manual is attached. The front line staff has a checklist which they have to complete with the customers when accepting money. Additionally, we perform internet searches to verify information supplied by customers and also liaise with the GFIU for searches, using World-check. There have always been, and continue to be, a MLRO and a Deputy MLRO appointed for the Gibraltar Savings Bank, including GRPO branch.

1670 Training is organised by management and provided by the GFIU to the management and the staff twice a year. The GSB and the GACO in March 2012 and management attended various seminars given by GACO. The banking platform software that we are currently looking into for the expansion of the GSB services includes AMLtrac, which is software dedicated to identifying, tracking and regulating potentially suspicious or illegal activities in respect of money laundering and/or other proceeds of crime.'

1675 I want to take the opportunity to say that the Government has got full confidence in the Accountant General, the Financial Secretary, the staff of the GSB, that they do not need hectoring from us in order to do their job, and that I do not accept that if you put £100 million on a 7-day deposit or £100 million on a 24-hour deposit, the risk is greater or lesser with 24 hours. We know that the officers there will do the job that is required of them and they will get the support that they need and the technical backup that they need, and they will tell us if they feel there is a need for anything else.

1680 **Hon. D A Feetham:** Mr Speaker, just finally and before I ask the supplementary, I can assure the hon. Gentleman that I have a lot of affection for him, even though he obviously has a problem with me, but can we just confirm, therefore, that the Government has no plans to alter the managerial structure of the Gibraltar Savings Bank in the context of the wider service that it is providing and has absolutely no plans to effectively provide the Financial Services Commission with a regulatory role in relation to the Bank.

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Hon. J J Bossano: Mr Speaker, Government plans are to provide the Savings Bank with what the Savings Bank needs, based on the advice that it takes from the people it employs to advise him, not based on what the hon. Member opposite may think or not think.

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I have already gone at length on this Question in explaining the caution with which we are proceeding with developing the Bank. I would have thought that would be enough to satisfy him that we are not going to go into a mad rush to expose the Bank to any risks. And the answer is if, tomorrow, we feel there is a need to do something that, at the moment, we don't think there is any need, we will decide it when the time comes.

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Mr Speaker: I have allowed lengthy deliberation on the matter because, obviously, the Gibraltar Savings Bank is a matter of great public interest given the large number of customers that it has, but the matter, in fact, is one which I would consider is quite proper for a debate in the House, where other Members can also participate, but I am prepared to allow a certain more amount of leeway. Does the hon. Member have any other questions?

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Hon. D A Feetham: Just one supplementary, Mr Speaker.

He mentioned that the Government will act on advice. Can he confirm that, therefore, he has received advice that, in the context of the expansion of services, there is no need for independent regulatory oversight nor any need to supplement the managerial team? If he has received that advice, can he just enlighten this House as to who has given him the advice?

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Hon. J J Bossano: Mr Speaker, I can tell the hon. Member that, when the previous Government was committed to expanding the role of the Savings Bank, there was a detailed document produced for them, which was made available to me, which showed that they were not deemed to be a credit institution, they did not have to be regulated, as other banks have to be, and that the nature of the Bank was such that all the necessary mechanisms were in place and the Accountant General and the Financial Secretary who, in law, are responsible, are the ones who... *(Interjection by Hon. D A Feetham)* Yes, they did not need it, independent regulatory oversight from the Financial Services Commission – that's right – or anybody else. Therefore, we have got that report. We are proceeding on the basis of all the information in that report and the Financial Secretary and the Accountant General will advise us if they feel there is something else that needs to be done and that is the point I have been making throughout.

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Clerk: With that, we come to the end of Answers to Oral Questions.

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Written Answers

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Clerk: We now move to answers to Written Questions.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the Answers to Written Questions numbered W1 to W17 of 2013 inclusive.

1730

BILLS FIRST AND SECOND READINGS

1735

Criminal Procedure and Evidence (Amendment) Bill 2013 **First Reading approved**

Clerk: Bills; First and Second Reading.

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A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon G H Licudi): Mr Speaker, before moving that the Bill be read a first time, and with your leave, I will give way to the Hon. the Chief Minister, who has made a certification in respect of this particular Bill.

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Chief Minister (Hon. F R Picardo): Yes, Mr Speaker. Before the Bill is read a first time I should explain to the House why the Bill has been certified by me as urgent under section 35(3) of the Constitution.

1750 The House will recall that the Criminal Procedure and Evidence Act was recently brought into effect. It has come to the Government's notice that there is a typographical error in the legislation, in the time required to provide evidence to a defendant after he has been sent to the Supreme Court for trial. This is presently stated to be 7 days: the primary period in the equivalent legislation in England is 70 days. It seems clear to us, on this side of the House, that our Act contains a typographical error. This has already caused an issue in one case and it is likely to arise in other cases. It is neither practical nor, in many cases, possible, Mr Speaker, for the evidence to be provided within 7 days, as currently required. This, therefore, needs to be corrected as soon as possible.

1755 There is a separate provision in the relevant section of the Act for an application to be made to a Judge to exercise his discretion to extend the period of 7 days in any particular case. The question, therefore, arises as to why it is, in those circumstances, I should certify that the Bill is too urgent to permit the expiry of six weeks after publication if, in those six weeks, an application to a Judge can be made.

1760 There are two reasons for this: firstly, because applications to a Judge and, therefore, the use of court and professional time, Mr Speaker, should not be used to correct what is a typographical error in legislation, in my view. The discretion is not there for that purpose.

1765 Secondly because works to reform Parliament, as hon. Members will know, will begin after the February session, when the six week period will not yet have expired. The Government has already announced that there will be no sitting in March because of the works and, similarly, no session will take place in April, as a result of the annual Easter break. The earliest that the Bill could therefore be considered would be May. I therefore concluded that the Bill is too urgent to wait for what, in effect, would amount to a four month delay.

1770 As was the case under the previous Administration, we will want to use this power to abridge time sparingly and, wherever possible, in consultation and in agreement with the Members opposite, although the Constitution does not require such consultation. It may be necessary, Mr Speaker, of course, in the future for this or any future Administration to certify a Bill unilaterally but I trust that this can be avoided. In this instance, Mr Speaker, my colleague, the Minister for Justice, has been in touch with the Shadow Spokesperson for Justice and they have agreed the need for urgency in this instance and I have, therefore, no – and I understand there is, therefore, no – issue across the floor of the House that I have certified that the Bill should be able to progress through its phases in this House, despite not having been published for the six weeks otherwise provided.

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1780 **Hon. G H Licudi:** Mr Speaker, as the Hon. the Chief Minister has indicated... Sorry, we are on the first Bill.

Clerk: Yes.

1785 **Hon. G H Licudi:** Mr Speaker, I beg to move that the Bill be read a first time.

Mr Speaker: I now put the Question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against?
Carried.

1790 **Clerk:** The Criminal Procedure and Evidence (Amendment) Act 2013.

1795 **Criminal Procedure and Evidence (Amendment) Bill 2013**
Second Reading approved

1800 **Hon. G H Licudi:** Mr Speaker, I have the honour to move that the Bill be now read a second time. As the Chief Minister has indicated, the purpose of this Bill is to correct a typographical error. We are, in this Bill, correcting the typographical error but, in addition to that, we are making a substantive amendment in respect of the particular time period that is covered by this provision and it is probably useful for me to explain why that extra amendment is being made and what the practical effect of correcting this typographical error means.

1805 As the hon. Member, the Chief Minister, has indicated, there is a time period in the Criminal Procedure and Evidence Act of seven days from the time that a person is sent for trial from the Magistrates Court to the Supreme Court for the provision of evidence and it is clear to us that it cannot possibly have been intended that that period should apply – that very short period – should apply. And it

1810 is particularly so for this reason: the new legislation that we have recently brought into effect has provisions for a procedure whereby, in respect of certain offences, in particular indictable only offences, that is to say offences which are required to be tried only in the Supreme Court, as well as complex financial offences and vulnerable child witness offences, that in respect of those offences, both in the case of adult defendants and juvenile defendants, when the person appears before the Magistrates Court charged with that particular offence, the Court is mandated, under the Act, to send that person forthwith to the Supreme Court for trial for that offence. So we could have a situation whereby a person who commits an offence today, is charged and appears in Court tomorrow and, tomorrow, that person is sent for trial immediately to the Supreme Court and, as the provision currently stands, within seven days, essentially, of the offence being committed, that the Prosecution is required to have sufficient evidence available to be able to provide evidence to the Defence.

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1820 On checking the relevant provision in the United Kingdom, it is clear that the intention was that it should not be seven days but it should be *seventy* days. But we have also seen that there is a different provision or different timescale in the United Kingdom in respect of persons who are remanded in custody pending trial, so that the relevant timescales in the United Kingdom are 70 days from when a person is sent for trial in the ordinary case and 50 days from the date when a person is sent for trial, where that person is remanded in custody.

1825 We have taken the view, the Government has taken the view, that there should be a shorter period which is applicable in the case of persons who are remanded in custody and that it is right that that extra urgency should be given to cases involving persons who are remanded in custody. It may well be that, even if persons are remanded in custody, 50 days in a particular case is too short a period and, for that reason, and even in the case of 70 days, for that reason, the Judge under section 1994 will retain a discretion to extend, or even to further extend after an initial application has been made, those particular periods.

1830 I commend the Bill to the House.

1835 **Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a second time.

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

1840 **Clerk:** The Criminal Procedure and Evidence (Amendment) Act 2013.

1845 **Criminal Procedure and Evidence (Amendment) Bill 2013**
Committee Stage and Third Reading to be taken at this sitting

Hon. G H Licudi: I beg to give notice that the Committee Stage and the Third Reading of the Bill be taken today, if all hon. Members agree.

1850 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and third reading of the Bill be taken now? (**Members:** Aye.)

1855 **COMMITTEE STAGE**

Criminal Procedure and Evidence (Amendment) Bill 2013

1860 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

1865 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: The Criminal Procedure and Evidence (Amendment) Bill 2013.

In Committee of the whole Parliament

1870

Criminal Procedure and Evidence (Amendment) Bill 2013
Clauses considered and approved

1875 **Clerk:** A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.
Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

1880 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

Clerk: The Long Title.

1885 **Mr Chairman:** The Long Title stands part of the Bill.

BILLS FOR THIRD READING

1890

Criminal Procedure and Evidence (Amendment) Bill 2013
Third Reading approved; Bills passed

1895 **Clerk:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to report that the Criminal Procedure and Evidence (Amendment) Act 2013 has been considered in Committee and agreed to without amendments and I now move that it be read a third time and passed.

1900 **Mr Speaker:** Those in favour?

Members: Aye.

1905 **Mr Speaker:** I now put the Question, which is that the Criminal Procedure and Evidence (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

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Tribute to outgoing Leader of the Opposition

Clerk: The Hon. the Chief Minister.

1915 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I move the adjournment *sine die*, I think it is appropriate for me to rise in this House in the context of the statement made by the Hon. the Leader of the Opposition to the effect that he will be standing down from that post at the end of January, whilst remaining an MP for now.

1920 I want to put disagreements aside for a few minutes. The Government has acknowledged publicly in a press statement and I wish to acknowledge now in this place, the contribution made by the Hon. Mr Caruana to politics in Gibraltar in the twenty-two years since he was first elected to this Parliament. Indeed, Mr Speaker, I acknowledged on the day that we won the Election that Mr Caruana, *despite* our many differences and disagreements, had left Gibraltar in many ways better than when he was first elected, as I believe all Chief Ministers have historically done.

1925 The extent of that is of course an issue which we have debated lengthily and sometimes in the cut and thrust of debates, angrily, and in the most pejorative terms in this House, as our adversarial system requires us to do. And our respective positions on those issues need not change, Mr Speaker, simply because we recognise the service to our community of a political leader. Today, Mr Speaker I recognise not just the hon. Member's service as Chief Minister but also his membership of this Parliament since May 1991. Our differences on ideological or factual issues on particular matters do not prevent me from acknowledging that substantial contribution. Indeed, Mr Speaker my own nascent steps in politics and those of the Deputy Chief Minister were also in 1991, which means that the House has been at loggerheads for that long. But despite those disagreements Mr Speaker the hon. Gentleman has led the

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GSD for twenty-two years by my reckoning and he has led our nation for sixteen and no-one can be in any doubt whatsoever about the commitment he had to the discharge of his obligations in high Office.

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I am sure that public life has no doubt been tough on his family on occasions and not just on him, so on behalf of the people that I represent and on behalf of the people of Gibraltar, may I just wish him and his family all the best and wish him every success in whatever professionally, and personally, he chooses to do in the future, so long as he steers clear of politics, or no doubt we will be at daggers drawn once again. (*Applause*).

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

Mr Speaker: May I?

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Hon. P R Caruana: Yes, of course. I beg your pardon.

Mr Speaker: Because I would like to associate myself in a very special way with the remarks of the Chief Minister.

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I was sitting where the Hon. Mr Peter Caruana is now sitting back in May 1991 as Leader of the Opposition and I think that, if I am still here when he leaves the House, it will have been a remarkable turn of events and it is all about what parliamentary life is all about.

I do wish most sincerely on my own behalf, and on behalf of the staff of Parliament, to associate us and myself with the remarks of the Chief Minister and wish the Leader of the Opposition every good health. My best wishes to him and to his family.

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Hon. P R Caruana: Then I rise moved and, in all humility, to thank the Hon. the Chief Minister and the President of the House, Mr Speaker, for the generous and kind terms in which they have referred to me today.

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When the House next meets, I do not know exactly where I shall be sitting but I will no longer be in a position to play a leading role in the cut and thrust of parliamentary debate and it is true, as the Hon. the Chief Minister has said, that sometimes we incur in excess, But I think it is also true and, I think from private conversation – which I hope he does not mind my making public – this is something on which possibly we both agree, that the adversarial system of politics in Gibraltar has served Gibraltar well and ensures that Gibraltar always has two alternative options for its governance. And if we have to be more careful to eliminate some of the excesses, then we should try and do *that*, rather than judge the whole system by the few occasions in which we incur in excesses. I will certainly miss that parliamentary cut and thrust.

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The job of running the Government of Gibraltar, which he now has, is a difficult one. The opportunity to spend some time in a parliamentary, as opposed to a Governmental activity, is one that I always used to enjoy and I shall certainly miss it. It was not an easy decision but, as I think I said on TV, for sixteen long years my wife and my children, I think generously, allowed me to place the interests of Gibraltar before theirs and I think it is now time that I do what I can – and that remains to be seen – that I do what I can to try and redress the consequences too, which have been significant, of that fact.

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As I said in my public statement, whether I am in politics or not, I have not spent 22 years trying to do the best that I can for the good of our beloved country to make myself now unavailable, should I ever be able to contribute from outside the political arena for whatever it may need, by way of advice, support, activity. Therefore, this Parliament will always have me available to it as, indeed, will whatever is the Government of the day, including the present one, to assist, promote and defend the interests of Gibraltar, as they or anyone else might think that I may be able to contribute to.

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I have enjoyed engaging in debate with everybody in this House and I look forward to the House continuing to work, as I think all Parliaments have always done, in the best interests of Gibraltar, so that we leave Gibraltar better than we find it, so that our children and their children will enjoy an even better and higher standard of living and political security than we do.

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

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Adjournment

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Chief Minister (Hon. F R Picardo): Mr Speaker, our blood pressure has never been so low and, before we wallow in sentimentality, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose the Question, which is that this House do now adjourn *sine die*.

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I now put the Question which is that the House do now adjourn *sine die*.
Those in favour? (**Members:** Aye.) Those against? Passed.
The House will now adjourn *sine die*.

The House adjourned at 5.27 p.m.