



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.25 a.m. – 1.04 p.m.

Gibraltar, Thursday, 20th February 2014

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The Gibraltar Parliament

The Parliament met at 9.25 am.

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

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

PRAYER
Mr Speaker

Order Of The Day

5

Clerk: Meeting of Parliament Thursday, 20th February, 2014. (i) Oath of Allegiance.

CONFIRMATION OF MINUTES

10

Clerk: (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 23rd and 24th January, 2014.

15

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

Mr Speaker signed the Minutes.

20

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

Questions for Oral Answer

25

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q121/2014
London Boat Show –
Attendance and cost

Clerk: Question 121/2014, the Hon. D J Bossino.

30

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism confirm whether the Government has attended the London Boat Show this year and, if so, what the cost was?

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

35

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Government has not attended the London Boat Show this year and therefore there has been no cost.

Hon. D J Bossino: I am grateful for the reply, Mr Speaker.

40 Can I ask the Minister why the Government has decided not to attend the Boat Show this year? I am sure there is a perfectly valid reason for that, but I would like to know what it is.

Hon. N F Costa: Mr Speaker, the hon. Gentleman may remember that in February 2012 he in fact asked me about the Government's attendance at the London Boat Show and whether the Government's
45 policy was to attend. He will recall that at that stage I had received advice that perhaps the popularity of the road show and the positive results that one could expect from them were declining, and in fact the numbers of participants at the London Boat Show have decreased quite significantly since I answered the question.

So in conjunction with the Gibraltar Tourist Board and the Gibraltar Maritime Administration, the consensus view was that it was no longer value for money and that perhaps the money that could have been
50 spent on attending the Boat Show was better targeted elsewhere.

Hon. D J Bossino: Mr Speaker, I am grateful for that and for reminding the House of what he said last year in relation to this particular issue. I know that he had said in the past, whether in budget speeches or in
55 answers to questions that I have posed, that he was going to take – certainly at the beginning when he took office – a view in relation to the shows that the previous GSD Administration had attended as to whether they were indeed value for money.

Clearly, he has taken a view in relation to this particular event. Does he have a decision in relation to the other events or is this the only event in respect of which he has decided not to attend?

60 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman... as he rightly says, I have pointed out in the past that the question of road shows and trade fairs is something that the Government would continually keep under review to see whether they continued to be value for money or not. As he rightly points out, it has now become the consensus view that this particular show is not value for money.

Whether we continue to go to other trade fairs, like, for instance, FITUR or World Travel Market, will
65 be decided periodically – that is to say it will be kept continually under review. If we have attended in the past it is because it is still the view that there is still value for money in those trade fairs and something to be gained from it. In fact, we will be attending additional trade fairs this year in respect of conferencing, but I intend to be making an announcement in respect of that in due course.

70

**Q122/2014
Gibraltar Airport –
Sale of advertising space**

Clerk: Question 122, the Hon. D J Bossino.

75 **Hon. D J Bossino:** Can the Minister with responsibility for aviation advise which entity or person has been contracted to sell advertising space at Gibraltar Airport?

I have directed the question to the Hon. Dr Joseph Garcia, but I understand that the Hon. Mr Neil Costa will be answering.

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

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, Mr James Ellul has been contracted to sell advertising space at Gibraltar International Airport.

85 **Hon. D J Bossino:** Mr Speaker, can he confirm, if I may ask him to do so, that it is Mr Ellul personally who has been contracted and not a corporate entity of which Mr Ellul is a director or indeed a shareholder? Can he confirm that firstly?

And, if I can butt in also with a second question, can he tell us whether the granting of that particular contract was the subject of a tender process or not?
90

Hon. N F Costa: Mr Speaker, the contract is personally with Mr James Ellul, to answer the first supplementary.

To answer the second supplementary, it was a process of negotiation and discussion and not a tender process.
95

Hon. D J Bossino: Was that process of negotiation and discussion conducted by him and his Ministry; and, if so, can he tell me why it is that Mr Ellul was chosen, as opposed to other potential entities? Can he provide us with that information?

100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no, it was not conducted by the office of the Hon. Mr Costa; it was conducted by my office.

This issue related to the fact that Mr Ellul was the only person that the previous Administration had decided not to accommodate in the new arrangements that they entered into in respect of the running of the new air terminal. Essentially they contracted with everybody who had been involved under the previous
105 arrangements for the running of Gibraltar Airport to continue with the running of the new Gibraltar Airport, but not Mr Ellul. Therefore, we considered it was appropriate that this part of the administration of the new airport, which in our view was not adequately already provided for when we were elected, should be negotiated with Mr Ellul.

110 **Hon. D J Bossino:** But, Mr Speaker, are there not other considerations which should have been at the [inaudible] of play here, like, for example, expertise, whether the individual had the ability to do so, and issues of cost as well? Should the Government not have considered other entities, rather than...

As I understand, from what the Hon. the Chief Minister has just said, what informed the decision of the Government has been in fact that Mr Ellul was out of the picture in relation to decisions taken by the GSD
115 Government and that is something that the GSLP Government wanted to put right. Surely that is not a sound basis on which to have conducted this, Mr Speaker.

Hon. Chief Minister: Well, Mr Speaker, I put it to him it was an extra-ordinarily sound basis on which to make this appointment because, you see, what the Hon. Mr Bossino is not reflecting is that for the 16
120 years that they were in Administration, Mr Ellul obviously had – and I am going to go through the list of issues that he referred to – the expertise and the ability to do this job because they maintained him in post for 16 years doing that job under the previous arrangements in respect of Gibraltar Airport. They then transferred *everybody*, who had been involved in the running of the Gibraltar Airport, except Mr Ellul, to the running of the new airport.

125 So unless they singularly failed in 16 years to replace somebody who was doing a job and did not have the necessary expertise or ability, they must have determined that he did. Therefore it was absolutely right that the new incoming Government should look to Mr Ellul, as they had to absolutely everybody else except Mr Ellul, in respect of the running of the old terminal, for the running of the new terminal, that we should in respect of the area of expertise that he was involved in previously, look to him to do the job going
130 forward.

Hon. D J Bossino: Mr Speaker, it is very obvious to me what has happened here, and the Hon. the Chief Minister has an incredible – (*Laughter and interjections*)

135 The Hon. the Chief Minister, Mr Speaker, has an incredible ability to use the English language to worm his way out of what is clearly a very difficult situation for him. He talks about his ability, Mr Speaker, and it is nothing to do with Mr Ellul. I am talking and concentrating on what the Governments decision has been and –

140 **Mr Speaker:** Please, will you please ask the question?

Hon. D J Bossino: Yes, Mr Speaker.

145 **Mr Speaker:** Try, if you are going to make a statement before a supplementary, to make it very, very brief because I am not going to allow you to make statements beforehand. I want you to ask short and sharp questions and to the point.

We are not going to debate what happened right at the beginning of this session. We are not going to debate what happened or what did not happen 16 years ago or during the previous 16 years; that is not the purpose of Question Time.

150 **Hon. D J Bossino:** Which job was Mr Ellul undertaking under the previous Administration, which he says gives him the ability to do, as he says, this job?

This job, Mr Speaker, is to carry out advertising at Gibraltar Airport. So which skills did Mr Ellul have previously, which the Chief Minister thinks enables Mr Ellul to carry out the jobs which he has been contracted for by this Government? A simple question, Mr Speaker.
155

160 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman really does himself no favours by suggesting that I am trying to use the English language to do anything other than explain to him the things which are obvious. Perhaps he should follow that rule of advocacy in cross-examination of never asking a question unless you know the answer because he has obviously found himself now tied up in knots. I am going to give him the answer to the questions he has just asked, which will make him perhaps reflect on everything he has said.

Mr Ellul was doing exactly the same job before that he is doing now, exactly the same, in charge of advertising at Gibraltar Airport.

165 **Hon. D J Bossino:** Mr Speaker, I have no intention of cross-examining the hon. Member, I have been accused of doing that by the previous Speaker, and of course he was right. We are not here to cross examine. We are here to elicit information.

Can he tell me what costs the Government is incurring as a result of giving this contract to Mr Ellul?

170 **Hon. Chief Minister:** Mr Speaker, the remuneration is £80,000. The total revenue collected in his first year to date is £169,400 – (*Banging on desks*) So already more than exceeding the amount of remuneration.

175 **Hon. D J Bossino:** Mr Speaker, can I ask the Hon. the Chief Minister to clarify? Is the contract for Mr Ellul £80,000 on an annual basis? Is that correct?

Hon. Chief Minister: That is correct, Mr Speaker. It is £80,000 a year, and in the first year he has already collected £170,000.

180 **Mr Speaker:** Next question.

Q123/2014
Hospitality industry –
Training and education

185 **Clerk:** Question 123, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism advise this House whether he has made any progress in relation to training and education in the hospitality industry?

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

195 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have made progress and I am currently evaluating a proposal to run a pilot course in this respect later this year. The process is in its final stages of evaluation, so I am not at liberty yet to provide more details. Once I am, then I shall only be too pleased to let the hon. Gentleman and this House, know more.

Hon. D J Bossino: Mr Speaker, I am sure he has provided this information during the course of reply, but I would ask him to confirm because I did not quite catch it.

200 When does he expect the pilot course to be ready and therefore allow him to make a public statement in relation to that?

Hon. N F Costa: Mr Speaker, in my original answer I said later this year, but looking at my supplementary information it should be approximately in September of this year.

205 **Hon. D J Bossino:** Mr Speaker, is he able to provide any information in relation to the pilot course – for example, one of the points that immediately comes to mind is which stakeholders he is thinking of?

I am assuming the Government is going to be spearheading this, but in conjunction with stakeholders in the private sector – aka the hotels and restaurants. How is that part of the organisation going to be handled? Which stakeholders does he think he is going to be enlisting the support in relation to this particular scheme? Can he provide answers in relation to the points I have just raised?

210

Hon. N F Costa: Mr Speaker, the proposal that I have before me proposes different skill sets and describes them as from Level 1 to Level 3, so of course the skill set will depend at which tier you would enter.

215 But it is precisely because I am considering a proposal that has been sent to me with the Gibraltar Tourist Board and some private sector operators, I would rather make a statement, an announcement, once we do agree a finalised plan that I am able to then answer questions to the hon. Gentleman in this House.

220

Q124/2014
Indication of Prices and Invoicing Rules 2012 –
Enforcement

Clerk: Question 124, the Hon. D J Bossino.

225 **Hon. D J Bossino:** Can the Minister for Commercial Affairs state whether he is satisfied that the Indication of Prices and Invoicing Rules 2012 are being adequately enforced?

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

230 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government in consultation with the Department of Consumer Affairs, the Attorney General's Chambers and the Royal Gibraltar Police is currently studying an enforcement plan that has been drawn up to ensure maximum compliance with all pricing display legislation by traders. The Indication of Prices and Invoicing Rules 2012 transposes EU Directive 98/6/EC and deals principally with the display of unit prices.

235 The hon. Member will be aware that the Directive should have been transposed on 18th March 2000, but it was in fact transposed in 2012 and commenced in the early part of last year by this Government in its drive to be compliant with EU Legislation and as a reflection of its commitments to consumer protection.

240 The hon. Member will also be aware that the rules are part of a broader legislative framework on clear and accurate pricing, including the Exhibition of Prices Order (1969) and it makes good sense for the Government to develop an integrated and effective enforcement plan.

Hon. D J Bossino: Yes, Mr Speaker, I am grateful for that full reply.

245 Rule 12 refers to a particular feature of statute, I suppose it is a consumer officer who is going to be particularly charged with enforcement of those rules. Can he tell me whether that position has been filled and whether somebody has been identified to discharge the duties of consumer officer?

250 **Hon. N F Costa:** Mr Speaker, as I have hinted to the hon. Gentleman in the original answer, in addition to the Indication of Prices and Invoicing Rules there are also other legislative instruments that need to be accounted for in order to be able to successfully enforce those provisions. There is the Department of Consumer Affairs, and the Department of Consumer Affairs and Legal Counsel and also the RGP and Attorney General's Chambers are considering the entire legislative architecture to see how best such provisions are enforced uniformly and consistently.

255 So they have provided to me a plan, which in fact I have as part of my supplementary information, and they have put to me their recommendations on how best to do this. But because this is an inter-agency approach and I need to confirm my ideal way forward with different parts of the Government, I would rather that he would ask me questions in this House once I make a full and detailed announcement of what the enforcement plan would consist of, and then I would be more than happy to supply him with that information.

260 But, at this point, if I were to tell him what my own thinking is without first discussing it with Crown Counsel, with Legal Counsel, the Department of Consumer Affairs and the RGP, I may be jumping the gun and I would rather not do that.

Hon. D J Bossino: In fact, whilst the Hon. Minister has been giving me the reply, I do on a more careful reading of the particular rule it says:

265 '...a Consumer Officer or such other person as the Government may, from time to time, appoint by notice in *The Gazette*'

So presumably it is that possible power which you will discharge in order to appoint some other person other than a consumer officer.

270 Can he give me, Mr Speaker, an indication as to when he thinks he will be able to provide me with that further information as to the enforcement plan?

Hon. N F Costa: Well, as circumstances would have it, I probably would have had the meeting this week had it not been for the Parliamentary Session. So I very much expect that we will be in a position to make a detailed announcement within the next two to three months.

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Q125/2014
Bus fleet –
Replacement vehicles

Clerk: Question 125, the Hon. S M Figueras.

280

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say whether the Government has now adjudicated in respect of the tender for the replacement of the bus fleet and provide details of the intended replacement vehicles?

285

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

290

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as the hon. Gentleman will remember, a pre-condition of the tender was that vendors had to submit a bus for testing on our roads. Four tenders were received and out of those four tenders only two were found to fully comply with all procurement specifications; however, after testing these two vehicles, the Tender Board found that none of the buses tested were suitable for Gibraltar.

295

As a result the Tender Board began a direct negotiation procedure. All of the vendors were then re-invited to re-submit tenders. Subsequently, three tenders were received. After testing each of the three vehicles, the Tender Board found that only two of these buses were suitable for Gibraltar.

300

In the light of the above, the Government is now awaiting the Board to make a recommendation to the Treasury Tender Board.

305

Hon. S M Figueras: Mr Speaker, I am grateful to the Hon. Minister for the detailed reply.

310

He referred to some changes that were made to the criteria, in light of the fact that the first batch of vehicles that were tested were found to be unsuitable. Could he, in the first place, explain the reasons why they were found to be unsuitable; and then secondly, what changes were effected – I suspect one will follow from the other – to the requirements of the tender?

315

Hon. N F Costa: Mr Speaker, the bus submitted for the original tender was in one case unable to negotiate the bend leading from Main Street to Governor's Lane – it is that infamous corner by the Gibraltar Book Store, opposite the Gibraltar Supreme Court – and unfortunately the hybrid bus, which I very much hoped had been able to negotiate the steep hills in Gibraltar, were unable to do so when fully laden, and so they were found to be unsuitable.

320

As a result of that, the Tender Board decided to proceed to the direct negotiation procedure. How the Tender Board proceeds is a matter entirely for them and we do not get involved in that process, Mr Speaker. *(Interjection)* I certainly do not. *(Interjection)* I do not know whether they did.

325

Hon. S M Figueras: Mr Speaker, is the Minister able to confirm, or say indeed, whether of the two buses that have been found suitable and are currently effectively the only two runners left in this particular contest, whether they are alternative... rather they are fuelled, they are hybrid or electric or anything of that description at all?

330

Hon. N F Costa: No, Mr Speaker.

335

As the hon. Gentleman will expect, given that the hybrid could not cope with the steep hills, then the electric would certainly not even make the first leg of the steep hill, so we are talking about Euro 6 engines.

340

Hon. S M Figueras: Could the Minister just confirm then, and it flows from the information that he has provided to us, that the replacement bus fleet will unfortunately, given the circumstances, not have environmentally friendly engines, in the sense of having alternative energy engines in terms of being hybrid or other sources, but in fact will be the latest technology diesel buses?

345

Hon. N F Costa: Mr Speaker, I cannot accept the premise of the supplementary in that the latest technology diesel buses are environmentally friendly and I have certainly read – (*Interjection*) Sorry? (*Interjection*) They are, and I have certainly read information that suggests to me that they are as such.

330 As I said, my own particular personal hope was that the hybrid would have been able to have negotiated the very steep hills in Gibraltar. The peculiarities of Gibraltar topography has meant that it has been impossible to be able to service all of the routes. As a result, the Tender Board has advised us that there are only two buses which are suitable for Gibraltar and we are now awaiting their recommendations.

335 **Hon. S M Figueras:** I am grateful, Mr Speaker.

Just one final supplementary, is the Hon. Minister able to say when he is expecting this final recommendation to be made and therefore – and I will be asking him to speculate, I suppose – say when we can expect to see the start, at least, of the arrival of these buses in Gibraltar?

340 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman can rightly assume, I press, if not daily, very frequently for the recommendation to be put to the Treasury Board; but, as I have said, I am not in charge of the process. All I can do is press for a recommendation to be put as quickly as possible. No one wants the new fleet in Gibraltar more than I do.

Q126/2014
Urban bicycle rental scheme –
Update

345 **Clerk:** Question 126, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, will the Minister for Transport reconsider the Government's position in respect of an urban bicycle rental scheme as stated in this House as being subject to the findings of the Sustainable Traffic and Transport Plan, and commit to replacing the now, effectively, defunct Gibibikes scheme with a new facility as soon as practicable?

350

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

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, with respect I do not accept the premise of the question. I have never said that the Government's view of an urban bicycle rental scheme is subject to the findings and recommendations of the STTPP as the questions suggests.

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The hon. Gentleman will recall that in answer to his Question 551/2013, I explained to the House that the Government had been left with no option but to commence legal proceedings in the Supreme Court of Gibraltar. As a result, I noted that it would not be appropriate for me to be drawn into a debate across the floor of the House as to the Governments plans.

360

It was in answer to the hon. Gentleman's supplementary question that I added that in any case the Government would imminently receive the recommendations of the STTPP and so would consider an urban bicycle rental scheme in that context.

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Further, the hon. Gentleman will recall that it was his own Leader, the Hon. Daniel Feetham, who interjected in the House, to note that I should limit myself to saying that the Government is looking for alternatives, should this prove necessary, given that there are currently legal proceedings in the Supreme Court and any debate may prejudice that litigation.

370

As a result, following on from my own answer to his question and the Hon. the Leader of the Opposition's contribution, I can assure the hon. Gentleman that I will make a public announcement in due course on the conclusion of the legal proceedings, including any appeals by either parties on any point.

Hon. S M Figueras: Mr Speaker, can the Hon. Minister explain at what stage these legal proceedings currently are?

375

Hon. N F Costa: Mr Speaker, I really have no issue meeting with the hon. Gentleman and once again briefing him in confidence as to the status of the proceedings. I really do not want to be drawn across the floor of the House as to any aspect of a matter that is *sub judice* because we may then lead into other matters which, as the Hon. Leader of the Opposition noted, may prejudice the litigation, and I tend to agree

380 with him. I think it is best not to progress this matter any further in public, but I am more than happy to meet with him, as I have on previous occasions in the past, to brief him confidentially.

Hon. D A Feetham: Mr Speaker, I think that – and he recognises that certainly from this side of the House – we have been fair with the Government and attempted to deal with this in a way that does not prejudice any potential litigation. Having said that, I have to say I do not think that an answer to the
385 supplementary that my hon. Friend has asked, would do that or impact on the litigation. All he is asking is has it got to the disclosure stage, exchange of witness statements, so that he can then make his assessment as to how long this litigation is likely to take. We are lawyers. By providing us with that information we will know, more or less, how long this litigation will take, which is I think, the purpose of the question by my hon. Friend.

Hon. N F Costa: Yes, Mr Speaker, and I do accept that point. The point that I am making though is that if I start to answer supplementary questions on the Court process, we may end up being drawn into matters. But given that the concern is that the hon. Gentleman should have the information so that he may make his own assessment on where the process is at, I am more than happy to provide him with that information, but
395 in private.

Hon. D A Feetham: Yes, Mr Speaker, but there is a matter of principle here.

There are matters upon which we will accept to be briefed in confidence where we can see that there is a legitimate concern by the Government of not providing the information publicly, but at the end of the day this is a Parliament and if the information that is sought is proper information and there is no proper reason why there ought to be a briefing in confidence... well, the information ought to be provided across the floor of this House.

Really, the question is very simple: where has the litigation got to? Is it disclosure, for example, because if it is disclosure then we will know? Or has he, for example, been told how long this litigation is likely to last? Is it going to be towards the end of this year? Does he expect... We all know that it is very difficult and that is why, I presume, he has not asked how long will this litigation take. He has asked where has it got to... to what stage has it got?

Hon. N F Costa: Mr Speaker, once again, I am happy to provide the information to the hon. Gentleman in confidence. The hon. Gentleman tells me that we will not be drawn into any further supplementaries as to the process, but the very first supplementary has already prompted a little debate across the floor of the House.

I can think of many reasons why I would not want to, across the floor of the House, disclose at what stage the proceedings are at, and the hon. Gentleman, being a lawyer, may also wish to reflect on the reasons why he would not want to even detail at what stage of litigation other proceedings may have arrived. As a result, Mr Speaker, given that the matter is very much live before the Supreme Court of Gibraltar, I will not be drawn into discussing the process of the litigation.

Hon. S M Figueras: Mr Speaker, I am grateful for the Minister's intervention in this discussion and I do appreciate the points that he raises – clearly, I think all the lawyers in this room certainly do. However the issue here, Mr Speaker, is that the issue of an urban bike rental scheme is one that many in the community are calling for some certainty on, for some information in terms of where it is going to go, because many have come to depend upon it for the short time that it was a viable service available to them.

In that vein then, and not pushing the point in relation to the current state of affairs in the legal proceedings, is the Minister able to say whether at any time before the end of this term of office, there is any likelihood whatsoever that Gibraltar will have an effective urban bike rental scheme available to the community?

Hon. N F Costa: Mr Speaker, does it not occur to the hon. Gentleman that had the Gibibike scheme been a reliable scheme, we would have an urban bike scheme today and we would not be involved in suing the company that provided a scheme that clearly was not fit for purpose? Let him reflect on that before asking me any more questions on why we do not have an urban bike scheme.

Hon. S M Figueras: Mr Speaker, with respect to the Minister, I do not need to reflect any more on this because I reflect on it a lot. The fact that the scheme, as provided to the previous GSD Administration, may have proved for one reason or another to be unsuitable is something that is no longer within control of the Party on this side of the House (**A Member:** Hear, hear.) and is the responsibility of the Members on the opposite side. (*Interjection*)

440 Yes. However, what I am seeking from the Minister, Mr Speaker, is a commitment, because he did say in the – and he has confirmed it this morning in the original answer to the question – that it would be contemplated in the context of the findings of the STTP. I am asking the Minister to confirm whether or not it can be expected by the community that there will be an urban bike rental scheme in Gibraltar before the end of this term of office. A simple question.

445 **Hon. N F Costa:** And the simple answer, Mr Speaker, is that the people of Gibraltar can expect me to pursue diligently the company that has let Gibraltar down.

Q127/2014
Black cabs –
Environmentally friendly engines

Clerk: Question 127, the Hon. S M Figueras.

450 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say when Gibraltar can expect to see black cabs with environmentally friendly engines in Gibraltar?

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

455 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government is not yet in a position to make a statement on this matter.

Clerk: Question 128 –

460 **Hon. S M Figueras:** Mr Speaker, is the Minister able to say whether it is planning to deliver this particular commitment in their manifesto?

Hon. N F Costa: All of them, Mr Speaker. *(Laughter)*

Q128/2014
Transport Inspectors –
Activities performed

Clerk: Question 128, the Hon. S M Figueras.

465 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details in this House of the activities of the recently appointed Transport Inspectors?

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

470 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, at present the activities that are being carried out by the Transport Inspectors are as follows: controlling the Taxi service at the Gibraltar Airport and at Taxi Ranks; regularly checking the GPS system to monitor and ensure an improved City Service in line with the legislative amendments introduced by H M Government of Gibraltar; checking the conduct of drivers, for example, enforcing the drivers dress code;
475 keeping track of all public service vehicles and their drivers to ensure that all vehicles are roadworthy and that all drivers renew their relevant licences; dealing with all complaints from members of the public and taxi drivers; submitting regular reports and recommendations to the Chief Examiner and to the Transport Commission; maintenance and monitoring of bus and taxi shelters; monitoring guide and tour licences; monitoring cruise shuttle service.

Q130/2014
Leisure Construction and Maintenance Company Limited –
Details of trade licences

480 **Clerk:** Question 130, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details in respect of any trade licences currently held by Leisure Construction and Maintenance Company Limited?

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

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I think this is the first time that I answer a question to the Hon. Mr Reyes, so I apologise to him that my answer will be so brief.

490 The above company has no trade licence.

Hon. E J Reyes: Mr Speaker, I ask this question because not long ago I raised – and the Hon. Steven Linares was one that answered – my question, does this company, which was incorporated in February of last year, have an address of premises within Gibraltar Sports and Leisure Authority and there being an application for a trade licence, which the Minister and I then exchanged some views and there had to be some modifications.

The Minister for Employment has previously answered that there were no employees as such in the company yet because they were pending to see whether the licence came through and then the need for it.

495 So can the Minister then say,

500 is he aware whether the application has already gone through the Trade Licensing Committee process and was it granted or not? Is he aware of that?

Hon. N F Costa: Yes, Mr Speaker, the Secretary to the Trade Licensing Authority has informed me that the matter is closed. So there is no licence.

505

Hon. D J Bossino: Can the Hon. Minister clarify what he means by the matter being closed? Does he know whether an application prospered, was made and was rejected? Was the application withdrawn? Can he give us further and better particulars as to what he means by the matter being closed?

510 **Hon. N F Costa:** Yes, Mr Speaker, that there is no application pending.

The question was whether a particular company has a trade licence. I asked the Secretary, and she said no. I said, ‘Is the application pending?’, and she said no.

Hon. D A Feetham: Yes, Mr Speaker, but as I understand, my hon. Friend, Mr Reyes, he has been given information in the past about an application having been made. What we are now asking is what has happened to that application? Has that application been withdrawn? How do you get to the stage of no application pending? Is it that the application has been withdrawn or... that is the question.

515

Hon. N F Costa: Mr Speaker, I think, again, like with the *sub judice* question, I have made... and I know that he laughed when I said that I do not interfere in the tendering process, and I can assure him that I never have, nor will I ever, and similarly with the trade licensing. All that I do insofar as trade licensing is concerned is to make sure the Trade Licensing Authority is properly resourced, has the proper software etc and I do not in any way become involved in the processing of applications.

520

525 So all I can tell the hon. Gentleman is that given that there exists a veritable and independent arm’s length relationship between my Ministry and the Trade Licensing Authority, that is the detail that I have in that there is no application pending before it and that the company, as in answer to the original question, does not have a trade licence.

Hon. D A Feetham: But, Mr Speaker, I quite understand that the hon. Gentleman is not going to get involved in who is... granted well, I would hope that he is not going to get involved in who is granted a trade licence and who is not granted a trade licence. But at the end of the day, this is part of the business for which the Government is responsible. It is a Government-owned company and we are perfectly entitled to ask the question.

530

535 Having in the past been provided the information that an application was made, all we are asking now is what has happened to that application. Has it been withdrawn? If he requires further notice of the question (*Interjections*) then we can leave it until next month, but what he cannot say is, ‘Well, I do not interfere in

the trade licensing process and therefore I am not going to give you the information', because as a matter of principle that is wrong.

540 **Hon. N F Costa:** Mr Speaker, I am afraid that we are going to disagree once again. The original question was a very clear, concise question. Does a particular company have a trade licence? The answer, Mr Speaker, is no, it does not. If they want to ask any particular questions relating to the process, then given that I do not interfere in that particular process, notice should have been given to me and I would have asked.

545 **Hon. D J Bossino:** Mr Speaker, can the Hon. Minister confirm whether this company is in fact a Government-owned company or not or is it one of these companies that is benefitting from the supposed business nurture scheme. Because the information that we have from a search that we conducted at Companies House suggests that the registered office of the company is 31 Town Range and the original subscribers of the shares are individuals, whose names I will not mention, but I think that they are employees of a Government-owned company or indeed of the Government. So can he confirm what the status of this company's ownership is?

555 **Hon. N F Costa:** Mr Speaker, it is quite clear that the original question really bore no bearings on what they really wanted to ask. If that is what they wanted to ask, that is what should have appeared on the face of the question. I am not the Company Registrar. I am the Minister responsible for commercial affairs, which includes the trade licensing section. You asked me a question as to whether a particular company has a licence, and I have already said no.

560 If he wanted to know the directorship, the shareholding, whether there are nominal shares or a trust or whatever, he should have asked those questions on the face of the original question. I do not have that information because it did not occur to me to think that I would be asked about the particular structure of a particular company when the question is so far removed – the supplementary – from the original that it beggars belief, certainly in our view, that I should be asked now about the structure of ownership of a company when all I am being asked is whether a particular company has a trade licence.

565 The answer for the fourth time, I believe, is no, it does not.

Hon. D J Bossino: Mr Speaker, this question is a highly relevant question.

570 He is a Minister of the Crown, Mr Speaker. He ought to know, and he can ask in collegiate fashion his other fellow Ministers around him, whether this company... he can ask the Hon. the Minister for Employment I am sure he knows –

Hon. N F Costa: Why do you not ask that question then?

575 **Hon. D J Bossino:** Well, Mr Speaker, he needs to know now whether this company is a Government-owned company or not, and it is relevant to the question posed –

Hon. N F Costa: No it is not.

580 **Hon. D J Bossino:** – because he is saying, Mr Speaker, that he does not go behind the Trade Licensing Authority –

Hon. N F Costa: No, I do not.

585 **Hon. D J Bossino:** So he does not know whether the Trade Licence Authority accepted or rejected the application. But if it is a Government-owned company, right, he ought to know whether the Government decided to withdraw the trade licence application or simply decided not to proceed with it for any other reason. That is why I am asking – and it is a highly pertinent and relevant question and the Minister ought to know it – whether this company is a Government-owned company. Does he know or does he not?

590 **Hon. N F Costa:** Mr Speaker, I do not know, because I have just explained to him in plain English and perhaps he is going to accuse me now of using the English language as a travesty to worm myself out of a supplementary (*Laughter*) that given the original question which is simply, does this company have a trade licence? Because he is right, I am the Minister of the Crown responsible for the Trade Licensing Authority, so it is perfectly proper that I should be asked the original question of whether a particular company has a trade licence. Being the appropriate authority, it is only right that I should then go to the Secretary and ask if the company does have a licence.

595

600 But having answered the question with a simple no, if the purport behind the question was clearly not anything to do with whether or not the company had a licence, but rather in their mind whether there is something else that has to be answered pertaining to ownership and ownership structure and directorship and shares, if that is what he was asking, he should have asked the Registrar for Companies to reveal that information in a simple company search. I am not the Registrar for Companies, I am the Minister for Trade Licensing, and they have asked a question. I have answered.

605 He knows full well that the supplementary that he has asked bears no resemblance and no connection whatsoever to whether the Trade Licensing Authority, which is a Statutory Board, independent from the Minister's office, and rightly so, that determines whether or not a company should be granted a licence, has nothing to do with the ownership of that company, and he knows that. If he has appeared before the Trade Licensing Authority, as I have on many occasions, he would know that that is the case. So to ask me the ownership structure of any particular company is mischievous politically and he knows it. (*Interjection*)

610 **Hon. D A Feetham:** Mr Speaker, I am not going to get involved in the questions of ownership of this company. I have assumed that it is a Government-owned company, because in answer to previous questions in January, I was told that there were no more of these, No. 6, or Town Range companies that were not Government-owned companies. So I leave that to one side.

615 But does he not accept that when you come to this House you have got to be prepared to deal with supplementaries, and this question is a question in the light of –

620 **Mr Speaker:** Yes, with all due respect, of course Ministers – and this is something that I have said previously – come to this House. The Hon. the Leader of the Opposition has been a Minister. I have been a Minister for 16 years. Of course you come with material anticipating a line of questioning in supplementaries, but you cannot cover all contingencies, that is impossible, and on certain matters a Minister is very much in the hands of the public servants, the civil servants who provide him with material.

The original question here is:

625 'Can Government provide details in respect of any trade licences currently held...'

630 If the answer had been yes, the Government can provide details, we might have heard that the company was dealing, let us say, in watches, pens, cameras, what have you. Those would have been the details that might have been given, but the answer is no, there is no trade licence currently held by this company and therefore that main question has been answered by the hon. Member and there is a limit to what you can determine beforehand... you can know beforehand what is the line of supplementary questioning that is likely to take place and it is impossible, and this will have happened to hon. Members on that side of the House and on this side of the House who may have been Ministers previously. That is the difficulty at Question Time.

635 **Hon. D A Feetham:** Mr Speaker, of course I understand what the difficulty is, having been a Government Minister. Had Mr Speaker allowed me to ask the question, Mr Speaker would have seen the point and the question that I was asking, which was that we all come here to this House, and the Government Ministers do, having done their homework as to potential supplementaries. But you see, the problem here is that the hon. Gentleman has asked about whether this particular company has a trade licence because the Hon. the Minister for Employment has said that an application for a trade licence was made in previous answers to questions. In the light of that it is a perfectly reasonable supplementary (*Interjection*) to ask whether that was withdrawn or not.

645 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I have not said ever that there –

Hon. D A Feetham: He has.

650 **Hon. J J Bossano:** So he is attributing something to me that I have not said.

Hon. D A Feetham: I apologise to the Hon. the Minister for Employment. It is Minister Linares that had made the point in the past, I apologise.

655 But the point is the same, that having in the past said an application has been made, he obviously asked the question, 'Well, does he have a licence?' The answer is no, and the supplementary is what has happened to that application? (*Interjection*)

660 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as a Point of Order, I never said that either. So I do not know where he is getting that. I never said that they made an application. The hon. Member asked me questions about this company and he asked me about the address and the directors, but never on the trade licence.

665 **Hon. E J Reyes:** Mr Speaker, yes, as a result of my question, the Minister then, instead of waiting for the next session of Parliament, wrote to me directly and enclosed a copy of the trade licence application. I consider that as a follow-up of what had happened in Parliament.

665 So the Minister is correct in saying he did not answer it as such. *(Interjection)* Yes, the Minister is correct in saying that he did not answer that part here in Parliament in front of Mr Speaker, but he did, as Mr Speaker well knows is the practice, then write to me and forwarded to me the information in respect of the application for the trade licence.

670 My question is can Government, having honed it down to any particular Minister, because I do not know who was handling that issue. The question was very simple and I accept the answer is no, it does not have a trade licence. I think a logical supplementary, and if he has the answer now or if not he can provide me with the answer either later on during this session or like previously by correspondence saying is it because the application has been withdrawn or is it because it was not approved. That is, I think, basically what we are trying to get at Mr Speaker.

675

Mr Speaker: May I ask the Minister, during the recess before this afternoon, to go back to the civil servants who provided him with certain information and to check whether there is more information available and then inform Parliament?

680 **Hon. N F Costa:** Yes, Mr Speaker, I was in fact going to suggest that I would do exactly that, but I am a little struck by the latest supplementary. If the hon. Gentleman is now telling us that the Hon. Minister forwarded to him a trade licence... a copy of the application, and I am telling them that the matter has been closed and the Secretary to the Trade Licensing Authority has told me that there is no application pending, then it does not take a rocket scientist to deduce that it must have been withdrawn, but having said that –
685 *(Interjection)* But having said that – *(Interjection)* Yes, of course –

Mr Speaker: Let's... May I –

690 **Hon. N F Costa:** If the matter is closed there is no application pending. *[Inaudible]*

Mr Speaker: Will the Minister –

Hon. N F Costa: Yes, I will, Mr Speaker.

695 **Mr Speaker:** Please do what I have asked you to do and come back this afternoon. Thank you. We can proceed.

Q131/2014
Underwater hull cleaning of ships –
Use of toxic cocktails

Clerk: Question 131, the Hon. J J Netto.

700 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if there is any diving company operating in British Gibraltar Territorial Waters which undertakes underwater hull cleaning of ships, using toxic cocktails that threaten sensitive marine life?

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

705 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in answer to the Hon. J J Netto, I can confirm that there is no diving company that carries out underwater hull cleaning within British Gibraltar Territorial Waters that uses toxic cocktails.

710 The underwater hull cleaning conducted in Gibraltar Waters are of a mechanical nature, by means of compressed air which drives wire brushes.

Hon. J J Netto: I am grateful, Mr Speaker, for the Hon. Minister's reply, but this mechanical process which the Minister alludes to, is that done inside the dry docks or outside at sea?

715 **Hon. N F Costa:** Yes, Mr Speaker, that is a question that I asked of the various officials that I spoke to and it is a process that is conducted in water... in the sea.

Hon. J J Netto: Can the Minister inform Parliament what chemicals are used in that particular process?

720 **Hon. N F Costa:** Mr Speaker, again that is a question I also asked and there are no chemicals used for the underwater hull cleaning of ships. I am assured that no chemicals are used to clean the hull of ships.

As I explained to him, it is a mechanical process which uses compressed air which drives the wire brushes. I am assured that there are no chemicals used in the cleaning.

725 **Hon. J J Netto:** So I take it that the Minister has asked the question to officials and he can confirm to Parliament that there are no toxic chemicals used in that process.

730 **Hon. N F Costa:** Yes, Mr Speaker, I can confirm to the hon. Gentleman that after having spoken over the phone to the relevant official in the Ministry for the Environment, she confirmed to me that she is not aware – and obviously the Environment Department would be – that they are not aware of any process in Gibraltar that conducts underwater hull cleaning of ships that uses chemical cocktails. As I have said, it is a mechanical process that uses compressed air. It does not use chemical cocktails.

735 **Hon. J J Netto:** Mr Speaker, obviously I am grateful for that information. I just would probably write to him so that he can actually go back to the officials and give me the sort of guarantee that I am seeking at a later date.

Hon. N F Costa: Mr Speaker, I am more than happy to write to the hon. Member opposite –

740 **Chief Minister (Hon. F R Picardo):** Enclosing a copy of the *Hansard*.

Hon. N F Costa: Yes, I was about to say, enclosing a copy of the *Hansard*. I can assure him that I would not make a statement in this House unless I recalled correctly a conversation I have had with the relevant environmental official. She was adamant that there is no use of chemical... toxic cocktails for underwater hull cleaning.

Q132/2014
Proposed new small boats marina –
Waiting list for berths

745 **Mr Speaker:** Next question.

Clerk: Question 132, the Hon. D A Feetham.

750 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many people are on the waiting list for berths at the proposed new small boats marina?

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

755 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, as of 17th February of this year there are 895 individuals currently registered on the waiting list for berths at the new proposed small boats marina.

760 **Hon. D A Feetham:** Yes, well, first of all congratulations on your promotion.
In relation to the supplementary, 855 on the waiting list, how many of those does the Hon. Minister envisage will actually get berths at the end of the day?

Hon. N F Costa: Mr Speaker, that was a very mean spirited comment. Given that I am the Minister for the Port and the Dock Controller compiles a list, it made perfect sense to us anyway that I should answer.
Secondly –

765 **Chief Minister (Hon F R Picardo):** You certainly have a better chance of ever taking the job than he [inaudible] – (Laughter)

Hon. N F Costa: Secondly, as the hon. Gentleman knows, due to our press announcements, the small boats marina will have 700 berths, so 700.

Q133/2014

**Proposed new small boats marina berths –
Provision of free water and electricity**

770 **Clerk:** Question 133, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether the Government has received representations for water and electricity to be provided free of charge to the owners of boats that will berth in the proposed new small boats marina and what is Government policy in this respect?

775

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

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, this lowly mortal rises humbly to say no. There have been no such representations and in line with the position at Cormorant Camber, the other small boat marina in Gibraltar, where water and electricity are available, the policy of the Government is that any such usage must be paid for by the individual users of such. The new small boats marina has in fact incorporated into the design measures to control such usage. Allowing the free usage of commodities, such as water and electricity, can lead to unnecessary wastage.

780

SPORTS, CULTURE, HERITAGE AND YOUTH

Q134/2014

**Sports injury clinic –
Setting up and running**

Clerk: Question 134, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Sport state when the sports injury clinic outlined in the Government's manifesto will be set up and how it will be run?

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

790

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the sports injury clinic is being discussed with health professionals of the GHA, who will be recommending the best way forward on how it should be set up and run. I can assure the hon. Lady that the sports injury clinic, which is a manifesto commitment, will be up and running before the next General Election.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister considering for the GHA to refer patients to private practice professionals as an alternative option?

Hon. S E Linares: Mr Speaker, as stated in the answer to the question originally, we are just in discussions with the GHA professionals as to the way forward, and therefore we have still not had that advice.

800

Hon. Mrs I M Ellul-Hammond: But could the Minister confirm if that is one of the options? Would a GHA-run separate sports injury clinic be set that is run by GHA professionals or will the services be contracted out to private service providers within the community?

805

Hon. S E Linares: Mr Speaker we are looking at all options.

Q135/2014
John Mackintosh Hall –
Vacancy for caretaker

Clerk: Question 135, the Hon. E J Reyes.

810 **Hon. E J Reyes:** Mr Speaker, further to Question 19/2014, is the Minister for Culture now able to say when the position of caretaker at John Mackintosh Hall will be advertised and by when it is expected that this position will be filled?

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

815 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 136.

Q136/2014
John Mackintosh Hall –
Vacancy for night receptionist

Clerk: Question 136.

820 **Hon. E J Reyes:** Mr Speaker, further to Question 20/2014, is the Minister for Culture now able to say when the vacancy for night receptionist at John Mackintosh Hall will be advertised, and by when it is expected this position will be filled?

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

825 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to these questions remain as that of January's Parliament, Question 19/2014 and 20/2014.

830 **Hon. E J Reyes:** Mr Speaker, if I recall from the previous answers we have had to these questions, which I know dates back to the summer of last year, the Minister has been saying all along that it is a matter that had to be included in the Agenda of the Board and so on. In fact even the Speaker prompted to the Minister that as Chairman of the Board he would have to ensure that the matter was there.

Therefore, is the Minister able to enlighten us as to when this matter will be discussed with the Board and by when we will be able to at least estimate when the positions will be filled?

835 **Hon. S E Linares:** Mr Speaker, I understand that the next Board meeting is sometime in late March to early April.

840 **Q137/2014**
Facilities for cricket and rugby –
Update

Clerk: Question 137, the Hon. E J Reyes.

845 **Hon. E J Reyes:** Mr Speaker, further to Question 21/2014, can the Minister for Sports and Leisure inform this House if he has now identified and agreed upon with the respective Sports Governing Associations any alternative facilities to Europa Sports Grounds for the playing, teaching and development of either cricket or rugby?

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

850 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no, sir.

855 **Hon. E J Reyes:** Mr Speaker, does the Minister have in his schedule already at least some date for when he expects to meet with these Associations so that they can discuss the matter, given that cricket, for example, is a game that is played in the summer season and the summer period is fast approaching us?

Hon. S E Linares: Mr Speaker, there is a question in the Order Paper, which is the next one, or at least there is a question on that specifically.

860 But just to say that I do meet them regularly anyway and we are discussing, like the answer to the previous question, all options, and therefore I do meet up with them. He was in the GBC Awards talking to Mr Ross Brooks from the cricket, who came after to talk to me. I meet them regularly in my office, so that is not an issue. The issue which is subject to this question... the answer is simply no, sir.

Q138/2014
Heritage sites –
Details of works carried out

Clerk: Question 138, the Hon. E J Reyes.

865 **Hon. E J Reyes:** Can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage-related site since the answer to Question 22/2014, stating by whom these works were carried out?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to answer to Question 22/2014, I now hand over to the hon. Member opposite, the information requested.

Schedule to Question No. 138/2014

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

a) **Site:** Charles V Wall

Works: Conservation and restoration works.

Contractor: Knightsfield Holdings Ltd.

Total Amount: £ 13,038.27

875 **Hon. E J Reyes:** Mr Speaker, perhaps the Minister does have a bit more information, in respect of the answer provided, that the site is Charles V Wall. Given the rather extensive length of Charles V Wall, can the Minister guide me a little bit as to which part of the Charles V Wall we are talking about?

880 **Hon. S E Linares:** Mr Speaker, I cannot specifically say which part of it, but I can say that all these works are for the removal of vegetation on the wall. Because this is a historic wall, the works are done with extreme care and the knowledge of what and how to remove this vegetation. It is the removal of loose material and modern accretions. In many cases modern materials, such as cement or rust metal, cause significant damage to the ancient walls. Once again, this work is done with extreme care and knowledge.

885 Close-up conservation surveying of the wall with use of scaffolding is another part which they are doing. This was all in the preparation for the conservation and consolidation process on that sector of the wall, which is currently undergoing and if the hon. Member just passes by, he will see that by Prince Edward's Gate and around that area, where the Housing Department have put some scaffolding, we have taken the opportunity of using that scaffolding or at least the company of using the scaffolding in order to lower the costs so that they can look at the wall.

So on the back of other works, this company is using the materials of the other company in order to again, like I say, lower costs to look at the damage that the vegetation might be doing to the wall.

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Hon. E J Reyes: One further little thing, Mr Speaker. The Minister mentioned that in the removal of vegetation and loose materials and so on, they were also taking advantage to perhaps put right... and he mentioned I think that it was rusted iron and cement and so on. Is that something that as a result of inadequate repairs having been carried out in the past, we are now having to modify that? Does he have any information that could enlighten me as to how metal and cement has ended up in walls that obviously at the time of construction originally were not available?

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Hon. S E Linares: Mr Speaker, if I can give him an example of what has been happening with many of our heritage sites, is the indiscriminate use of the wall at the later stage and people actually putting them there and therefore not having the proper regulation of, for example, putting up a box or putting up a washing line or things like that, which people have been doing for many, many years, and therefore not realising where exactly they are putting it. These are the sort of things that the wall itself now has and it has damaged the wall. Therefore, the conservation that is going on now is to remove these things and to properly cement it so that the wall is safeguarded.

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905

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

Can I reassure the Minister that given the explanations he has carried out, he will always find our support from this side of the House because we are as concerned as he is in maintaining these listed buildings, which is what they are, properly. Perhaps jointly run and divided we can appeal to the general public at large to look after Gibraltar so that we, all Gibraltarians, can be rightly proud of our own heritage.

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Q139/2014
Europa Sports Ground –
Availability for Gibraltar Cricket Association

Clerk: Question 139, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure confirm if Europa Sports Ground will continue to be made available to the Gibraltar Cricket Association as in the past, for the summer season of 2014?

915

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, sir, I can confirm that the Europa Sports Ground will continue to be available, as it has been for many years, to the Gibraltar Cricket Association for the summer of 2014.

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Hon. E J Reyes: That is very good news indeed, Mr Speaker.

May I ask the Minister – perhaps he does have the information at hand, if not it is a matter we can discuss next month – I know that he answered last year, in preparation for the 2013 season, his Ministry or the Sports Authority made some investments in helping to ensure that the playing surface was as adequate as possible and so on, given that now we know that in 2014 there will luckily be some cricket being played there again, does the Minister have any plans for any modifications or minor repairs in respect so that the pitch is in a good playable condition as possible?

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Hon. S E Linares: Mr Speaker, I can assure the hon. Member that the pitch... I have not had any representation either from the Cricket or anybody using that pitch as to the quality of the pitch. The pitch is already in an adequate position in an adequate state. So therefore there is no need at this moment in time to make any investment there.

935

What the hon. Member has asked... and I am happy to say that I have already had conversations with the Gibraltar Cricket Association in order for them to be able to use, like the question states, the Europa Point all the summer. So I am happy to say and I am glad that the hon. Member is happy as well, that cricketers can play cricket in the Europa Sports Ground this year.

HEALTH AND THE ENVIRONMENT

Q140-142/2014

**Coach park; No. 6 Convent Place –
Works carried out on trees**

Clerk: Question 140, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if some trees in the former coach park have been cut down or uprooted, specify what type of trees these were? If cut down, could the Hon. Minister state why, and if uprooted, where will such trees be replanted?

945 Also, can the Minister state if this issue has been discussed at the DPC, and if so, state the date and reference number on the Agenda of the DPC meeting?

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

950 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 141 and 142.

Clerk: Question 141.

955 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if any palm trees in the vicinity of No. 6 Convent Place have been removed, and if so, state how many, why they have been removed, and where will they be replanted, if at all, and state when was this issue discussed at a meeting of the DPC, and state the reference number on the Agenda?

Clerk: Question 142.

960

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if any of the pepper trees in the back courtyard of No. 6 Convent Place have been removed, and if so state why? Also, if it is intended that they will be replanted, and when was this issue discussed at a meeting of the DPC, and what was the reference number on agenda of the meeting?

965

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

970 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, arising from a request from the Housing Projects Contractor, the Department of the Environment carried out an assessment of the existing trees in the coach park and advised which could be felled, taking into account their position within the footprint of the development and also the state of the tree.

975 The trees removed were Yuccas and Pepper trees, which were in a very poor state and could not be replanted. A *Ficus Elastica*, otherwise known as a rubber plant, was also removed as this is notorious for growing very large. In addition, a row of small cypresses was also removed. The removal of trees was tabled at the DPC meeting held on 30th January 2014, Item 17 on the Agenda.

The hon. Member should note that the new housing development will include landscaped areas with new trees, many of which will be of better quality and form than the ones removed.

980 Two Phoenix Palms in planters west of No. 6 perished after being infected by the red palm weevil. These were subsequently removed by the MOD who used to maintain these planters adjacent to the Old Guard House. Applications are not usually made to DPC for the removal of dead or badly diseased trees.

985 The Pepper trees in the rear courtyard of No. 6 Convent Place have been removed. These trees were in a poor state for a number of years and had been continually pollarded as there was a concern that they could not bear the weight of the branches. Replanting was not an option due to the state of the trees. The matter was tabled at the subcommittee meeting of the DPC held on 20th January 2014 where it was approved. The subcommittee's decision was reported to the DPC for information purposes at the meeting held on 30th January 2014, Item 22 on the Agenda.

990 It may interest the Member opposite that the request for removal of the Pepper trees had been made in 2011 and the trees had been assessed on 21st September 2011, when the recommendation was made to replace them. If I may add, Mr Speaker, clearly this was requested during the previous Government's time. I was still Director of the Botanic Gardens, but I had broken my ankle four days before, so I was not personally involved in that assessment which recommended the removal.

Hon. J J Netto: Mr Speaker, I am grateful to the Minister for the information given to Parliament.

995 In relation to the Pepper trees, I think he has partly answered the question, the issue is that the item to
remove the Pepper trees was discussed; I believe he said on 30th January, but was dealt with by the
subcommittee.

1000 I also understand, and perhaps he could correct me if I am wrong, that the deliberation of the
subcommittee is not something which is minuted; therefore members of the public, who may wish to see
the minutes of that particular meeting... I understand the minutes of the whole meeting of the 30th is
simply not on the Government website simply because it has to be approved at the next meeting, which is
next week, on Tuesday.

1005 But given that the discussion was with the subcommittee for information purposes only, members of the
public have not got access as to the reasons why this decision was taken. Obviously we have the answer
now, thanks to the Minister in Parliament, but for members of the public, is it not the case that they have
not got information, if they wanted to know, why the decisions to remove certain trees in different parts of
Gibraltar are taken by the DPC?

Hon. Dr J E Cortes: Mr Speaker, the procedure by which certain matters are taken to a subcommittee
of the DPC is in order to speed up the process. They are then reported to the open meeting and they can be
1010 picked up and discussed. I believe they are on the Agenda, but I need to confirm that.

I seem to recall that there was a brief discussion at the open meeting, the meeting in public, which
referred to the trees. I seem to recall that, and certainly, which may not have been clear from my answer,
the intention within the project is that there will be trees placed in those locations. But the subcommittee's
meetings are reported too, and there is an opportunity at the public meeting for discussion.

1015 But, as I say, if all the items that go to the subcommittee, which are normally fairly straightforward... I
mean a rotten tree is a rotten tree. I do not know whether the hon. Member is asking for evidence that they
were rotten, because I have photographs here which I can produce, so much so that on removal of one of
the railings by the contractors one of the trees started to fall. So they were in fact dangerous.

Q143/2014
Aerial Farm Housing Project –
Soil testing for contaminated waste material

1020 **Clerk:** Question 143, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister state if the soil at the Aerial Farm Housing Project has
been tested for any contaminated waste material and if so, provide Parliament with the relevant report?

1025 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, yes, there has been
testing for contaminated waste material. A copy of the report will be made available electronically.

1030 Let me point out, Mr Speaker, that I believe we were having some difficulty in e-mailing it because of
its size. If the hon. Member does not receive it today by e-mail, an electronic copy will be provided, either
on disk or pen drive tomorrow. If that fails, then we will print a copy, but it will be made available to him.

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

1035

Q144/2014
New ambulances –
Manual handling of patients

Clerk: Question 144, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say what Health and Safety
measures are in place on board the new ambulances to avoid the manual handling of patients?

1040

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, Health and Safety measures to avoid the manual handling of patients on board the new ambulances are the following.

1045 For the Patient Transport Unit: Hi-tech manual handling equipment that has been purchased with the new PTS unit includes Compact 2 Track Chair with track to descend down stairways without lifting the patient making it safer for the patient and crew; the EZ Glide powered chair, which can be a conventional transit chair one moment and then power the patient upstairs or downstairs without any requirement for them to be transferred to another chair; the Ferno EZ Glide powered chair is designed to climb or descend
1050 stairs at the push of a button, a motorised track system carries the load greatly reducing any operator fatigue, with a maximum load of 35 stones or 227 kg.

For the High Dependency Ambulance : High tech manual handling equipment purchased for the new High Dependency Ambulance includes a harrier LT LBS stretcher; powered ambulance trolley with horizontal lift; polyurethane moulded cot sides to provide protection for the patient; directional wheel lock for ease of manoeuvrability; twin ram stability control; soft stop and start; reduction in manual handling injuries —lightweight, easy to design, incorporating ergonomic push/pull handle options, smooth powered lifting action — lift up to 350 kg with a soft start/stop vertical movement; and easy to manoeuvre lightweight trolley using optimum performance low resistance wheels and various operator push/pull handles and push-pole options; simplified high-performance battery management with removable and rechargeable 28 volt battery with up to 77 lifts from one charge, visible battery level indicator and just one hour recharge; for excellent hygiene and infection control, which is IPC compliant, incorporating anti-microbial paint finish, use of Silver Biosafe harness restraints and easy to clean pressure relief mattress for loading and unloading of patients onto the ambulance is carried out by a tail lift, so there is no need for ambulance crew to lift or hold the weight.

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Hon. N F Costa: The starship *Enterprise*. (*Banging on Desks*)

Hon. D J Bossino: Mr Speaker, I am wondering whether there is any need for human beings in all of that. (*Laughter*)

**Q145 and Q152-153/2014
Physiotherapy Department –
Staffing; waiting list increase**

1070 **Clerk:** Question 145, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 168/2013, can the Minister for Health say if the vacant physiotherapy position has been filled?

1075 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Hon. Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 152 and 153.

1080 **Clerk:** Question 152.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 5/2014, can the Minister for Health say what the reason or reasons for the long waiting list and long waiting times are for physiotherapy treatment?

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Clerk: Question 153.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 5/2014 can the Minister for Health say how he will be addressing the growing trend and three-fold increase in the last two years of those on the physiotherapy waiting list and the length of time to wait before physiotherapy treatment?

1090

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the reason for the increase in the waiting list has been an unfortunate series of events in relation to staffing. The increase has been in the waiting list for adult chronic muscular related conditions. This is because as these are

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considered by the professionals to be the least vulnerable of patient groups, any shortfall in other physiotherapy disciplines tend to be filled by redeployment of staff from this area.

1100 During 2013 we lost our three experienced assistants for a variety of reasons within a space of six months, resulting in a build-up of caseload as this work needed to be absorbed by the physiotherapists. In addition, much of their time – the latter’s time – was taken in training up the new staff.

There were also during this period three episodes of significant injury among the staff, varying from three to 16 weeks. A locum was contracted in order to tackle the waiting list and reduce the impact, but a member of staff left so that the locum ended up covering that post instead.

1105 Recruitment has proved difficult despite the best attempts. The post was finally filled on 6th January, 2014. In order to clear the backlog, further locum will be brought in as soon as possible. Fortunately though, through hard work by the Department, the waiting list is now finally reducing, dropping from 384 in October 2013 to 155 on 7th February 2014 – that is two and a half times lower in four months.

1110 I am hopeful that this unfortunate series of events will not be repeated and that the waiting list will soon become stabilised at a much lower level.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister mentioned the loss of three experienced physiotherapists and various loss of expertise due to injury. Can the hon. Minister say when these vacancies will be filled? When recruitment will finally take place?

Hon. Dr J E Cortes: Mr Speaker, the three posts referred to were for physiotherapy assistants and they have already been filled.

**Q146/2014
New Mental Health Act –
Progress on Bill**

Clerk: Question 146, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health give this House a progress report on the drafting of the new Mental Health Act and when it will be ready?

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

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, a preliminary draft Bill for a new Mental Health Act is ready and is being scrutinised by the Mental Health Working Group, which consists of mental health professionals and practitioners to ensure that it reflects the Government’s priorities – that is to say that it puts patients first, that it reflects best practice in the field of mental health treatment and that it is feasible to implement.

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Given the importance we attach to the process of scrutiny and analysis in this sensitive area, I would not want to rush it; however, I am reasonably confident that a Bill can be introduced into this Parliament by the end of this year.

**Q147/2014
GHA neurology services –
Progress report**

Clerk: Question 147, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, as per his Budget Speech, can the Minister for Health give this House a progress report on the review of GHA neurology services and what additional services will be offered under the umbrella of neurological conditions?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, discussions are at an advanced stage with a major UK hospital and details will be published as soon as these are completed.

1145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give an indication of the kind of services increase or improvement in services that the GHA is looking at?

1150 **Hon. Dr J E Cortes:** Mr Speaker, we are in discussions at the moment and considering a range of possibilities to improve what we currently offer and perhaps to enhance this, but I am not able to give any more details at this stage.

Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say if he is looking at increasing the visits of the neurologist, the specialist, or setting up a clinic here, or recruiting a neurology nurse to run a clinic here or occupational therapy? I mean, any sort of indication.

1155 **Hon. Dr J E Cortes:** Mr Speaker, I do not think it would be correct or fair to give details now. We are very advanced in discussions with a major UK hospital. A number of these issues are still due to be confirmed and I do not want to commit myself at this point in time.

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Q148/2014
Long-term mental illness –
Extra accommodation for patients

Clerk: Question 148, the Hon. Mrs I M Ellul-Hammond.

1165 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Government's manifesto, can the Minister for Health say when Government will be developing, 'extra buildings to serve as sheltered accommodation for patients with long-term mental illness' and if those buildings will be on-site by the new mental health facility?

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

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no decision has been taken on this matter.

1175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister suggesting that this manifesto commitment will not be fulfilled?

Hon. Dr J E Cortes: Mr Speaker, no, he is not. The Minister is saying that no decision has been taken on the matter.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, does that mean a decision has not been taken that the buildings will be on site? Are they looking at somewhere else to place this sheltered supervised accommodation?

1185 **Hon. Dr J E Cortes:** Perhaps I should have said no decision has been taken on *these* matters and then it would have not required this supplementary.

Q149/2014
GHA GPs –
Issuing of prescriptions

Clerk: Question 149, the Hon. Mrs I M Ellul-Hammond.

1190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if GHA GPs are able to issue prescriptions for more than six months; and, if so, what is the longest period of time they can do this for?

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

1195 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no limit laid upon the GHA GP's ability to issue prescriptions for any length of time, provided this is done in units of 28 days per prescription. However, as a matter of practice, doctors rarely issue more than six months prescriptions at a time in order to be able to reassess their patients periodically. When longer term prescriptions are issued, these are usually for chronic diseases that require very little monitoring.

Q150-151/2014
Colorectal cancer –
Screening

1200 **Clerk:** Question 150, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain why the colorectal cancer screening is only for those aged 60 – 74?

1205 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 151.

1210 **Clerk:** Question 151.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say who the local consultant surgeon with specialist experience in colorectal cancer is, who will be picking up on the negative tests from the colorectal cancer screening programme?

1215 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the incidents of colorectal cancer in unscreened populations rises sharply from the late fifties and begins to fall after the late seventies. This is observed in the local community as well as in large countries like the UK.

1220 The UK set up its colorectal cancer screening programme in 2006, initially screening people between the ages of 60 and 69, and then from 2009 extended the upper limit to 74 to improve programme effectiveness.

1225 The University of Sheffield reappraised the UK colorectal cancer screening programme in 2011 and found that this is the optimal screening range, yielding a reduction of cancer mortality by 28.5%. Extending the range on either side would not save more lives. However, it should be noted that the GHA also provides regular diagnostic services through which any cancer producing symptoms at other ages, or during the interval between screening dates, can be picked up.

1230 Negative tests will clearly not be followed up by the surgeon. I am assuming the Member opposite means a positive test. In these cases, the consultant surgeon with specialist experience in colorectal cancer is Mr Ezzat Tadros.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I am grateful for that information. The Minister is alluding to the fact we are reflecting what is being offered in the UK.

1235 My understanding is that other European countries and the USA offer screening for those aged 50 and over, claiming that is when increased risks start. Was the epidemiology of those countries and as to why they offer it from the age of 50 looked at, because when the breast screening programme was introduced in the Gibraltar it was actually offered from the age of 40 – 10 years more than in the UK where it is often from 50? I just wondered whether that perhaps could also have been offered in Gibraltar, in terms of this colorectal screening.

1240 **Hon. Dr J E Cortes:** Yes, Mr Speaker, indeed, as the Member opposite will know, we have in fact improved on the breast screening programme by reacting to the dynamic nature of this and reacting to more recent research.

1245 My professionals have advised me that this is the proper limit. They will have studied all the different options. They are clearly very, very confident in this sort of thing and we are satisfied that certainly this is the correct way to start. However, we will of course respond to research in what, I repeat, is a dynamic world, the world of medicine, and we will tailor it as necessary if the evidence so suggests in the future.

1250 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, will a separate colorectal cancer screening clinic be set up, such as the separate breast cancer clinic and the prostate cancer clinic which will hopefully be set up shortly?

1255 **Hon. Dr J E Cortes:** This is a different sort of programme to the breast cancer screening, in that the patient does not actually have to attend at the hospital. As the publicity has already described quite graphically, the sample bottles will be sent to people's homes and then they will send it into the lab; therefore there is no need for separate premises.

However, those who have a positive test will be followed up within the medical investigation unit and there has been some restructuring in the layout of that particular floor in order to allow more space to take in the number of suspected cases that may have to be investigated.

Q154-156/2014
GHA management structure –
Update

1260 **Clerk:** Question 154, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say who have been the three successful applicants for the three new Unit General Manager posts, and who the successful new Medical Director and Director of Nursing are?

1265 **Clerk:** Answer, the Hon. the Minister of Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 155 and 156.

1270 **Clerk:** Question 155.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain on what role the individuals, who were Executive Directors and whose positions have now been made redundant by the new GHA Management Structure will now be, within the GHA?

1275 **Clerk:** Question 156.

1280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the following remaining GHA services will fit under the new GHA Management Structure and how they will operate – these are Human Resources, Engineering & Estates, Corporate and IT Services, and Finance and Procurement?

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

1285 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, in keeping with your ruling at the recent meeting of the House, I will not be giving the names.

Those filling former executive posts no longer required, have either left the organisation or been redeployed or reverted to former roles.

1290 The services referred to will continue as at present, except for corporate services, which now forms part of hospital services.

Mr Speaker: May I say to the hon. Lady that the fact that names will not be provided, does not preclude her from asking relevant supplementary questions in respect of the successful applicants.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when the Minister says, 'would revert to former roles', does this mean medical health related roles?

Hon. Dr J E Cortes: It depends on what the person was doing beforehand.

1300 If the person who has been redeployed was in a clinical role, then that person will be redeployed to a clinical role. If the person was in an administrative role, then that would have been an administrative role that they would be reverting to.

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q157-161/2014

**Waterport Terraces Day Centre for the Elderly –
Details of services offered**

Clerk: Question 157, the Hon. Mrs I M Ellul-Hammond.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the Elderly Day Centre at Waterport Terraces opened and what are its opening hours?

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

1310 **Minister for Equality, Social Services and the Elderly (Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 158 to 161.

Clerk: Question 158.

1315 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many elderly people the Elderly Day Centre at Waterport Terraces caters for and whether there is a waiting list to join, and if so, of how many?

Clerk: Question 159.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say what is the admissions criteria for elderly to the Elderly Day Centre at Waterport Terraces, how they are assessed and how those elderly, who are not mobile, are transported to and from the centre and by whom?

1325 **Clerk:** Question 160.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say what services are offered to the service users at the Elderly Day Centre at Waterport Terraces and what recreational activities do the service users participate in?

1330

Clerk: Question 161.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say which therapists visit the Elderly Day Centre at Waterport Terraces and how often?

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the Waterport Terraces Day Centre for the Elderly opened on 2nd December 2013.

1340 The Centre is currently open from 9.00 a.m. to 3.00 p.m.

The Waterport Terraces Day Centre can cater for a maximum of 25 people a day. Since the beginning of this year we have already been able to extend the service to an additional 18 people.

There is a current waiting list of 28 people. These have already received an initial assessment of their needs and these people are being gradually integrated into the existing groups.

1345 The services are available for people over the age of 60 years, resident in Gibraltar who are eligible to receive Social Care services. The eligibility criteria for the Day Centre is that people must have critical, substantial or moderate care needs.

An initial assessment is carried out by a social worker, who is trained to identify a range of needs to ensure that the applicant meets the criteria to be in receipt of social care services. The Day Centre co-ordinator then carries out an assessment to ascertain the persons specific support and health and safety needs. The person is then offered an introductory day, where further observations and risk assessments are carried out to ensure the person's needs can be met taking into consideration the levels of support required by other clients.

1350 The service users are provided with a venue in which to provide social interaction and stimulation. Breakfast and lunch are provided and transport to the Day Centre is provided if they have mobility issues that prevent them making their own way. People who cannot make their own way to the Centre will be transported by the Care Agency in a Care Agency vehicle.

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1360 Because the Day Centre is relatively large and spacious purpose built and for this exclusive use, we are able to provide a wide variety of services, including new services that promote socialising and interaction between the elderly users.

1365 Recreational activities carried out include a range of arts and crafts activities; exercise sessions; reminiscence workshops; discussion groups and newspapers; music, dancing and singing; cooking session; board games; outings in the community; knitting and crochet sessions; bingo. Outside speakers will also give talks on different subjects. This purpose built Day Centre even has a hair salon, which will be available to those who may wish to use it for a nominal fee in the same way as it is in Mount Alvernia.

The Care Agency is in discussions with the GHA as to what additional therapy can be provided. No therapy was previously available in the old Day Centre and these are new services which are being developed on an inter-agency basis.

1370

**Continuation of Q130/2014
Leisure Construction and Maintenance Company Limited –
Details of trade licences**

Clerk: Question –

1375 **Mr Speaker:** Before we proceed with the next question, I understand that the Hon. Mr Neil Costa, the Minister for Tourism and Transport has got the answers that I requested that he should try to see whether he could obtain.

1380 **Hon. N F Costa:** Yes, Mr Speaker, the Secretary to the Trade Licensing Authority has confirmed that the applicant withdrew the application – withdrew.

Hon. Chief Minister: Mr Speaker, can I invite you to recess the House for 10 minutes?

Mr Speaker: The House will now recess for 10 minutes.

The House recessed at 11.10 a.m. and resumed its sitting at 11.23 a.m.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

**Q162/2014
Parking for bicycles –
Facilities available**

1385 **Clerk:** Mr Speaker.
We continue with answers to Oral Questions.
Question 162, the Hon. S M Figueras.

1390 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic provide details to this House of all bicycle parking facilities installed in Gibraltar since December 2011?

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

1395 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the answer is none.

Hon. S M Figueras: Mr Speaker, can the Minister say whether there are any plans for installation at any point in the near future?

1400 **Hon. P J Balban:** Yes, Mr Speaker.

Hon. S M Figueras: I am grateful, Mr Speaker.
Could the Minister perhaps provide any further details about where these facilities are expected to be installed?

1405 **Hon. P J Balban:** Mr Speaker, the provision of bicycle facilities is something which has been addressed as part of the Traffic Plan. One of the sites that has already been earmarked for such provision is the Commonwealth Park.

1410 **Hon. S M Figueras:** And the provision of facilities anywhere else in Gibraltar, that is all subject to the STTP?

Hon. P J Balban: Yes.

Q163-164/2014
Alternative forms of transport –
Government's policy

Clerk: Question 163, the Hon. S M Figueras.

1415 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say what measures this Government has taken since it took office to encourage the use of bicycles as an alternative form of transport?

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

1420 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 164/2014.

Clerk: Question 164.

1425 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say what measures this Government has taken since it took office, to encourage the decreased use of cars?

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

1430 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, it is the Government's policy to encourage a move towards alternative and sustainable forms of transport and the new Sustainable Traffic, Transport and Parking Plan will look at ways of achieving this.

Walking and cycling are recognised forms of alternative transport and the provision of cycle lanes is something the Government is committed to. To this end, various options are being considered.

1435 There have already been improvements to the public bus network, including new bus routes and an increase in frequency, both of which provide greater options and flexibility to users.

Hon. S M Figueras: So, Mr Speaker, just in summary, the answer to Question 163 is none, and the answer to Question 164 is effectively a couple of bus routes?

1440 **Hon. P J Balban:** Mr Speaker, as I said, everything to do with bicycles is being looked at within the Traffic Plan, inclusive of bicycle lanes, inclusive of provision of bicycle racks. Also, we are looking at ways of removing bicycles being strapped to certain areas, which become unsightly, like wrapped around trees, posts etc. So we will also be looking at that within the Traffic Plan.

1445 As the hon. Member said, at the moment a lot of work has been done to encourage people to use the bus routes, which is one way of actually encouraging people not to use their private modes of transport and use the public service which has improved tremendously in the past months.

1450 **Hon. S M Figueras:** Would he say, Mr Speaker, that building another multi-storey car park in the vicinity of the city centre, as he announced in reply to my statement earlier this week, is not really encouraging the decreased use of cars in Gibraltar?

1455 **Hon. Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the issue of the car park is an issue which relates to a wider manifesto commitment and was a response issued in respect of a statement issued by hon. Members complaining that apparently there were not enough parking spaces provided in the centre of town. So they cannot have it both ways, Mr Speaker. Either they are complaining that there are not enough or they are complaining that perhaps there are too many.

Hon. S M Figueras: Mr Speaker, we are raising the concerns of some about the limited number of parking spaces available and that was the response that was received.

1460 I am referring to the Government's environmental filter and the many occasions on which in this House, it has been said by Members opposite, that they are working to decrease the use of cars in Gibraltar. I am saying, Mr Speaker, that so far they have done none of that and much, much more of encouraging it by making as much parking as possible, not least because they have to recover all the parking lost as a result of the works on the Commonwealth Park. (A Member: Exactly.) That is the point I am making, Mr Speaker.

1465 But I have my answer to the questions and I need ask no further supplementaries.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman having clarified the position as he has, because he has made stark the fact that they want to run with the hare that wants more parking, and hunt with the hounds that wants less parking so that there is less car use available. Fair enough, they are in Opposition and they decide how to discharge their functions.

Q165/2014

Provision of new road south through New Harbours– Update on progress

1470 **Clerk:** Question 165, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic say what progress, if any, the Government has made in providing a new road to the south through New Harbours?

1475 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Government is looking at options in respect of providing a proposed new road to the south. This is being considered as part of the development of the Sustainable Traffic, Transport and Parking Plan.

1480

Hon. S M Figueras: Mr Speaker, is the construction of the multi-storey car park that they announced as a reply to my statement earlier this week also something that was tied to the STTP, but was conveniently announced in reply to the statement?

1485 **Mr Speaker:** That question has got nothing to do with the – (*Laughter*)

Clerk: Question –

1490 **Hon. D J Bossino:** Mr Speaker, will the Minister not accept that in relation to the new road to the south, he does not necessarily need to wait for what the conclusions of the plan are, because it is in fact a manifesto commitment, as set out on page 79 of the Government's manifesto. So does he not accept what I have just said?

1495 **Hon. P J Balban:** Mr Speaker, but it does not necessarily follow that it needs to be that road to the south. There are many options that could be considered as to roads to the south and this is what is being considered.

1500 **Hon. S M Figueras:** But, Mr Speaker, the commitment was a new road through New Harbours to the south district. Is this another similar case to that of the Commonwealth Park and the parking beneath it?

Hon. Chief Minister (Hon. F R Picardo): No, Mr Speaker, it is that hon. Members need to read the manifesto and understand what it says and how it interplays with what they seem to take great enjoyment and laughing about, which is to wholesale plan that will deal with traffic in Gibraltar, which is something we were commending to them when they were in Government, and they never undertook.

1505 The way in which that road through New Harbours is going to be structured and how it is going to best integrate with the other traffic needs of Gibraltar is something that we are waiting for advice on.

We on this side of the House do not pretend to know everything about everything and when we are taking advice and we are paying for it, we are going to wait to get the advice before we make decisions which are consequent on it.

1510

Q166/2014
Official cars –
Current mileage

Clerk: Question 166, the Hon. S M Figueras.

1515 **Hon. S M Figueras:** Can the Minister for Traffic confirm the level of Government revenue generated thus far by the sale of the recently added person –

Mr Speaker: Question 166.

1520 **Hon. S M Figueras:** Ah, of course. I am grateful Mr Speaker.
Can the Minister for Traffic provide details to this House of the current mileage of all the recently acquired official cars including, but not limited to, the Chief Minister's official car, the G1, the recently acquired fleet of Mercedes E-Class Hybrids and Toyota Prius vehicles, broken down by vehicle?

1525 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

Answer to Question 166 of 2014

Mileage of the recently acquired fleet of Mercedes E-Class Hybrids and Toyota Prius vehicles (inc. Tesla G1):

G1	Tesla	1,911km
G5001	Mercedes-Benz E Class	4,464km
G5002	Mercedes-Benz E Class	1,638km
G5003	Mercedes-Benz E Class	11,540km
G5004	Toyota Prius	1,249km
G5005	Toyota Prius	1,949km
G5006	Mercedes-Benz E Class	1,789km

Q167/2014
Personalised registration numbers –
Revenue generated

1530 **Clerk:** Question 167, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic confirm the level of Government revenue generated thus far by the sale of the recently added personalised registration numbers for vehicles in Gibraltar?

1535 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1540 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the level of Government revenue generated by the sale of the recently added personalised numbers for vehicles in Gibraltar is £9,250 when the question was asked.

Hon. S M Figueras: I know it is not particularised in the question, but is the Minister able to say how many number plates within the new range established recently that consists of?

1545 I note that he said about £9,000 and he may not have the information. I understand that. I am happy to ask at a later session.

Hon. P J Balban: Mr Speaker, yes, there have been 32 numbers sold.

Q168/2014
Directive transposition –
Compliance with European law

Clerk: Question 168, the Hon. S M Figueras.

1550 **Hon. S M Figueras:** Mr Speaker, further to his answer to Written Question W13/2014, can the Minister for Traffic say whether he considers the effect of the application of Article 4(6)(c) of Directive 2006/126 EC is to render the Government's transposition of the Directive incompatible with European law, and if not, why not?

1555 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, this question calls for an opinion, but I will answer to confirm that the policy of this Government in transposing the Directive has been to consider that the likelihood of significant personal harm increases the lower the age of the rider, and therefore where permitted by the Directive, we maintained the status quo.

1560 The resulting effect is that the stages through which a rider needs to progress are different in Gibraltar to that of other Member States, where they may have opted for different ages based on their own policy or traditions. For example, in Spain, children aged 14 have for many years been allowed to take charge of a moped. However, in the UK children must be 16 to take charge of a moped. In Gibraltar, even before the
1565 Directive, this has historically not been permitted.

Therefore, in light of the above and due to the fact that Article 4(6)(c) as read within the context of the rest of the Article allows Member States to raise or lower the minimum age for issuing a driving licence to drivers of category A1, Government is therefore advised that there is no incompatibility with European law and is satisfied that Gibraltar is fully compliant with the provision of all relevant directives.

1570

Hon. S M Figueras: Mr Speaker, I start by urging the Minister to obtain that opinion. I would certainly, and Members on this side of the House would certainly be interested to read that opinion, if obtained.

Would the Minister agree that although there are... the Minister himself has mentioned that it would require an opinion – (*Interjections*) Has he not said that? Then I have misheard.

1575

Hon. F R Picardo (Chief Minister): The Question asked for an opinion.

Hon. S M Figueras: Oh, I see. Sorry, I have misheard. I take that back and I am grateful for the clarification.

1580 Mr Speaker, I note what the Minister says in relation to how the Directive effectively allows for riders in other European countries to ride motorcycles at the tender age of 14, but is it not the case however though that by virtue of our implementation of that Directive, we effectively have – and I will be corrected if I am wrong, no doubt by the Minister – we are effectively in a situation where 17-year-olds can obtain a learner's licence and then at 18 a full licence at A2, which are motorcycles in some cases up to 500cc.

1585

Hon. Chief Minister: Mr Speaker, I think that the question that we have answered, which as we said called for an opinion in our view, but we felt that we would give it in this instance, whilst reserving the right, of course, to rely on the rules that does not require us to give an opinion.

1590 **Mr Speaker:** Yes, but, with respect, it becomes ultimately a legal advice that is given and therefore it is a different kind of opinion to being asked whether you agree with what somebody else is saying. That is a different matter altogether.

Here, we are dealing with an Article of a Directive. The Minister is not expressing a *personal* opinion. He will have been given legal advice on the matter.

1595

Hon. Chief Minister: Exactly, Mr Speaker. It is compliance with the obligation to transpose, and that is what the question is about. We are not going to really become involved in a legal debate about this Directive; it is one of many Directives that is transposed into Gibraltar law. We are advised that we are in compliance with the obligation to transpose in keeping with the transpositional leeway given to the Member States and I think that that is as far as we can take it.

1600

If the hon. Gentleman wants to take us to a debate about a particular aspect of a particular part of the Directive, well, look, he can either give us notice in a motion or if he has a serious particular concern he can write to us and we can look at it. But I do not think it is going to be in anybody's interest that we have an

esoteric debate at the moment without notice of particular issues like that, other than to say that we are very confident that the transposition complies with the requirements of EU law.

Hon. S M Figueras: Mr Speaker, yes, I will deal with the Hon. the Chief Minister's various points.

The first is that I have dealt with this matter previously to raising this oral question in the House. In fact there was a written question at the last session, which formed the basis of my oral question, and there has been correspondence between myself and the Hon. Minister with the relevant responsibility in this respect because this line of questioning, and indeed my pursuit of this issue, arises from concerns that have been raised with me in relation to the effect of the transposition.

The Hon. the Chief Minister says that I should give notice of the question and the question really quite clearly sets out the basis of the issue that I am alluding to and that is that in answer to the written question. In relation to the written question, the Minister said that the Directive, at Article 4... I think it was 4(6)(c) (A Member: Yes.) Article 4(6)(c) allowed the Member State to increase the minimum age for any of the categories for reasons of road safety. I will happily concede that that is very valid and indeed, at first glance, raising it to the age of 18 for A1 is very good indeed; but what it does do, as almost a side effect, is do away with the staged access to motorcycles. That is a key part of the Directive itself.

During discussions for the creation of this Directive, the British participation in it was dissatisfied with staged access because it had been a source of discussion in the UK that staged access did not actually benefit road safety. But despite that, when the Directive was in fact created and the British Government had abstained from it by virtue of its resistance to the staged access, the implementation in the UK does indeed have staged access.

I know, Mr Speaker, that it is a long preamble, but I think it is very relevant to the supplementary that I will ask, which is that in the UK you can get on an A1 motorcycle at the age of 16 and then at the age of 18 on an A2. The point being that the Directive requires a two-year gap and an additional test in order to progress from one category to the other, because it is growing in terms of the power output too.

The whole purpose in my view, Mr Speaker, of the Directive is the staged access, and you see the difficulty I suspect the Government has run into in relation to the implementation of this Directive, was that they were faced with one of two choices, and that was Mr Speaker –

Mr Speaker: Ask the question –

Hon. S M Figueras: I will ask the question, Mr Speaker.

Is it the case that the Government was faced with the difficult decision between lowering the age of access to the first category of A1 to the age of 16 in order to then have the two-year gap to the age of 18 to allow riders onto A2 category motorcycles?

Hon. Chief Minister: Mr Speaker, I think the position is very clear, but if the hon. Gentleman wants to labour it, let us do so.

First of all, his question, to which this is a supplementary, simply asks whether our Directive transposition is in compliance with European law – yes or no. That is the question. Now this supplementary is a detailed analysis of parts of how the Directive has been transposed into law. I do not think it is something that we can be expected to deal with on the hoof like this.

But there is an aspect of what the hon. Gentleman is saying which is obvious and which we are happy to deal with, and it is that you have got to have the gap. Now, you either have the gap by allowing people to start even earlier at 16 and then you have a gap of two years, or at 18 they can take any type of licence – that is the advice that we have. It is advice that puts us in compliance with EU law, which is the first question that he is asking.

If he has a serious concern, Mr Speaker, about road safety, he can be assured that the Government would have the same concerns and if we thought that there was a way of dealing with it, we would. If he wants to make a proposal in writing – which I certainly have not seen in any of the exchanges – which he thinks is in keeping with European law and in keeping with the leeway that we are given under European law and he wants to write to the Minister for Justice and the Minister for Traffic on it, that will always be received in a welcoming way, as long as we are able to agree the parameters and we are able to get the legal advice confirmed. But his question was really one just of compatibility with European law.

Hon. S M Figueras: Mr Speaker, to deal –

Mr Speaker: The hon. Member asked a written question some time ago. I have got a copy of the question and it was a very, very detailed answer and in a way it is a pity that it was not an oral question (*Interjection*) because then today I think the proceedings now, the exchanges, would be more clear cut if all

1665 hon. Members had the very detailed answer given, which the Minister gave in writing at the time. In a way it is a pity... it complicates matters.

Hon. S M Figueras: Mr Speaker, it is indeed a pity and it was a written question for a reason, the reason being that I simply could not be in the House to address it as an oral question and the Speaker was aware of the fact that I was unable to be here.

1670 However, for the question for this session, I have put the Government on notice that I was referring specifically to the very detailed answer, and in that question I have made specific reference to specific provisions that they themselves raised as justification for their answer. So they were on notice of the direction in which I was taking this, more so because I have tried to elicit this kind of information and made these suggestions behind the Speaker's Chair to the Hon. Minister on a couple of occasions too.

1675 You see, Mr Speaker, dealing with the Chief Minister's point on compatibility, the answer to the written question last month said that Article 6 allowed them to increase the minimum age of A1 to 17 or 18 years of age, and that is correct, Mr Speaker, because I have the provision right here. Article 6 states that Member States may raise or lower the minimum age for issuing a driving licence (c) for category A1 up to 17 or 18 years if there is a two-year difference between the minimum age for Category A1 and the minimum age for Category A2. There is not. That is, Mr Speaker, the basis of my question today and supplementary line of questioning: why do we not have that two-year gap?

1680 **Hon. Chief Minister:** Mr Speaker, because we are advised that we do not have to and that what we have done is in compliance with EU law.

Q169/2014
Government rental homes –
Rent arrears

1685 **Mr Speaker:** Next question.

Clerk: Question 169, the Hon. E J Reyes.

1690 **Hon. D J Reyes:** Mr Speaker, sir, can the Minister for Housing provide updated details of arrears in respect of unpaid rents pertaining to Government rental homes since the answer provided to Question 1/2014?

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

1695 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the total amount of arrears in respect of unpaid rents as at end of January 2014 was £4,829,405.71.

Hon. E J Reyes: Mr Speaker, sir, I am glad to note that, albeit small, there has now been a decrease from the figure that was owed as at the end of December 2013.

1700 Can the Minister inform this House if this is as a result of a particular exercise that they have been carrying out in order to better get back the arrears owed, some of which I believe are rather long term?

1705 **Hon. F R Picardo (Chief Minister):** Mr Speaker, I am afraid I am going to have to rise to deal with this issue, because it is an issue that concerns principally the Ministry for Finance and not the Ministry for Housing.

1710 But I have to tell the hon. Gentleman that I think... I fear actually that that figure will be reduced quite considerably by many millions of pounds as a result of an exercise that the Government is going to have to engage in, which will involve the fact that the limitation ordinance is engaged in respect of these arrears, and that many of these arrears are older than six years and that no action has been taken, dramatically in our view, in the past 16 years in a very large measure to deal with any of these arrears. A huge amount, many, many millions of pounds are likely to have to be written off in respect of that amount outstanding as a result of the failure to pursue those arrears in the past 16 years before our election. The hon. Gentleman knows, and I think we have highlighted that we are going to start a process of taking action in respect of arrears, which is only right and proper, so that those who do pay their rent are entitled to see others who do not pay their rents pursued in respect of that.

1715 It will be something that we will have to publicly ensure is made clear as to what amounts actually are recoverable, because there is no point keeping amounts on the register as recoverable if they are not

1720 recoverable given the application of the Limitation Act and they have to in fact be written off. So the hon. Gentleman will see the fruits of that exercise when the Government makes a public statement having done a detailed analysis of those amounts outstanding, given the lack of activity in the time of their Administration in recovering any of those debts.

Hon. E J Reyes: I am grateful, Mr Speaker, but the Chief Minister explained to us what he says is going to happen in the future.

1725 My supplementary homed in now, sort of saying, well, from the figures given as owed at the end of December to the end of January there has already been a small decrease. Has a particular exercise in order to recoup rents, has it already commenced? Is that the result of that? I was asking not what is going to happen, which the Government is going to announce, but what has happened since the last session and his relevant answer.

1730 **Hon. Chief Minister:** Mr Speaker, it is a combination of factors. Some people will have paid, and the process of writing off has commenced. The writing off process has commenced because it is by operation of law. It is not that we are saying that we want to write off amounts outstanding; it is that by operation of law they are not amounts recoverable, and as the process of recovery starts, we have to understand what is or is not recoverable. That is why I would ask the hon. Gentleman to wait to see what the actual amount recoverable is and how much is going to have to be written off as a result of the failure to seek recovery earlier.

1740 **Hon. D A Feetham:** Mr Speaker, I beg to differ. I am not going to have an exchange across the floor in relation to what is the law and what is not the law. It is not that it is operation, that it is not recoverable by operation of the law. The reality is that it is a defence to a claim made for recovery.

I know that in relation to some of the arrears appertaining, for example, to tenants that moved into New Harbours, because I happen to have looked into this recently, in relation to some of those tenants –

1745 **A Member:** Mid Harbours.

Hon. D A Feetham: Mid Harbours, I beg your pardon. Yes, in relation to those tenants, as part of some of those that owed arrears being given flats in that particular estate, they had to enter into an agreement with the Government to repay part of what they owed in instalments.

1750 Even if that money is owed for more than six years, the fact there is an agreement and an acknowledgement that the debt is owing would have then operated to actually make the money recoverable; indeed, it would have operated for another six years from the date of the agreement.

1755 Has an exercise actually been done, and at what point was the exercise done, in relation to all of them outstanding to – for example, prevent the limitation outstanding at the time that they got into Government – to prevent the limitation period from kicking in whilst they were in Government, because of course he says, ‘Well, this is all due to the last 16 years of GSD Government’? But hang on a minute, the hon. Member has been Chief Minister of Gibraltar for over two years now and is he satisfied that none of these have been statute barred during the time that he was Chief Minister? Has he undertaken that kind of exercise?

1760 **Hon. Chief Minister:** Mr Speaker, I have been Chief Minister of Gibraltar for 25 months. They were in Administration for 192 months.

1765 In 25 months, we have given effect to many of the manifesto commitments that we entered into. We have found issues to deal with, which are not in our manifesto, and we have not dealt with all of them yet. One of them is the huge amount of arrears which were allowed to be built up in the time of the previous Administration in their 192 months.

1770 The Hon. Gentleman is absolutely right, and I am not going to have a legal debate with him, that the Limitation Act provides a shield not a sword, and therefore it is a defence available to people who have claims made against them. But the Government is not going to go around making claims which it knows there are absolute defences to – namely that the debt is not recoverable under the application of the Limitation Act.

He is right to say that in respect of the Mid Harbour Estate, those who were to move who had arrears outstanding were in some instances required to enter into agreements in respect of those arrears, many of which they have failed to honour; but the fact of the new agreement gives a new deadline term to start running which will require another six years to expire before the amounts are not recoverable.

1775 Of the amounts that we are talking about, the total amount due in respect of Mid Harbours today, both in respect of historic arrears renewed under agreements and current arrears is £371,000 – that is a very small part of the numbers that we are talking about. Of the millions that are going to have to be written off, because of *their* failure to take action in the 192 months that they were in Office.

1780 Have some amounts had to be written off... because we have been in Office for 25 months and on the first month the first thing we did was not to go to the list of arrears and check what they were and take action. Yes, 25 months have passed and in some of those 25 months, the six-year period will have expired, but not 192 months, which was the time that expired under them and these arrears built up into the incredible figures that we see today.

1785 **Hon. D A Feetham:** Mr Speaker, I have to say that I am astonished by some of what the hon. Gentleman has said.

1790 When he became Chief Minister of Gibraltar, the arrears stood at just over £4 million. The arrears in October 2013 stood at £4.8 million – it has increased by nearly £800,000 in the time that he was Chief Minister of Gibraltar. That is not prudent management; that is a very high percentage increase. I do not know how he can stand there with a straight face and make some of the points that the hon. Gentleman makes.

1795 But at the very least, rather than just simply writing off amounts outstanding, has the Government not tried to come to an agreement with some of these individuals for the repayment of these arrears in instalments, which would have then led to the limitation period actually running for a further six years, as he has quite rightly conceded in his previous answer?

Hon. Chief Minister: Mr Speaker, I do enjoy the hon. Gentleman bowling me such easy ones. Does he not realise what he has just exposed himself to?

1800 In the 25 months that I have been in office the arrears have grown by £800,000 he says. Yes, all of it recoverable, because I have only been in office 25 months. Does he not realise that that £800,000, which has to be dealt with, which has to be the subject of an attempt to reach an agreement, which has to be the subject of attempted litigation, is all arrears accruing still recoverable under the Limitation Act? (A Member: Yes.)

1805 Does he not realise that a very large part of the £4 million is what is going to have to be written off because of their lack of diligence in pursuit of these arrears when they were in Office in the Administration of the affairs of this nation? That their lack of diligence, their negligence, is what is going to have to result in millions of pounds being written off for the Exchequer and a *huge* shame in respect of those people who pay their rents diligently, who pay their electricity diligently, who pay all their dues diligently, although many of them are workers and it hurts their pockets to have to do so. We, Mr Speaker, are on their side and we will ensure that everybody who does not pay their dues is pursued. In our time in Office, no arrears have been accrued which will have to be written off because they are outside the limitation period.

1810 But what a pity, Mr Speaker, that the hon. Gentleman does not realise that when he gets up to speak he has to carry with him the history of the time that they were in Office. Thirteen cases they started in sixteen years for recovery of debt – 13 cases. Of the total amount of agreements they did, there is no more than £371,000 been carried over with a new renewal of liability. That Mr Speaker, speaks volume for the *a mi me pertenece* culture, which they allowed to ride roughshod and which enabled people not to pay their liabilities whilst they were in Office – not something that will happen whilst we are. (*Banging on desks*)

1820 **Mr Speaker:** May I say that I am not allowing any more exchanges as to the history of this matter as to the reasons why the arrears have accumulated. The question is a very specific one, it deals with the amount. That question has been answered. Why the arrears stand at the figure and why they have grown is a matter for debate and it can be debated if hon. Members so wish.

1825 Whilst I am on the matter, I want to give the Hon. Mr Reyes notice that if at the next meeting of the House he asks exactly the same question with a view to updating the information, which he is entitled to do, I will allow him at the next meeting of the House to ask a similar question if he wants the arrears as at the end of February. I will allow him that question, but I will not allow any exchanges as to the reasons why. He will get that information and that will be the end of the matter, because these are questions that are coming up again, and again, and again. It is exactly the same question and it is not going to result in a debate in the exchanges that we are having here this morning.

1830 If hon. Members want to debate the reasons for the arrears, let them bring a motion to the House and the matter can in any case, I am sure it will, come up in the debate on the Budget when the whole thing is under consideration once again.

1835 **Hon. Chief Minister:** Mr Speaker, may I make an offer to the House generally, which –

Mr Speaker: I noticed that the Hon. the Leader of the Opposition wanted to intervene before, and then I will allow him to come back.

Hon. Chief Minister: Fair enough.

1840 **Hon. D A Feetham:** Mr Speaker, in fairness to the Opposition, we have not sought to debate the reasons for the arrears, all we have asked is very straightforward questions about the arrears, and it is the Hon. the Chief Minister that has introduced and politicised the answer and introduced debate by basically saying that this is all because of the Government.

1845 **Mr Speaker:** But you have not been stopped from expressing your own point of view, have you? (**Hon. D A Feetham:** No, no!) You have been allowed to do so as well. (**Hon. D A Feetham:** No.) It is just that I think the matter has gone far enough.

1850 **Hon. D A Feetham:** Yes, now, Mr Speaker, if I may ask the Hon. the Chief Minister, I note that he feels proud of his record as Chief Minister that arrears have increased by my calculation, I could be wrong, to nearly 20% from what they were in 2011. I have to say that I do not think that that is a record to crow about or to feel proud about.

1855 But let me bowl him a gentle one, perhaps he might change his practice of the past and at the very least provide me with a straight answer to a straight question. Out of the £4 million, how much is non-recoverable because of the limitation period?

Hon. Chief Minister: Mr Speaker, may I start by reflecting simply the offer I was going to make. Well, it is not an offer, I think it is a statement that I think will be welcomed, I hope, by both sides of the House.

1860 This is obviously an issue of public importance and the fact that Mr Reyes has asked the question on a number of occasions suggests that the Opposition want the information, and the Government has absolutely no compunction in ensuring that the information is provided.

1865 What I am going to ask that the Ministry for Housing do is that they add a head to the statistics that are published on line before the end of each month, which gives the updated figure every month, and in that way Mr Reyes will be able to access the information, as will members of the public. Then, if necessary, questions can be asked, based on the figures published, and we can have different types of questions.

1870 Mr Speaker, I want to deal with the issue raised by the hon. Gentleman giving him the information that I have available at the moment. I am grateful for the opportunity that he offers me to provide that information. The exercise has not been done as to what amount is actually recoverable and not as an exercise as I said in the answer of my first supplementary is ongoing, but I am going to try and give him the information that may enable him to work it out.

1875 In 1996 the amount outstanding in respect of rent was £655,000. Does he have that figure, £655,000 in 1996? He knows it is £4 million by the time we reach 2011. It had risen to £872,000 by March 1997. It was £1,105,000 by March 1998 – just in case he has difficulty working it out, Mr Speaker, that meant it doubled almost in the first two years of GSD Administration. An increase of 33.1% in the same 25-month period more or less that he is talking about when I should not be proud of my record. So it reached £2 million by March 2002. It reached £3 million by March 2005. It was £4 million by 2011 and we are now doing the process of working out where the six-month guillotine lies.

1880 I will have the information hopefully, as I told the hon. Gentleman, very soon and it will form the subject of a public statement, one which they will not be happy to read.

1885 **Hon. D A Feetham:** Mr Speaker, that does not provide me with the answer to the question that I am seeking, nor does it justify at all the statements that the hon. Gentleman has made, because I would have expected...the hon. Gentleman comes to this House and makes a song dance saying, because there was so much owing under the GSD Administration, which is not recoverable, *not recoverable* because it is owing for over six years.

1890 None of what he has told me actually allows me to make any kind of assessment or anybody any kind of assessment as to what proportion of the £4 million is statute barred. I would have thought that for a Government that makes itself responsible, as it must, for the answers, and a Chief Minister that makes himself responsible for the answers that he gives to this House, and the song and dance he has made about arrears been owing and the mismanagement by the GSD of all this money that is not recoverable, that at least he could have said, 'Well, we estimate that it is going to be £2 million or £1 million', but he has not. He does not even have that information.

1895 Is it because he does not have that information or is it because he does not want to provide it to this House today because he wants to make a public statement later. It does not provide an answer to the question. The very fact that there is £655,000 outstanding in 1996 and £4 million in 2011 does not give me the answer as to how much of that £4 million is recoverable because you are perhaps talking about different people, or you may be talking about people in respect of which agreements have been entered into, so the limitation period continues to run. So it does not provide me with the answer at all. Is he going to provide me with a straight answer to that gentle bowl that I bowled him earlier on?

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Mr Speaker: If the Hon. Chief Minister is not able to provide the answer just now, I suggest that he just leaves it and provides the answer in due course when the exercise has progressed sufficiently.

Hon. Chief Minister: I am very grateful, Mr Speaker, that is exactly the position.

1905 As I said in my first answer, the exercise in detail has not been done and because I am responsible for my answers in this House, I have told him I cannot give him chapter and verse. But he needs to understand Mr Speaker, and I know that he thought that he had got us on this one and I could see his *animus* when he was coming out with the press release, 'Ah, I have got him. This is the *a mi me pertenece* culture, which I am really going to go for'.

1910 The exercise which relates to these figures, Mr Speaker, shows that it is cumulative and it will show, Mr Speaker, in my view, when the exercise is done, that over £3 million will have to be written off because of their negligence.

Q170-171/2014
Mid-Harbour Estate –
Works to counteract anti-social behaviour

Mr Speaker: Next question.

1915 **Clerk:** Question 170, the Hon E J Reyes.

Hon. E J Reyes: Mr Speaker, further to Question 2/2014, can the Minister for Housing provide updated details, together with estimated completion dates, in respect of works still to be completed at Mid-Harbour Estate?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 171.

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Clerk: Question 171.

Hon. E J Reyes: Further to the answer to Question 3/2014, can the Minister for Housing provide details of any further actions which are being considered in order to curtail non-compliance of house rules at Mid-Harbour Estate?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Question 170, the following works have been completed: survey of infrastructure and installation of fibre from Fish Market Lane to Mid-Harbour Estate; installation of cameras on the car park level; connection to the main fibre ring; procuring and installation of CCTV signs within the car park level; integration of cameras installed within the car park level to the existing public CCTV system and RGP Control Room at New Mole House; part installation of cameras on the podium level – two cameras fitted on the roof canopy of the social club. These cameras will view the central area of the podium including the children's play area.

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Ongoing works: testing and commissioning of cameras already installed; infrastructure works to allow installation of the remaining cameras on the podium and promenade levels; integration of podium and promenade level cameras to the existing public CCTV system and RGP Control Room at New Mole House.

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In answer to Question 171, it is expected that with the measures being taken the incidents relating to anti-social behaviour will minimise.

We continue liaising closely with the RGP as we take incidents of anti-social behaviour very seriously.

Hon. E J Reyes: Mr Speaker, the Minister needs to reply to the question specifically on 171. He said that it is expected that, given all the things that are almost complete now in the part what had been previously announced and answered in Question 170, that the non-compliance with house rules will minimise and so on, but has the Minister met recently with the Committee in order to pursue other matters, because the issues that we have been discussing about in the past or which the Government has given detailed explanations of how they are handling that, at no stage does he refer to, for example, the house

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1955 rules do not allow for the hanging of washing outside the front doors and so on and that is why the homes have been provided with drying rooms and so on? How is that going to be tackled or solved given the new measures he hopes will eradicate this?

1960 **Hon. P J Balban:** Mr Speaker, the Committee has been engaged on many occasions. In fact it was this week that the Tenants Association was seen at No. 6 in the presence of the Chief Minister and myself. So we are very aware of the issues being brought up by members of the Committee and this is one of the things that was brought up some time back, anti-social behaviour, which is something in fact that comes across very often and the Government is taking very seriously indeed. This is why, not only Mid Harbour is it in, but throughout the whole of Gibraltar, because this is not a problem which is specific to Mid-Harbour Estate, this is a problem that occurs throughout Gibraltar. So there is nothing particularly special about Mid-Harbour Estate. It is throughout. So this is the reason why the Government has engaged in commencing with the CCTV campaign, or coverage within this Estate.

1970 **Hon. E J Reyes:** Yes, Mr Speaker, I have understood that the CCTV camera is something that the Government and even we are quite hopeful will help to minimise this problem. But I gave him a specific example, the house rules do not allow tenants to put tables and chairs outside in communal areas or to hang the washing and so on. So other than the CCTV cameras, what else is going to be done in order to...? You do not need a camera to stop that from happening.

1975 **Hon. P J Balban:** Mr Speaker, we are very aware through numerous meetings with the Tenants Association that they have other issues apart from anti-social behaviour. They want, as you say, the removal of clothes lines and they want removal of cupboards in the landings. The Government is looking at all these things and we will address these things in due course.

1980 **Hon. E J Reyes:** Yes, Mr Speaker, but if I may remind the Minister that is what he told me in the January meeting. In respect of the answer provided to Question 3, he said that further actions were going to be considered. Has he had the chance to consider these and provide any more realistic measure of how this is going to be tackled?

1985 **Hon. P J Balban:** Mr Speaker, this is the same question that was brought up last month. January was only four weeks ago, so the Government is still working on these things.

Q172/2014

Reallocation of empty homes – Details of contracted services and costs

Clerk: Question 172, the Hon. E J Reyes.

1990 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide updated details in respect of all expenditure incurred, since the answer to Question 4/2014, in respect of contracts awarded for making empty homes suitable for reallocation; stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services contracted were for either repair works or cleaning services?

1995 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

2000 As for other months that the same question is asked, all services contracted were for repairs and none were for cleaning.

Answer to Question 172

Contractors	No. of Properties	Cost
CEPRANO LTD	1	£7,890.00
CIAP CONSTRUCTION	1	£8,860.00
RIBEIRO	1	£3,565.00
CIAP CONSTRUCTION	1	£3,512.00
SA CONSTRUCTION	1	£9,514.16
BASE MAINTENANCE SERVICES	1	£5,516.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

2005 **Hon. E J Reyes:** Mr Speaker, if I may just for clarification, because we have had to do this in the past, there are six companies listed here and each one of them having tackled a property. Am I correct in deducting that this is therefore in respect of six separate properties, six separate homes, or is it a question that more than one company tackled the same home and therefore the number of flats that were repaired may not necessarily be six, it could be less?

Hon. P J Balban: Mr Speaker, each of these is a separate property.

Q173/2014
Assignment of Government rental homes –
Update

Clerk: Question 173, the Hon. E J Reyes.

2010 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 5/2014 indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

2015 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer given to Question 5/2014, seven flats have been assigned.

The repairs are to be undertaken by the following: the Housing Works Agency – 0; Subcontractors – 5; the assigned tenants themselves – 2.

Q174/2014
Government rental homes –
Urgent decanting of tenants

2020 **Clerk:** Question 174, the Hon. E J Reyes.

2025 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question 6/2014, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 6/2014, no further tenants have required urgent decanting from their homes.

Q175/2014
Government rental homes –
Allocations and assignments

2030 **Clerk:** Question 175, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how many residential homes have, since the answer to Question 7/2014 been (a) allocated and (b) assigned, showing the room composition of the respective homes?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 7/2014, 18 flats have been allocated and assigned as follows.

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Allocated: 1 RKB – 1; 2 RKB – 3; 3 RKB – 7; 4 RKB, 5 RKB, 6 RKB – none. It is a total of 11.

Assigned: 1 RKB – none; 2 RKB – 4; 3 RKB – 2; 4 RKB – none; 5 RKB – 1; and 6 RKB – none. A total of 7.

Q176/2014
Housing Works Agency employees –
Numbers retired transferred and seconded

Clerk: Question 176, the Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been (a) retired; b) transferred; and c) seconded, either from or into the Housing Works Agency, since the answer to Question 8/2014?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer given to Question 8/2014, two employees have retired, one employee has been transferred and three employees have been seconded as follows.

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The two retired: where one was the project manager, on 31st November 2013; one was Chief Operating Officer, on 31st January 2014.

Transferred out: one was a craftsman, on 31st January 2014.

Seconded, there were three: one works supervisor, on 5th February 2014; and two craftsmen, on 5th February 2014.

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Hon. E J Reyes: Mr Speaker, if I may ask, in respect of the craftsman who was transferred and the three who were seconded, do we have any information as to where they have been transferred or seconded to, which Departments and to carry out which tasks?

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Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the policy that is followed is that staff members are seconded within the financial year and then if they are going to be staying for a long time in one place, we do the transfers at the time of the estimates so they disappear from the budget of one Department and appear in the budget of another. Normally there is a footnote in the estimates, which has always been there every year, saying previously shown under some other head.

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So when people are seconded they continue to be paid out of their home Department, as it were, even though they may be working in a different Department. In these cases, people are still involved in the allocation and the supervision and the approval of Housing Repairs.

2075 **Hon. E J Reyes:** Yes, Mr Speaker, the Minister for Employment has explained that, and that is what I thought was the case.

If I may take first of all, but in a previous... long time ago written answer that I was given that was in respect of Written Question 146/2013, there was actually a secondment that was carried out in October 2012 and then the following financial year, when 2013/14 started, he still remained as seconded. So that transfer that would have happened at the end of the financial year never actually happened and so that put in doubt my thing.

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2085 But coming back to the specific question, yes, I take it that in this case these four craftsmen, the one who has been transferred I deduce will have been seconded in a previous financial year and now at the tail end of this financial year is when they are getting the exercise right. Surely the estimates must have catered for this gentleman as from the 1st April 2013, and yet it has not happened until possibly January 2014 – I do not know. Perhaps the Minister for Employment can shed some light on that one.

Hon. J J Bossano: Well, I have given the hon. Member opposite the general rule that we apply. It does not mean that there are never any exceptions to that.

2090 As a general rule, during the year there may be within the service several hundred people who are moving from one Department to another and as a general rule what we do is take a decision in March if they are likely to stay where they are in March in the following financial year, in which case, if that is likely to be the case, then the Department from which they came loses the body and loses the pay, and the Department where they are gains the body and gains the pay. But it does not mean that that is 100% something that has to be done, it is just that it is the most sensible and convenient way to do it.

2095 In theory we could keep everybody back in their home Departments, as it were, although it would not be a very accurate reflection when Members get the estimates of where people are or how the money is being spent, but rather than try and do the changes during the year which would create additional administrative problems for the Treasury and for the payment of salaries and so forth.

2100 If there 100 people move, then I would say 99 would be moved on 1st April, but it does not mean that there may not be a case where once somebody has moved earlier, maybe because from the moment he is moved it is clear that he is not going to go back or because he is transferred to something completely different or he may have transferred to fill a vacancy somewhere else. For example, I can tell the hon. Member that although it is not a question that is in this paper because he is asking only about the Housing, but there is currently somebody who was working in the Sewers Section and the Sewers Section felt they no longer had any need for him and now that person is working in the Construction Training Centre. Well, the fact is that he is not going to go back to the sewer. They know that because they have restructured the sewer. So that is an example of somebody who would probably appear as a transfer even at this stage, because it is not a position which, as it were, includes the possibility of him going back where he came from. This is a case of one that I am giving to illustrate, the kind of factors that influence the decision.

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2110 In this case the move was because the Department in a restructuring exercise finished up with one body more than they needed and clearly if the Department informs my Department, ‘We have got a spare body here. Can you use him somewhere else?’, then we will move him.

2115 In some cases people have been moved simply because they were on light duties, for example, and if the Member will remember, looking back, there was something like four or five people in the Housing Department in the Ministry that were moved to the Employment Service and those were people on light duties where there was really no useful tasks to give them where they were, but something else could be found for them somewhere else. So the bottom line is that it is putting people where they can be most usefully employed.

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Hon. E J Reyes: Yes, Mr Speaker, but further to the explanation, the Minister for Housing has said that one craftsman has been transferred. Does he have any information where he has been transferred to and what task is he carrying out there?

2125 **Hon. J J Bossano:** I think this is probably a case of one which he identified at the beginning. That is to say somebody that was transferred initially... or rather seconded initially and then should have been transferred earlier than this date but has been transferred later, but it is not the only kind of situation.

2130 I am telling the hon. Member that in some cases the transfer will be because the decision of the move involves a no return ticket, as it were. So if somebody says this guy is surplus, then there is no point in saying we are going to have him seconded just in case he goes back during the year or he moves somewhere. The transfer is normally when there is a home that is likely to be permanent in the new place and in this particular place, having seen the name of the individual, is somebody that is working in the unit in Town Range. *(Interjection)*

2135 **Hon. E J Reyes:** Yes, Mr Speaker, so we now know that it could have been from a previous secondment, but as the exercise has been completed now... He was a craftsman, to complete the exercise, who has been transferred. Do we know where he has been transferred to and what he is actually doing?

2140 **Hon. J J Bossano:** Yes, all the people that are ex-Housing and are in Town Range are involved, as I have already explained previously, in the small works that are being subcontracted to the construction firms where they are involved in visiting the tenants premises, identifying the scope of the work, passing the information to the estimator and then going back. We are using craftsmen to do that, because clearly they are in a position to do an important part of the skills that they have to identify the work that is required to be done.

2145 We have got a craftsman going to... because we have got a complaint that somebody has got something wrong with the bathroom, then the craftsman who goes there can come back and make a report as if he had to do the work himself, except that because he is not doing the work, he is actually doing the scoping of the work, he can deal with many more complaints than if he actually went there and did the repairs. But they are still of the same grade and pay and so on that they were before.

2150 **Hon. E J Reyes:** Yes, Mr Speaker, so if I applied that as well to the three gentlemen, who have been seconded, two of which were craftsmen, but one was a works supervisor, so what is the difference between being in the Housing Agency or being somewhere else if he is supervising the small works being contracted out? I do not quite see the difference why he is now being seconded to another Department.

2155 **Hon. J J Bossano:** No, Mr Speaker, the title is not an indication of the work that he is doing. It is an indication of the grade in which he is employed.

2160 So the man who is a works supervisor is employed as a works supervisor in the grade of a work supervisor. It does not mean that he is actually now doing supervising of people who are doing work. What he is now doing is being involved in the giving out of contracts and supervising the work that has been done in the completion of those contracts? The effect of that is, I would imagine one which the hon. Member welcomes, many more repairs are being done now than it was possible to do before, and at no higher cost.

2165 **Hon. E J Reyes:** Yes, I think I am getting a better picture now, Mr Speaker, and therefore he is doing a sort of estimating and *[inaudible]* small works. This is works that have been allocated to subcontractor companies. He is not really supervising works that have been done by the craftsmen who still remain within the Housing Works Agency. Am I correct in that deduction?

2170 **Hon. J J Bossano:** Yes, the position is that... the first thing I think that needs to be clearly understood is that none of these individuals are being forced to move – that is to say they have got the contractual right not to be moved out of the Works Agency and somewhere else if they want to stay where they are. They are people who have volunteered to contribute to the exercise that is being done, which is having the effect of reducing the waiting list for repairs, which is the purpose of the exercise and the reason why this Parliament votes the money. The purpose of the exercise, and the voting of the money, is to get the repairs done and that is what is happening. Right?

2175 I am grateful for the co-operation that the Government is getting, and for the fact that these people have volunteered to help in getting more work done by coming over and being involved in identifying the work, estimating the cost and then once three quotes are taken, as I have explained before, and the work is given out to somebody, going back and certifying that the work has been done properly.

2180 The fact that they are people who are familiar with the housing stock and have been working for years in the old Building and Works, means that they are very well placed to do a very valuable job for the Government and for the tenants, and that is what they are doing. It is working well and we are getting value for money.

2185 **Hon. E J Reyes:** Yes, thank you Mr Speaker –

Mr Speaker: May I point out that we have now been 20 minutes –

2190 **Hon. E J Reyes:** Yes, I was going to say –

Mr Speaker: Twenty minutes on one question.

2195 **Hon. E J Reyes:** I was going to say that, Mr Speaker. I said I am not going to push any of the two Ministers further because the next question on the Order Paper might well provide the sort of information that I may further wish to draw out.

Hon. D J Bossino: Mr Speaker, I just have one question, and I am very grateful for the Hon. Minister's lecture and it gives an insight as to how Government works from the inside.

2200 He says that these four individuals are working from Town Range, presumably that is his offices at 31 Town Range. So that we can identify those posts and those positions once we get the estimates book, and I think it is in April, can he tell us which Departments they are going to be transferred to? Is it going to be the Employment Department? Can he clarify where they are actually going to be transferred to? He has explained where the venue is, but not who the employer will be.

2205 **Hon. J J Bossano:** Well, they have not been moved anywhere yet in the estimates, because the estimates have not yet been prepared. The hon. Member has to understand that in February we are at the stage of looking at the outturn for the year that has not yet finished.

2210 But the company that issues the work is Gibraltar General Construction Company, which is a wholly-owned Government company, which was created by the previous Administration and which employed the workers that were made redundant by OEM and eventually when the work that they were doing was completed, their employment was terminated. So it is a company that has no employees and is used for dishing out the work so that the work goes out from Gibraltar General Construction Company to the sub-contractors, not from the Employment Service to the subcontractors. Right? These individuals are doing the actual physical work, but I cannot tell him at this point in time exactly where they will feature, but when it is put in the book he will see it.

Q177/2014

**Housing Works Agency and Ministry for Housing –
Comprehensive review; update**

2215 **Clerk:** Question 177, the Hon E J Reyes.

2220 **Hon E J Reyes:** Mr Speaker, further to Question 10/2014, is the Minister for Housing now in a position to furnish this House with any details of the comprehensive review pertaining to the Housing Works Agency and the Ministry for Housing which he has previously answered on several occasions was being considered by Cabinet?

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

2225 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to Questions 886/2012, 331/2013, 616/2013, W147/2013, 782/2013 and 10/2014, the reply still remains the same.

2230 **Hon. E J Reyes:** Yes, Mr Speaker, but, may I ask, although the Minister has said he is not in a position to furnish this House –

Mr Speaker: May I say at this stage that the answer to this question is an indication of the fact of the extent to which the Speaker is really allowing the hon. Member to ask the same question one meeting after the other. (*Interjection*)

2235 I am being liberal to that extent. All that is changing is that instead of saying, 'Further to Question 10', it is, 'Further to Question 177, further to Question...', but it is the same question exactly. I allow that. I have given the hon. Member the benefit of the doubt because sometimes the answer will be different; that is how I justify that. Another Speaker might not justify it that way.

2240 But when the question is about urgent decanting and there has not been any, or the question is, as in this one, the position remains the same, then the question is the same, the answer is the same, and I am allowing it meeting after meeting after meeting, when the Rules say it should be every six months.

Go on.

2245 **Hon. E J Reyes:** Yes, Mr Speaker, but perhaps I need a bit of guidance from you. You see, when I ask the question and the Government says, 'No, we are still not in a position to deliver this', surely the next month I am entitled to ask, 'Well, are you now in a position to deliver?' I cannot wait six... I do not have to wait six months –

Mr Speaker: Yes, yes, yes, that is what the Rules say. You should wait six months and then you update your information then. Yes, that is what the Rules say.

2250 But, as I say, I do not want the hon. Member to be redundant. I understand he has a job to do and therefore I am making the point that I am being liberal, and not everybody would take that view because the opposite can be substantiated.

Hon. E J Reyes: Yes, thank you, Mr Speaker.

2255 What I have normally done, and *Hansard* will show that, is when I have asked in the past is he in a position to furnish the House with any further details, and when I have got the answer no, I obviously have not raised any supplementaries as they are not ready to provide the information. I have always been invited by the Government, who say, 'But, look, I do not know when I am going to be in a position...', because sometimes we ask if he has any idea, and if the answer is, 'Well, we hope to by the end of June'. Then I
2260 make a note and that says ask this question in July. But when they have no idea, I feel, as a carry on, I have got to ask the following month, 'Have you made any progress?'

But, anyway, if need be, Mr Speaker, I can always discuss this with you in your office prior to the next Question Time for a bit of guidance –

2265 **Mr Speaker:** I have told the hon. Member publicly that I have allowed it and I will continue to allow him. I am giving him the benefit of the doubt, in all cases, but I want the fact that I am doing so to be taken on board.

Hon. E J Reyes: Okay, thank you, Mr Speaker.

2270 Now, may I, if you consider it in order to say, Mr Speaker... is it in order for me to ask that although the Government is not in a position to furnish this House with details of the comprehensive review, am I right in deducing that part of what the Minister for Employment and part of what the Minister for Housing have been answering in respect of Question 176/2014 is connected and in some way or another does form part of
2275 this review? Or is the review something completely totally separate from any of the secondments or transfers and so on that I have been guided in response to Question 176/2014?

Hon. P J Balban: It is not connected, Mr Speaker.

2280 The fact that there are people coming over and helping in the work that we are subcontracting out simply means that because we have got more bodies we are able to do more, but whatever the review decides is not connected. This is a very small part of the total workforce of that Department.

Of course, I think maybe with reference to your point on the six months, when the hon. Member was in office of course there was no need to wait six months because we only met once every six months.
(*Laughter*)

Q178/2014
Glacis Estate –
Lift repairs at George Jeger House

2285 **Clerk:** Question 178, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details and explanation's in respect of the rather lengthy delay in carrying out repairs to the lift servicing George Jeger House at Glacis Estate earlier this month?

2290 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the lift at George Jeger House was reported out of service to the Ministry for Housing Duty Officer on Saturday 8th February 2014 at midday.

2295 The lift contractor was called out on the same day and a faulty electrical panel was found to be the problem. This is not a common fault. The replacement electrical panel takes three to four days to arrive after ordering and around two hours for it to be fitted.

Q179/2014
Repulse House and Victoria House –
Lift repairs

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

2300 **Hon E J Reyes:** Further to the answer to Question W16/2014, can the Minister for Housing explain why it took so long to repair the lifts at the following residential blocks: (a) Repulse House at Varyl Begg Estate, from 25th December to 31st December 2013; and (b) Victoria House at Alameda Estate, from 26th December to 31st December 2013?

2305 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, due to the Christmas break the electrical spare parts required could not be imported into Gibraltar as per the norm, hence the delay.

Q180/2014
Laguna Estate –
Water ingress through windows

2310 **Clerk:** Question 180, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details in respect of recent reports by tenants of water ingress through windows at Laguna Estate, together with details of how many flats have been affected, what actions are being undertaken to solve this problem, estimated cost and completion date?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, there have been 19 recent reports by tenants of Laguna Estate relating to water ingress through windows.

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Nine reports relate to the replacement programme of the major external refurbishment of the walls.

The application of the external waterproofing render will resolve this problem; therefore there are no cost implications.

Ten other reports are unrelated to the above. The estimated cost to repair these is £1,130 and estimated completion date is 11th April, 2014.

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Hon. E J Reyes: Yes, Mr Speaker, the Minister has answered that nine of them are as a result of the replacement programme and is absorbed within that cost, and in many ways it is just unfortunate that it should happen that the tenants should experience these problems.

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But the other 10, which he said are unrelated to this programme, does he have any information in what caused it then and why all of a sudden this water penetration came in, if it is not related to the replacement programme like the other nine?

Hon. P J Balban: Mr Speaker, I am not 100% sure, but if I can assume or take the opinion that these windows would be extremely old, hence why all these windows are being replaced as part of the refurbishment programme in Laguna Estate. So why these windows decided to leak then, I do not know. I presume it was because of age, but again, I am not entirely sure.

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Hon. E J Reyes: So, Mr Speaker, if they are old windows and so on. Is the Minister aware if these are due to be replaced at the next part or next phase or whatever the replacement programme is, or is this something that was not programmed to have a replacement anyway?

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Hon. P J Balban: I am not sure which buildings were affected and which windows were affected, and hence I do not know whether it will be the next phase or the last phase of the refurbishment programme. One thing which is sure, the Government will try its best to try to repair windows because it would not be cost effective to change windows and then having to change it as part of the refurbishment of the Estate. So every effort is made to try to repair the windows as may be, but I do not know which buildings these

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windows were and which were the buildings affected, so I do know whether they will form part of the latter stage or part of this stage or whether they will come in in the other two stages that follow.

2350 **Hon. E J Reyes:** It is fair enough, Mr Speaker, that the Minister does not know at this particular stage if they were part of this replacement programme or not.

Would the Minister like some time and perhaps be able to search that information and let me know whenever it does come to his notice?

2355 **Hon. P J Balban:** Mr Speaker, so what you want to know is exactly which were the windows affected and whether they form part of the latter part of this phase, or phase two or phase three? You want to know exactly which were the windows affected? Addresses of the persons affected or just a map or picture pointing to the windows, or –

2360 **Hon. E J Reyes:** Yes, Mr Speaker, a general guidance saying the 10 windows happened to be in such a block – I do not need the particular address, just an indication of the area – and they are part of a phase of replacement that has still not taken place and therefore it can be phase two, phase three, or phase four of the works, so that those tenants affected in those blocks know that eventually their windows are due to be replaced. Or if it was something that was not programmed and therefore other neighbours will say, ‘Well, I
2365 had better start to make alternative arrangements now with the Housing Works Agency’.

Hon. P J Balban: Mr Speaker, I can assure that these windows will not remain leaking, but if the hon. Member thinks it is of use to him to know exactly which were the windows, I will furnish him with the names of the blocks and the windows affected.

2370 **Mr Speaker:** Next question.

Hon. J J Netto: Mr Speaker, if I may could I ask a supplementary question?

2375 **Mr Speaker:** On this issue?

Hon. J J Netto: Yes.

2380 **Mr Speaker:** Right.

Hon. J J Netto: I think I understood the Hon. Minister for Housing in his answer, in relation to the water penetration in the windows was done by the cladding of the buildings. I think he mentioned something about nine of them as a result of the cladding. I think he also said that that would be put good, in a sense that they will be rendered and avoid the water penetration going through the windows.

2385 Can I ask the Minister, in supplementary, whether this is derived as a result of a design fault of the cladding itself or as a result of the material of the cladding which has brought about the water penetration to go through the windows?

2390 **Hon. P J Balban:** Mr Speaker, I asked this question and I understand that the reply was that it was an unfortunate... it was just the time of the rains. They installed the windows and then later on comes, shortly after comes the cladding. The rain came in between those two events and that is why the windows leaked – that is my understanding; hence this is why the cladding will correct it, plus the expansion material they use to seal the windows. So I think if I recall correctly that unfortunately it rained in between those two processes that occurred.

2395 **Hon. J J Netto:** But, for those of us, Mr Speaker, who do believe in climate change, could I ask the Minister if there is a recurrence of this kind of climate of rain or the particular rain we had, I think it was in December, which was quite a lot actually and quite strong, is there likely to be a recurrence of this in the future once the whole cladding is done?

2400 **Hon P J Balban:** Mr Speaker, that is hypothetical. If it does not rain from now until the end of the phase, then we will have no more leaks. *(Laughter)* If the bath upstairs leaks and it comes through the window downstairs, again, I do not know. I think this is a purely hypothetical question which I cannot answer.

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

**Q181/2014
US internship programme –
Details**

2405 **Mr Speaker:** Next question please.

Clerk: Question 181, the Hon. D J Bossino.

2410 **Hon. D J Bossino:** Mr Speaker, this question is directed at the Chief Minister. He is not here, so I suppose it is going to be answered by another Hon. Minister.

Mr Speaker: It is going to be answered by the Minister for Education.

2415 **Hon. D J Bossino:** I am grateful. The only reason why I say it, Mr Speaker, is because I will be phrasing the question in the terms that it has been posed.

Can the Chief Minister provide full details of how the US internship programme works, to include who can apply and what the cost to the Government, if any, is?

2420 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2425 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, students apply directly to the Washington Centre. Only graduate students may apply and they are expected to have achieved at least the equivalent of a good second class honours degree. Students normally have a window of 18 months from the date of graduation to apply. Those wishing to apply for an internship next September are expected to apply in May. The Department of Education will shortly be sending out the relevant information to all students graduating this academic year.

Students are afforded the opportunity of interning at different private and public sector organisations for 15 weeks. The students also attend classes and lectures on sustainable development, entrepreneurship, innovation, global trade, e-commerce, commercial trade, water management and green technologies.

2430 With regard to costs, Mr Speaker, details were provided to this Parliament in answer to Question 493/2013 by the Hon. Edwin Reyes. The hon. Member therefore already has the information he seeks on costs.

**Q182/2014
Legal Aid/assistance qualifying limits –
Changes to system**

Clerk: Question 182, the Hon. S M Figueras.

2435 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice say when the Government will be proceeding with changes to Legal Aid and assistance qualifying limits in accordance with the Government's manifesto commitment?

2440 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2445 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as the hon. Member knows, the Government has already started the reform of the Legal Aid system by increasing the limits in relation to trials involving complex fraud. The reform will be completed within this term of office.

Hon. S M Figueras: Mr Speaker, in the context of the Minister's own admission in the House that there are exceptionally difficult cases which do not involve fraud, and my suggestion that it is not a quantum leap to extend limits into those cases, is this something that can be expected to happen anytime soon?

2450 **Hon. G H Licudi:** Mr Speaker, as the manifesto commitment actually confirms this is being done in consultation with the Bar Council. We are having discussions with the Bar Council. They are at an

advanced stage. I will not give myself a commitment now as to the time, but those discussions have not yet finalised but this is something that we are certainly progressing.

2455 **Hon. S M Figueras:** Can the Minister say whether the Bill that he referred to in February of 2012 when a similar matter was raised in this House, whether the Bill that he had before him then for consideration is substantially the same, or whether the consultation has had a significant impact on that Bill?

2460 **Hon. G H Licudi:** Mr Speaker, the hon. Member refers to something which I said in 2012. Unless the hon. Member gives me more details, I cannot remember offhand whether he is referring to a Bill or a draft which we had inherited from the previous Administration.

Hon. S M Figueras: Inherited.

2465 **Hon. G H Licudi:** That is not a Bill. That was a draft piece of legislation. (*Interjection*) It was not a Bill. A Bill is something that is published. That is something that we inherited from the previous Administration. It is something that we have been considering throughout the process.

2470 **Hon. S M Figueras:** Yes, indeed, Mr Speaker, I am grateful for the point that he makes. I was referring to the draft Bill, rather than the Bill, as opposed to a Bill published by their Administration. Is he able to say whether that draft Bill has been substantially affected by this consultation process?

2475 **Hon. G H Licudi:** The matters set out in that draft are certainly matters that are being taken into consideration during this process, yes.

Hon. D A Feetham: Yes, Mr Speaker, my recollection of this is that we conducted quite an extensive consultation exercise. I published a white paper for wide consultation, both within the profession and also amongst the community at large. So there was very extensive consultation before the production of the Bill, which was subject as well to discussion with the Bar Council.

2480 Unless the hon. Gentleman is really saying that he is starting all over again, I would have thought that those three years that were spent doing quite a lot of the leg work that resulted in a draft Bill would also be taken into account, and it would help and assist the Government in producing its own reforms.

2485 In the light of that, is this something... and I understand that, of course, you have the entirety of this term, but is this something that is likely to come to fruition, for example, this year, bearing in mind that the only reform of the Legal Aid system at the moment is in relation to serious fraud, which as far as I can tell at the moment from a practical point of view only affects one case, despite of course the point that my hon. and learned Friend makes, quite rightly, that of course, there are serious and complicated cases which are not fraud cases?

2490 **Hon. G H Licudi:** Mr Speaker, the hon. Member raises two issues.

2495 Firstly, in relation to the draft that they had prepared, that is a draft which simply informs us of what the previous Administration's intention was. It is not necessarily something which will be replicated whenever the Government makes the reforms that it has said it will make, but it is certainly something that has been taken into account because, as the hon. Member has said, some work has been done and there was something there for us to look at and consider.

As to when it is going to happen, I have said that we are at an advanced stage of discussions, but those discussions are not yet finalised and I am not going to fix a timescale now.

Q183/2014
St Joseph's School Annex—
Update regarding new facilities

Mr Speaker: Next question.

2500 **Clerk:** Question 183, the Hon. E J Reyes.

2505 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 81/2014, can the Minister for Education confirm if the new facilities at the Annex to St Joseph's School are now fully functional, as well as stating for what educational purposes these are presently being used?

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

2510 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the rooms allocated to the First School are now in full use. They are used for teaching, SEN, Movement, Library and Art.

The rooms allocated to the Middle School are for Design and Technology and Library. The Design and Technology room will be available for use as soon as the fitting of a set of worktops is completed. This is expected to occur by the end of this week. The Library is in the process of being moved from its present room to the new facility.

2515 Mr Speaker, as I said in reply to Question 81/2014 last month, how these facilities are actually used is determined by the head teacher of the respective schools.

Q184/2014

Schools, College of Further Education and Bleak House – Fire exit doors Health and Safety compliant

Clerk: Question 184, the Hon. J J Netto.

2520 **Hon. J J Netto:** Mr Speaker, can the Minister for Education state whether all the fire exit doors in the classrooms and the entrance to buildings in primary schools, secondary schools, the College of Further Education and Bleak House comply with the relevant Health and Safety and Fire Legislation, and if not, which particular school or schools do not?

2525 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government has no reason to believe that there is any contravention of the relevant Health and Safety and Fire Regulations in schools, the College of Further Education and Bleak House in relation to fire exit doors.

2530 **Hon. J J Netto:** Mr Speaker, I take on board obviously what the Hon. Minister for Education has said, that there is no reason to believe that there is a contravention. Just simply from memory, I can tell that there might be one I can think of that may be in breach of the legislation. I say this because back in October when I sat down for an exam in Bleak House, I noticed that the entrance to the building actually opens inwards towards the building. I would have thought that under fire protection those doors have to open outside to allow people when they are actually moving out of a building very quickly to move outside. That is one particular example I can think of.

2535 Can I urge the Minister whether an audit can be carried out in relation to not just Bleak House, which is something as an example which I have said, but indeed in all the other schools to see whether they comply with the relevant legislation?

2540 **Hon. G H Licudi:** Mr Speaker, I really am quite surprised by that question. The hon. Member asked whether an audit can be carried out in respect of schools. The hon. Member knows, because he has been asking me questions about this, that a Health and Safety audit has been carried out in respect of *all* schools.

2545 The reason that we say there is no reason to believe, in respect of schools and the College, that there is any contravention is because there is nothing in the audit that suggests that there is any problem with fire exit doors in respect of schools and the College. In fact, I would have expected that the comprehensive audit, which has been carried out would have picked up.

2550 In fact two issues have been picked up in respect of the audit in respect of fire exit doors in schools, and the two issues are one in respect of St Mary's, where there is an emergency exit which leads onto a private property, rather than the public highway, and this is not new. This is not something that we have put in, but that is an issue about emergency exits that has been picked up. The recommendation is that we should find an alternative means of escape, which has been identified, and a sealed structure for a new staircase is currently being constructed. So although that is not a contravention of regulations because there is a fire exit, it is undesirable to have that fire exit into a private property. An alternative is being provided. So that is why I say there is no reason to believe that they do not comply, but there is that issue that has been raised in respect of St Mary's.

2555 The only other issue that has been raised in the audit in respect of emergency exits is one door at the College or the Annex to the College which was actually padlocked. This is something that we have found in 2012 and that door had been padlocked, as I understand it, for a very long time and therefore was

2560 unavailable to be used as an emergency exit with the key nowhere to be found. We have addressed that straight away and there is now a padlock with a key available in the case of an emergency. Those are the only two issues that have been raised in respect of the audit.

2565 There was no audit carried out in respect of Bleak House, but the doors at Bleak House now are the same doors and open in exactly the same way as they were in December 2011. So if there is any issue, I am grateful to the hon. Member for bringing that matter to my attention, because I have said we have no reason to believe because no issue has been brought to our attention.

2570 Now that the hon. Member has raised an issue of one door, which was there during the 16 years that they were in office, that that may possibly in theory contravene, I will certainly ask the Fire Brigade, through my colleague Mr Linares, to investigate that and to tell me whether there is any contravention. If there is a contravention then it will be put right straight away, not 16 years later. It will be put right now. *(Banging on desks)*

2575 **Hon. J J Netto:** Mr Speaker, the Minister refers to the Health and Safety Audit, and all I am going to say in relation to that is that when I asked the question, ‘Will he provide a copy to Parliament?’, he said, ‘No, I am not providing Parliament with a copy’. In other words, he is deliberately undermining the position of the Opposition to be able to scrutinise the executive and he should be ashamed of doing that. **(Several Members: Hear, hear.)**

2580 The second thing, Mr Speaker, I would say *(Interjections)* is we keep hearing constant remarks about the last 16 years. What the hon. Member says, particularly those who are Members of the GSLP, is that most of these things were either meant to happen in the last 16 years or in the eight years in which the GSLP was in Government or in the 40 years of the AACR before the GSLP. *(Laughter)*

Mr Speaker: I am not going –

2585 **Hon. J J Netto:** The point is –

Mr Speaker: I am not going to answer for the years that the AACR was in Government *(Laughter and banging on desks)* and therefore I would ask the hon. Member to limit himself.

2590 **Hon. J J Netto:** The point is, Mr Speaker, they are in Government. They have been two years in Government. I am asking a question pertinent to when they are in Government and they are the people who have to respond to those particular questions. They have to be accountable for that *(Interjections)* and I am glad to hear that the Minister, given that I have mentioned Bleak House, is going to take action about it. *(Interjection)*

2595 **Hon. G H Licudi:** Mr Speaker, I am not sure whether that was a speech or a question, but the hon. Member should in fact be very happy. He should be very happy because what I have said is that there were two issues raised in respect of doors, which are clearly doors pre 2011 and both issues are being corrected – one straight away and the other one which is, as I understand it, less urgent is being corrected.

2600 What I can also say is that in respect of *new* facilities since December 2011, which have been built where we have done the facilities of the Annex to St Joseph’s, Notre Dame and another facility, not only can I say that we have no reason to believe that there is no contravention, I can confidently say that there is no contravention because those facilities have been done in conjunction with all the relevant authorities, the relevant building control and the relevant people from the Fire Brigade, who have confirmed that all the relevant legislation is complied with.

2605 **Hon. J J Netto:** Mr Speaker, I am very much quite happy indeed that those two particular points have been taken up, but I put it once again to the Minister: is the Minister willing to provide the Opposition with a copy of the report – yes or no?

2610 **Mr Speaker:** That question does not arise, and this is a convenient point at which to recess the House to three o’clock this afternoon when we will be dealing with Chief Minister’s questions.

The House recessed at 1.04 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.50 p.m.

Gibraltar, Thursday, 20th February 2014

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<i>The House adjourned at 5.50 p.m.</i>	50

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q205/2014

Borders and Coastguard Agency – Employment structure

Clerk: Answers to Oral Questions continued.
Question 205 of 2014, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Can the Minister with responsibility for Aviation provide details of the employment structure at the Borders and Coastguard Agency to include the number of grades and how many are employed in each of those grades, together with their duties and responsibilities?

Clerk: Answer the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Answer to Question 205

<u>GRADES</u>	<u>Nos Employed</u>	<u>Duties and Responsibilities</u>
Chief Executive Officer	1	CEO Duties
Duty Manager	3	<p>Immigration Responsible for the control of people entering Gibraltar via its borders. Responsible for the supervision and operation of the checking and deciding the right of entry to all individuals entering Gibraltar. Responsible for the accurate examination of travel documents. Supervising and coordinating the collection of intelligence for the RGP, SB and CSRO as required. Supervising and coordinating the arrangement for the repatriation of those who have arrived without a valid travel document or in breach of immigration laws. Security Managing all security measures taken in all entry points. Conducting daily security inspections. Manage the review and collation of all security CCTV footage. Responsible for the recording and reporting of prohibited articles confiscated during the course of an x-ray or physical search Responsible for the supervision of the execution of correct procedures when physically opening and searching baggage Responsible for the development and implementation of policies and procedures of security procedures for day to day operations Responsible for ensuring that all security regulations are met and maintained. Liaising and advising the Gibraltar Port Authority on matters of maritime security</p> <p>Other Supervising subordinates Assigning all Borders and Coastguards officers their relevant duties and shifts and ensuring sufficient staff are available to avoid lapses in security</p>
Training Manager	1	<p>Act as Head of Training Dept. Conducting Training needs assessment. Developing training programmes within the Agency. Maintain training levels. Plan and deliver detailed training packages to new entrants and refresher training to existing officers. Provide support to Management in responding to training and operational issues.</p>

Contd...

Contd Answer to Question 205

Training Manager cont;		Resolve and respond to training issues on the application and interpretation of processes and legislation. Manage the learning and Professional Development of the workforce and identify training needs through consultation with management, Regulators and other official bodies. Responsible for the operational worthiness of the training equipment. Custodian of all BCA Post Instructions, their amendments and promulgation.
Training Officer	1	Assisting the Training Manager in his duties. Build, plan and deliver dynamic training. Develop training programmes within the Agency. Continuously see and support new approaches, practices and processes to improve the efficiency of the training provided. Establish and maintain effective working relationships with employees, management, customers and Regulators. Deputise for the Training Manager as required.
Senior Borders and Coastguard Officer	16	Supervise the Border and Coast Guard Officers in the carrying out of their duties and ensuring that those duties are carried out in compliance with all applicable legislation, rules, codes and directions of the Agency. Ensure that all equipment is properly maintained and operational. Ensuring that all operating protocols and procedures are up to date. To embark on vessels and aircraft on which Border and Coastguard Officers are required to embark. To exercise disciplinary control and report breaches of discipline to a superior officer.
Borders and Coastguard Officer	62	To carry out and discharge all manner of security duties and functions. Perform all Immigration Control and duties at all entry points and collecting any statistical information and other data as required by the Agency. Controlling and directing vehicular and pedestrian traffic flow at immigration points.
Security and Immigration Officer	15	To carry out and discharge all manner of security duties and functions. Perform all Immigration Control and duties at all entry points and collecting any statistical information and other data as required by the Agency. Controlling and directing vehicular and pedestrian traffic flow at immigration points.
Administrative Officer	1	Preparation of Salaries, keeping records of Annual Leave and Sick Leave entitlement.

Mr Speaker: The schedule is fairly long. It is two pages of rather small print. If he wishes, we can go on to other questions and then come back. It is up to you.

15 Since it is Mr Feetham who is asking the next question then, the Hon. Mr Bossino, you can have a look at the schedule and we will return to it. Okay?

Hon. D J Bossino: Yes.

Q206/2014

GBC –

Plans to make entirely self-sufficient

Mr Speaker: So call the question for the Hon. Mr Feetham.

20 **Clerk:** Question, 206, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether GBC is on track to become 'entirely self-sufficient', which is the expectation the Government expressed in 2012?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, this remains the Government's aim and it is one which the current CEO shares and is working towards. We are very much on track on the planning for this.

30 **Hon. D A Feetham:** Mr Speaker, do the plans for making GBC entirely self-sufficient, are they still the plans that existed in 2012 or have they moved on from 2012? Has the Government changed its policy or is it just simply a continuation of what it was aiming to do in 2012?

35 **Hon. Chief Minister:** A continuation of what was aimed for in 2012, Mr Speaker.

Hon. D A Feetham: Yes, Mr Speaker, no doubt the hon. Gentleman will recall that this question was last asked in November of 2012. At the time the Hon. the Chief Minister said, when he was asked how does he intend to make GBC entirely self-sufficient, he said, 'Mr Speaker, by the profits of the joint venture it has created, namely Gibraltar Entertainment Networks Limited'. Is he saying to this House that that project is still on course to become successful and therefore underpin GBC's entire self-sufficiency?

Hon. Chief Minister: Yes, Mr Speaker.

**Q205/2014 continued –
Borders and Coastguard Agency –
Employment structure**

Clerk: Question –

45 **Hon. D J Bossino:** I am grateful –

Mr Speaker: Go back to Question 205.

50 **Hon. D J Bossino:** I am grateful, Mr Speaker, and I am also grateful to the Hon. the Chief Minister for the very full information he has kindly provided me in his answer – it is very much appreciated.

In fact, Mr Speaker, one of the concerns that I have that has been reported to me, and it has kind of been confirmed as a result of the information that the Hon. Chief Minister has given me, is that those who are employed as security and immigration officers are carrying out, in effect, the same duties – let me get this right – as the Borders and Coastguard officers, of which there are 62 and of the former there are 15.

55 As I understand it the security and immigration officers get paid less than the Borders and Coastguard officers. Maybe he can confirm whether that understanding is correct and if it is, why is it that the security and immigration officers are doing exactly the same duties for less money than the Borders and Coastguard officers? But as I am not sure about the information I have received, it may be that the premise of the question is wrong, but maybe he can confirm that.

60 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not have the information as to salaries here. Now that he has put that question I am quite happy to look into it and speak to him after the meeting at some stage in the next week or so.

65 **Hon. D J Bossino:** Mr Speaker, maybe I can obtain the information myself, but obviously he will have the information more readily available than I, and if I find any information in relation to that I will tell the Hon. the Chief Minister, but I would encourage him to look into it.

70 The other point I would raise, Mr Speaker, is that in the estimate book, which was approved at the time of the last budget, there was a provision for 2013-2014 of 14 security and immigration officers, yet we have one more. Can he explain why that is?

Hon. Chief Minister: No, Mr Speaker, and I do not have the estimates book with me, but I am quite happy to check that, in the same way I am going to check the other point he has raised and have a conversation with him, probably not today, but maybe tomorrow or next week.

Q207/2014
Previous Speaker's tax affairs –
Report into leak of information

75 **Clerk:** Question 207, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to Question 839/2013, can the Chief Minister please state whether the report into the leak of the tax affairs of the previous Speaker has now been finalised?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I understand that the report has not yet been finalised.

Q208/2014
Affordable homes available for sale –
Ownership terms

85 **Clerk:** Question 208, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of how many flats may be sold to the public on co-ownership and 100% ownership terms, broken down by reference to ongoing developments announced by the Government?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, all buyers in respect of the affordable homes available for sale will be given the choice to purchase between 50% and 100% share of those homes, so there is no predetermined co-ownership percentage.

95 **Hon. D A Feetham:** Mr Speaker, and on that basis, effectively what he is saying to me is that the Government will not impose, say, for example, a 20% margin of those that will be on 100% terms, 80% say, co-ownership. So given that that is the case, how will the Government allocate these flats to various applicants, bearing in mind that it is likely to be that the projects are likely to be oversubscribed? These projects are the same as Waterport Terraces and Nelson's View. They are all over-subscribed. Can the Government perhaps give me some information in relation to that?

100

Hon. Chief Minister: Mr Speaker, as I have said publicly in relation to all of these issues, how much one can buy is not going to determine what choice a person has of which of these homes are going to be available to them.

105

The priority, as I have said publicly at the launch of these projects, will be based on people's places on the housing waiting list. I specifically said that we did not think it was proper...well it is not a question of proprietary. We did not think it was appropriate that under the last Administration the affordable homes were sold to those first who could afford to buy the largest share. We have taken a completely different attitude, as he will now know, and your place on the housing waiting list will be what grants you the priority of choice.

110

Hon. D A Feetham: Yes, Mr Speaker, I understand that, and of course he is entitled to have a different policy and I do not criticise it. I do not criticise the policy for one moment, but bearing in mind that people

115 that are on the housing waiting list and a lot of those people may be on the housing waiting list because they cannot afford to buy, has he factored that in to the equation? What are the criteria for allocation if, for example, there is not sufficient take-up from people on the housing waiting list?

120 **Hon. Chief Minister:** Well, Mr Speaker, that is not the indication that we have from the people on the housing waiting list. At the moment it appears that we may be oversubscribed from people on the housing waiting list. If we are not, then there will be different classes and categories of people who may be entitled to buy those flats that are left and we will cross that bridge if we come to it. We have ideas as to how we will deal with it, but at the moment it seems very clear to us that the people on the housing waiting list are the ones looking to buy. Now, obviously, if somebody has not got the means to buy, they will not buy.

125 **Hon. D A Feetham:** Mr Speaker, is the Government satisfied that there is sufficient lending capacity in Gibraltar in order to ensure that people have the funding to fund their purchases for these projects?

130 **Hon. Chief Minister:** Mr Speaker, yes, we are, and in fact it may be that in some instances people do not even need to borrow. I mean with a 2RKB starting at £27,600, which is less than the hon. Gentleman's car is worth, they may be able to buy them with one cheque. *(Laughter)*

Hon. D A Feetham: Mr Speaker –

135 **A Member:** Is it?

Hon. D A Feetham: Actually, no, it is not. I know what my car cost second hand and he does not. But, of course, it is all irrelevant.

140 But, Mr Speaker, surely the Government *(Interjections)* has taken into account in its policy in respect of these developments that there have been difficulties in the lending sector. Barclays has gone. Now we know that Norwich and Peterborough will also be going by the end of the year.

Does the Government, for example, expect to be taking some of the demand through the Gibraltar International Bank? Can he give us some information in relation to that, for example?

145 **Hon. Chief Minister:** Mr Speaker, of course the Government is satisfied that there is sufficient lending capacity. There is more lending capacity in Gibraltar at the moment than there was when the original co-ownership estates were put up for sale and in the marvellous job that was done by the GSLP Administration between 1988 and 1996, where 2,000 homes were developed. There were less building societies in Gibraltar and mortgages were available to all of those people who purchased then.

150 And Barclays has not gone, Mr Speaker, and is not going. Barclays is going to remain in Gibraltar with a much reduced capacity; but they have already said, and the hon. Gentleman should recall, that they are going to continue offering mortgages until 2016, which is beyond the date when mortgages are going to be required for these properties. So we are entirely satisfied that there is going to be sufficient lending capacity in the market.

155 The position of Gibraltar International Bank will be made clear by Gibraltar International Bank.

Q209/2014

Foreign investors – Government plans

Clerk: Question 209, the Hon. D A Feetham.

160 **Hon D A Feetham:** Mr Speaker, is the Chief Minister in a position to make an announcement in relation to those foreign investors which he said he had up his sleeve as far back as May 2011, and which in answer to Question 846/2013 he said he would be announcing towards the end of January 2014?

Clerk: Answer the Hon. the Chief Minister.

165 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

The recent visit to the Berlin Money Show, which was the subject of a Government Press Release, was in connection with the launch of the Gibraltar International Mint as the joint venture marketing company that will be seeking to place a new Gibraltar silver coin in the market for investment silver coins. The joint venture is with one of the numerous potential investors who have been working with the Government since

170 before our election. A specific statement on this has been agreed with the said investor, but agreeing it is slightly delayed. The launch of the new coin was timed to coincide with the 25th anniversary celebrated at the Berlin Show of the Vienna Philharmonic, one the most successful investments of the coins. The Austrian Mint is responsible for the minting of the Philharmonic and will mint the new Gibraltar coins and a distribution agreement has been entered into with one of the major German companies in this market.

175 Whilst it is early days to estimate what the revenue potential is, what is clear is that there is a huge market and that even a small share of this market will provide Gibraltar with a new source of income.

Other potential investors who were working with us before our elections are still in the process of finalising their investments in Gibraltar. Further statements will be made when relevant.

180 **Hon. D A Feetham:** Mr Speaker, I rise... I feel slightly deflated. I thought when he as far back as May 2011 made a little bit of a song and dance about these investors he had up his sleeve to... just over... well, in fact it is longer than two and a half years, to come back and to say 'Gibraltar International Mint' is slightly disappointing I have to say.

185 But, Mr Speaker, can he perhaps give an indication of what kind of contribution does he expect this will make to the economy in terms of growth of the economy? What are we talking about in terms of income to the Government, or is he not in a position to provide that kind of information so we can assess the overall contribution to the economy and whether that is going to be significant or it is not going to be significant?

190 **Hon. Chief Minister:** Well, Mr Speaker, the fact is that I am not answerable, as Chief Minister of Gibraltar, for anything I said in May 2011, but I am entertaining the hon. Gentleman's questions. I am not going to give him an estimate today of what this business is going to be worth in the future.

He will recall that at election time he was the one that ventured into making estimates of what results were going to be and what turnouts were going to be, and making those sorts of estimates in my view is a little bit foolish so I am not going to do that.

195 But, Mr Speaker, new homes, a new hotel, new office developments, that is real investment, Mr Speaker, and that is what we are seeing in our economy, together with a new Bank. So I am not surprised that the hon. Gentlemen is deflated, furious and frustrated.

200 **Hon. D A Feetham:** Mr Speaker, I have to say that if you compare the hon. Gentleman's... the Government's achievements in this area and the areas that he has mentioned over the last just over two years and compare it, for example, to the achievements of the first GSLP Government during the same period, and there is absolutely no comparison. He is way, way behind in the achievement stakes, if I may say so myself.

205 But, Mr Speaker, just so I understand it, this is the only investment that he had in mind when he made these statements in 2011 and has made several statements to me in this House when I have asked this question over the last two and a half years. This is the extent of the investments that he had in mind when I was asking the questions and he was answering them across the floor of this House and also when he was making these statements two and a half years ago.

210 **Hon. Chief Minister:** Mr Speaker, I consider the GSLP Government's achievements from 1988 to 1996 to have set the standard that I would hope one day to be able to be in the shadow of. That was one of the most exciting governments that Gibraltar has ever seen. Involving as it did Joe Bossano leading Gibraltar's economy from a place where we were having to borrow to pay recurrent expenditure, to standing on our own two feet and putting us in the position where we could utter the words, 'self-determination' in the context of self-sufficiency at last.

215 I know that he had family links to that Government and he is justly proud of what happened then, as I am to lead the party today that delivered in those days what I think is, without doubt, a lesson in good and appropriate Government and how to turn an economy around. So if I am failing to achieve what Joe Bossano achieved in 1988 to 1996, I will always continue to try and emulate it.

220 I will never, Mr Speaker, say that I turned my back on what my party did then or what it did in Opposition – something which I note is not the case in respect of Members opposite, given that they already trying to forget much of what they did when they were in Government and already denying it vide the interviews given by him and his new Party Chairman as to the way they do things now compared as to the way they used to do things before.

225 But, Mr Speaker, if the economy grows from £1.1 billion to £1.65 billion by the time I call the next General Election, even Joe Bossano will say that that was not bad.

Mr Speaker, if I started the process of building 1,000 homes, half of what the GSLP built between 1988 and 1992, because by then already 2,000 were to be started, that is at least half of what the GSLP achieved. It may not be enough and I will always be in awe of that Government, but it is so much more than the GSD did between 1996 and 2000. (*Banging on desks*)

230 **Hon. D A Feetham:** Well, Mr Speaker, I am glad that he thinks so because of course he actively campaigned against the GSLP in 1992. (*Laughter and banging on desks*) So I am afraid that there is role reversal here. The point that he always makes against me that he has left himself open that I make against him. (*Laughter and interjections*)

235 But I have to say, Mr Speaker, because of course, he is going to come back to me, that although I was not supportive of the GSD prior to 2004, I hope that in the same way as he lambasts me about the 16 years abysmal record of the GSD here and there, that when we talk about the positives, of which there were many in relation to the GSD, that he also gives me credit for that too (*Banging on desks*) because I will accept the credit because the net balance is heavily weighted in terms of achievement to the burdens or the ‘unachievements’ of the last 16 years.

240 But, Mr Speaker, in relation to this particular investment, is Credit Finance involved in any way, shape or form – and I ask this question in the widest possible terms – in terms of any guarantees that have been provided for the investors, any assurances that have been provided by Credit Finance, as well as any direct or indirect financial assistance of whatever form – I am trying to sort of keep it as wide as possible for the hon. Gentleman... of whatever form in relation to this investment and these investors?

245 **Hon. Chief Minister:** Mr Speaker, in 1992 I was a student at University (**A Member:** Ah.) and I have learnt many things since then.

250 But it is very clear, if the hon. Gentleman goes back and looks at everything I said, that none of the criticisms I made in 1992 refer to any of the things that I have praised today, which is the economic performance of that Government – something which even Joe Bossano’s greatest detractors always speak highly of. So, Mr Speaker, I do not think there is any contradiction whatsoever. But I think history will speak for itself and will demonstrate what it was that each of the Governments that have led Gibraltar has delivered. There does not need to be a debate about it between us today; but he wanted to make the comparison, so I dealt with the comparison.

255 I am quite happy to deal with the question as widely as he has put it in relation to Credit Finance, Mr Speaker. There is absolutely no involvement in respect of Credit Finance in the way that he has described it or otherwise howsoever arising in respect of this investment. But I just do not know if the directors of Credit Finance might have bought one of these coins already, but that would be a matter entirely for them.

Q210-223/2014

Sunborn floating hotel project – Works at Ocean Village Marina; details and costs

260 **Clerk:** Question 210, the Hon S M Figueras.

Hon. S M Figueras: Can the Chief Minister provide details to this House of all costs incurred directly or indirectly by the Government or Government-owned companies, owned directly or indirectly, in whole or in part, as a result of the enabling works at the site where the Sunborn floating hotel is now located at the Ocean Village Marina?

265

Clerk: Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Questions 211 to 223.

270

Clerk: Question 211, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state who is paying or who has paid for the cost of the infrastructural works to accommodate the Sunborn floating hotel in Ocean Village and how?

275

Clerk: Question 212.

Hon. J J Netto: Mr Speaker, can Parliament have a copy of the agreement between the Government, the owners of the Sunborn and the proprietors of Ocean Village with regard to the Sunborn floating hotel project and provide the total cost of this project broken down by each entity involved?

280

Clerk: Question 213.

285 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if the infrastructural works to dock the Sunborn floating hotel in Ocean Village was a Government project or a private one?

Clerk: Question 214.

290 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state who is project managing the infrastructural and dredging works in order to accommodate the Sunborn floating hotel in Ocean Village?

Clerk: Question 215.

295 **Hon. J J Netto:** Mr Speaker, further to the letter sent to me by the Hon. Neil Costa MP on 14th January 2014, can the Minister for the Port provide Parliament with the names of all the companies, including Steel Mac Ltd that submitted a bid for the dredging works in order to store the contaminated material in the *MV Nord Star* and state what were their respective bids?

Clerk: Question 216.

300 **Hon. J J Netto:** Mr Speaker, further to the letter dated 14th January 2014, from the Hon. Neil Costa MP to me, could the hon. Member confirm that Burando Maritime Services is still contracted by the Government to remove the dredged material from Ocean Village, and if not, why not?

305 **Clerk:** Question 217.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state if Steelmac Ltd had been contracted by Burando Maritime Services or by the Gibraltar Government, in order to dredge the contaminated material in Ocean Village and place the said material in the *MV Nord Star*?

310 **Clerk:** Question 218.

315 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if some of the contaminated waste material arising from the dredging of the Ocean Village to accommodate the Sunborn has been transferred and deposited at the Nerva (Huelva) rubbish dump?

Clerk: Question 219.

320 **Hon. J J Netto:** Mr Speaker, if contaminated waste material from the dredging of the Ocean Village has been transferred to the Nerva (Huelva) rubbish dump, can the Minister for the Port state what tonnage has been deposited there and whether such material has emanated from the waste material deposited in the *MV Nord Star*, the *MV Meridian*, or from subsequent dredging and delivered by lorries to Nerva?

Clerk: Question 220.

325 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state how much tonnage of contaminated waste material from the dredging of Ocean Village has been removed to the Netherlands by using the *MV Meridian* and if this ship will be further engaged for the transportation of further contaminated waste, and if not, why not?

330 **Clerk:** Question 221.

335 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if the 4,000 tonnes of contaminated waste material from the dredging of the Ocean Village still remains inside the *MV Nord Star*, and if so, what is the Government going to do to safely dispose of such material?

Clerk: Question 222.

340 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if in the issuing of the export licence to the various companies involved in the removal of the contaminated waste material from the dredging of the Ocean Village, there is an Environmental Audit trail included to ascertain that all the contaminated waste material will be either properly treated or safely deposited and made inert, and if so, who is the competent Authority to conduct the Audit trail?

345 **Clerk:** Question 223.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state who is paying for the removal of the contaminated material to the various final destinations, and how?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government notes and welcomes that the Sunborn five star floating hotel is now permanently docked in the area between Ocean Village and Marina Bay. This is the first new hotel established in Gibraltar in many years. A number of further hotel projects have since been announced as well as the refurbishment of existing hotels.

355 The total cost of the infrastructure required to berth the Sunborn vessel at the said location is in the process of being calculated. This cost will not be borne by the Government. The benefits of the infrastructure works have accrued to Ocean Village and Sunborn and although Government has undertaken the works as an urgent Government project in order to enable this hotel project to progress, the costs will be shared by those who have taken the benefit of the said works. Government is in the process of agreeing with both Ocean Village and Sunborn what proportion of the works each is liable for and how they will respectively reimburse the Government. The Government is not privy to any agreement between Ocean Village and Sunborn and cannot therefore provide details or a copy of it. There is no agreement between Sunborn and the Gibraltar Government.

360 A Government of Gibraltar Project Manager was instructed to manage both infrastructural and dredging works appertaining to this project.

365 A total of four companies submitted bids for the dredging works with these being awarded to Steel Mac in the sum of £680,000.

Burando Maritime Services are still contracted to remove all dredged material from Ocean Village.

370 As far as the Government is aware no contaminated material has been transported to a rubbish dump in Nerva in Huelva.

Approximately 6,300 tonnes of dredged material was removed by the *MV Meridian*. It is up to the company contracted with the removal of the material to decide whether or not to engage this vessel for any further works in relation to this project.

375 As far as the Government is aware, approximately 1,300 tonnes still remain inside the *MV Nord Star* out of the original quantity deposited there. This material will be disposed of by Burando Maritime Services.

The companies involved respectively with the collection, transportation, exportation and disposal of the contaminated waste material arising from the Ocean Village dredging are all licenced to undertake these operations. The Environmental Agency is the competent Authority in all matters relating to the collection, storage, transportation and disposal or recovery of waste under Part VA of the Public Health Act.

380 The removal of the contaminated material is being paid by Burando Maritime Services as the company contracted by Her Majesty's Government of Gibraltar to do so. The material is being transported by land.

Q224-228/2014
Credit Finance Company Limited –
Commutated pensions; loans

Clerk: Question 224, the Hon. D A Feetham.

385 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state what is the value of commuted pensions of Civil Servants paid out by Credit Finance Company Limited as at 31st January 2014?

Clerk: Answer the Hon. the Chief Minister.

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 225 to 228.

Clerk: Question 225, the Hon. D A Feetham.

395 **Hon. D A Feetham:** Can the Chief Minister please state what is the amount lent by Credit Finance Company Limited to the owners of the Sunborn as at 31st January 2014?

Clerk: Question 226.

400 **Hon. D A Feetham:** Can the Chief Minister please provide details of the amount lent to the management companies of housing estates by Credit Finance Company Limited as at 31st January 2014?

Clerk: Question 227.

405 **Hon. D A Feetham:** Can the Chief Minister please state as at the 31st January 2014, how much has been lent by Credit Finance Company Limited in relation to Government arrears, broken down by the type of arrears?

Clerk: Question 228.

410 **Hon. D A Feetham:** Can the Chief Minister please state as at 31st January 2014, what is the total amount loaned by Credit Finance Company Limited?

Clerk: Answer the Hon. the Chief Minister.

415 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the value of the commutations paid out to Government pensioners for Credit Finance Company Limited, as at 31st January 2014, was £20,707,012.

The total amount of the loan book of Credit Finance Company Limited as at 31st January 2014 was £46,646,565.

As has already been explained in the House previously, details of individual loans issued by Credit Finance Company Limited will not be given.

420 The details requested in Question 227 remain the same as those provided in answer to Question 758/2013 by letter of 23rd November 2013. I note, Mr Speaker, that that letter was also copied to you.

425 **Hon. D A Feetham:** Mr Speaker, in relation to Question 225, which is the loan that has been provided to the Sunborn, the hon. Gentleman has publicly stated in an interview in the *Chronicle*, he said that the loan as at... I think it was July of last year, was just under £30 million. Now, if he can provide that information publicly in an interview to the *Chronicle*. Why can he not provide it in this House when he has provided the information publicly to the *Chronicle*? We know because he has done that, that it is just under £30 million. All I am asking is for an update of that position to be provided to this House as at 31st January 2014. I think it is not an unreasonable question given the information that he has already provided publicly.

430 **Hon. Chief Minister:** Mr Speaker, it is becoming a bit tiresome to have the same debate in every meeting of the House. The hon. Gentleman will get from me the total amount of the loan book of Credit Finance Company Limited. He will get no further breakdown. That is the position of the Government. We are perfectly comfortable with giving that information. We are not comfortable giving more information because of the way that we read our obligations as lenders.

435 Mr Speaker, Sunborn has said certain things about its borrowing. At the time that I gave the interview to the *Chronicle*, I reflected what the position was at the time. I think if the hon. Gentleman looks at exactly what I said, I do not think he is reflecting it in the way that I said it. The Government's position remains as it has been for the past six meetings of the House.

440 **Hon. D A Feetham:** Well, Mr Speaker, I am afraid that I still take the view, as we do on this side of the House, that it is totally unacceptable behaviour on the part of the Government. But what about in relation to Question 226?

445 The Hon. the Chief Minister has accepted in answer to past questions that there have been loans to the management companies, of at least one management company of at least one housing estate. I am not asking for the identity of... those housing estates – I am not – which is the concern that he has publicly expressed, which is, 'I am not going to breach confidentiality. We do not agree that it applies, 'but I am not going to breach confidentiality in revealing the identity of the people on this loan book'. But I am not even asking that. I am asking to provide details of the total amount, the *total amount*, not in relation to one, the total amount owed... sorry, lent to management companies of housing estates. Surely that is information that the Opposition is entitled to ask and it is information that the Government should not be reticent in providing.

450 **Hon. Chief Minister:** Mr Speaker, the Government has not lent any money to any housing estate that it is refusing to talk about. What we are talking about is loans by Credit Finance Company Limited and it really is becoming tiresome, Mr Speaker.

I know that the Hon. Gentleman might have felt that he was on to a winner when he started to criticise Credit Finance and he thought that he might finally be able to bring down economic hell and brimstone on

460 the Government and this might help him to achieve his aim of becoming Chief Minister, even if it involved rack and ruin for the people of Gibraltar.

We have said what we are going to say about the loan book of Credit Finance. We are not going to give any breakdown of it. If the hon. Gentleman wants to know what a particular estate has borrowed from Credit Finance, why does he not call the Chairman of the management company of the estate that he believes has been loaned money by Credit Finance and ask him? That person is likely to tell him because he is likely to have written to all the people who reside in that Estate and it is not confidential information in the hands of those individuals, but it is in our view confidential information in the hands of the Government. That is the position. We have made it clear. It is becoming tiresome to have to repeat it. He may not like the answer, Mr Speaker, but it is the one he is going to get.

470 I am just tempted to tell him to go back and read the *Hansards* of what I have already told him. Repeating the question is not going to change the answer.

Hon. D A Feetham: Mr Speaker, this is a different question. It has been allowed onto the Order Paper. It is a different question.

475 Mr Speaker, the hon. Gentleman is a master of attempting to confuse the issue. There is no confidentiality issue in relation to this. I am not asking him to reveal the identity of the housing estates which have been lent money. I am not asking him that. I am asking: what is the total amount that has been lent to housing estates in Gibraltar? There cannot be any confidentiality in that at all and I do not understand what the Government's reticence is.

480 Can he explain how he justifies the extension of the Government's policy which I do not agree with, but I understand, which is, Confidentiality bites here. I cannot reveal the identity of the people that have received loans', to the position he is taking now during the course of today, which is, but 'I am not even going to tell you the totality of what has been lent to housing estates'? It is a remarkable lack of transparency and accountability (*Banging on desks*) where they ought to be accountability and transparency in this House.

485 **Hon. Chief Minister:** That is nonsense, Mr Speaker. It is an attempt to grab a headline which he thinks will benefit him in some way, and it really is something that the people have seen through.

I have said before, this is not my position now. This is the position that we have been putting since we started debating in this House, that we will not give any details of individual loans. I have said we would not give names. We will not give areas etc. I have said that on a number of occasions.

490 He has got a problem with his memory, Mr Speaker. He needs to go back and check *Hansard*. We had this problem in the Select Committee, where he thought I had said one thing, when actually I had said another. When he goes back and checks the *Hansards*, he will hopefully come back and confirm that he got that wrong. When he goes back and checks this, he will also see that he got that wrong.

495 The Government is being *completely transparent*. We are *totally* see through on this issue, but what we are not going to do is give him the details that he wants because we believe that that is confidential. I have given him, Mr Speaker, a moment ago, the total amount of the loan book. The total, he has got it. The amount loaned by Credit Finance: £46,646,565. Totally transparent. Totally see through. But he is not going to get the details of every single loan or what it is for, or who it is to. It is not going to happen and that has been our position from the beginning.

500 What he cannot deal with, Mr Speaker, is that we are transparent, that we are accountable, that we come here every month to answer their questions, *and* we answer them; but they do not like the answer, Mr Speaker. They do not like the answer because they accumulated rent arrears and failed to recover them. They promised new hotels and they failed to deliver them. They got booted up and now we are having to clear up after them, Mr Speaker. They just cannot deal with it. (*Banging on desks*)

510 **Mr Speaker:** All these exchanges about the loan book of Credit Finance Company Limited were all rehearsed at the previous meeting of the House. The only difference is that the total amount is different as at 31st January to what it was previously, but we are going through the same arguments again.

Hon. D A Feetham: No, Mr Speaker, that is not right. That is not right and perhaps the Hon. the chief Minister –

515 **Mr Speaker:** In respect of lack of transparency –

Hon. D A Feetham: No, no, well of course.

Mr Speaker: – and all these other accusations, is not the same thing?

520 **Hon. D A Feetham:** No, no. Of course. Of course. The underlying criticism is of course the same
(*Laughter*) and will continue to be the same... the lack of transparency and accountability, which rightly we
have criticised. But it is not the same (*Interjection*) and this is the problem here, Mr Speaker, that Mr
Speaker has been persuaded by the very skilful way in which the Hon. the Chief Minister really tries to
confuse the issue.

525 I am not asking about any individual loans. I am asking the totality of the amounts that have been lent to
a particular sector. It is not even individual loans. It is in relation to the housing sector. (*Interjection*)

There may be two, three, four, five housing estates that may have benefited. Well, what is the totality? I
am actually making it easier for the Hon. the Chief Minister to at least provide me with some information
that is different, because of course every time that I ask a question about Credit Finance and the Chief
530 Minister refuses to provide me an answer. Well I go back, I read *Hansard*. I say let me see whether I can
get some information out of him that does not breach his self-imposed red lines, because at the end of the
day I am interested in receiving as much information as possible. This is one of them. This is different.

Does the Hon. Chief Minister not recognise that it is wrong for him to suggest that he is not providing
me with the information because he will not provide me information about individual loans? I am not
535 asking him about individual loans; it is about the totality of what has been lent to housing estates in
Gibraltar. It is a particular issue in relation to a particular sector. If he will not provide me with the answer,
I am not going to push it.

Hon. Chief Minister: Mr Speaker, as I have said before, and he perhaps needs to go and read *Hansard*
540 once again if he actually does bother to read it, because I think sometimes he does not, I am giving him the
totality of the loan book – the totality of the loan book. Every month he asks for it, he will get it, Mr
Speaker, but he will get no *breakdown* of the loan book. That is the Government's position. We have made
our position explicit on a number of occasions and our position has not changed. He is just trying to see
how he can perhaps get more information. Well, look, if he wants to continue trying to get more
545 information he can do what he likes, but our position is clear, transparent and see through. The total amount
of the loan book every month set out in answers to questions. Absolutely nothing wrong with that, Mr
Speaker. It is the appropriate way to act. It is the way that the Government is advised is the appropriate way
to act.

But, Mr Speaker, I will at least take from him that he considers me very skilful and masterful. He does
550 not often call me things that I might like to remember, Mr Speaker. I will take at least that from today's
session of the House.

ENTERPRISE, TRAINING, EMPLOYMENT, AND HEALTH & SAFETY

Q185 and Q188/2014

Business start-ups and nurture schemes – Benefit to new companies

555 **Clerk:** Question 185, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 676/2013, can the Minister for Employment state whether any
new companies are benefitting from the Government's policy on business start-ups and nurture schemes?

560 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr
Speaker, I will answer this question together with Question 188.

565 **Clerk:** Question 188.

Hon. D J Bossino: Can the Minister for Employment provide details of the Government's business
start-up policy?

570 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr
Speaker, the position continues to be as stated in answer to Question 676/2013.

The Government policy on new start-ups is to provide assistance and advice that may be required by the individual engaged in wanting to set up a new business.

575

Hon. D J Bossino: Mr Speaker, is the policy as wide as that, because as I understood it – I do not have a copy of the *Chronicle* article which reported on – I think the answer that he or his Department had provided in relation to business start-ups but it was actually more particular than that, albeit confusing?

580

So that the first question is as I put it. In relation to the first question I asked, which was Question 185, does he have an explanation as to why no more companies are benefitting from this particular scheme?

585

Hon. J J Bossano: I can make an educated guess. If the hon. Member remembers, I told him that when the initiative was taken by the Department it was identifying a group of people who had been unemployed for some time, who were in their late-50s and who were therefore finding difficulty in obtaining alternative employment, particularly in the construction industry, given that they were competing with people younger than them and coming over the frontier.

590

Therefore, there were a number of companies where the Department took the initiative of approaching the individuals and suggesting to them that given the difficulties that they were having in finding work, and that we were having in getting employers to take them on, that they might consider the possibility of using their accumulated skills in the industry, as people had been maybe 20 or 30 years in the industry, and with our help set up a business. Those were the first ones that were set up and they were set up because we encouraged it. We went out to suggest it to people. Most of the people in that category were accommodated and have now got these little companies that are doing very well. They have taken on trainees and the owners are working owners – that is they own the company – but they actually use the tools themselves and they help to train young people that we have sent and they have then taken them on. So that has worked very well, but of course this was always a limited market. In that category there might have been seven or eight people, that was all.

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So that, in my view, is the reason why that particular type of start-up was exhausted, because if tomorrow we find somebody, for example, that is laid off and fits the characteristics that I want and we find we are having difficulty in getting them a job with somebody else, then we would again repeat that exercise, but at the moment there are no potential candidates that have been identified by us.

600

In a few instances, not many, the initiative has been the approach from an investor, who then needed a different kind of help. The help might have been, for example, ‘Well, how do I go about putting together a proposal in order to get EU funding for the project that I want to do?’ or ‘How much help can you give me in training people for what is a specialist task?’

605

So there are effectively two basic sources. One source is the one, in effect, that we created ourselves and the other is a source that comes spontaneously out of people who decide to invest their own money and set up a little business. That is the one where the widely defined part of the answer is because the advice and the help that we give is driven by the demand for the advice and the help.

610

That is to say, the latter category probably do not need any help in setting up a company, they may already have a company, but they may need help with identifying how they can put a package together which is likely to succeed in getting them EU funding, given that there are criteria as to which industries qualify and which do not and how many jobs need to be created. The fact that sometimes, the hon. Member may not know it, but those who have been in Government will know, there are certain EU funds that can only be used to support people who have been a long time out of work or are of a certain age. So all that kind of help and advice is provided to the people who come looking for us, and the advice that they get depends on the questions they ask.

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Hon. D J Bossino: Mr Speaker, is all that, which is much more the detail of the policy, as a result of the negotiations which the Hon. the Chief Minister told me on a few – no, he is coming back – previous sessions in this House when he said... and again, I do not have the copy of *Hansard* in front of me, but when he suggested that the detail of the policy, and he knows that the Government has been a subject of criticism from us in relation to its apparent resistance in revealing to us what the detail of the policy is or was, that the Hon. Chief Minister would be entering into negotiations with the GFSB and the Chamber of Commerce. So is what the Minister for Employment just told me a result and the fruit of the negotiations and the discussions which the Chief Minister has had with the GF...? I think he mentioned and singled out the GFSB and did not mention the Chamber of Commerce. Is that the case? Is my understanding the case?

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625

And, if I may, Mr Speaker, just because I think it is connected as a supplementary, the Hon. the Chief Minister also told me in a previous session that the detail of the policy was available at the ETB. Is that a document that can be obtained from the Hon. the Minister for Employment opposite, because it seems that it is the Hon. the Minister for Employment, as opposed to the Hon. the Minister for Commercial Affairs, who is having charge of this particular scheme?

630

635 **Hon. J J Bossano:** The recipients of the help and advice are the two categories that I have mentioned,
in terms of local businesses, and obviously also the people that I see who are looking at the possibility of
investing in Gibraltar. So the hon. Member got a letter from me telling him the number of people that I was
seeing in different areas about potential investments some time ago, yes. So, for example, those people
would be a new start-up business as well. I mean that if somebody comes and says, 'I want to set up a
640 factory here to do *a, b* and *c*,' it is a start-up business, but it is not local start-up business. In those cases
then the people have got to be given more information about more things which they do not know.

Of course, quite often people who come in with investment ideas have an initial meeting with me as the
Minister responsible for inward investment and then the matter is followed up because they have
accountants or lawyers here who look after their interests when they are not here. These people do not
normally spend all the time here.

645 But the basic approach of the Department is not that we have a sheet of paper that says all the things that
you do, other than the ones that were there already under the Gib Invest Office, which were leaflets that say
if you want to incorporate a company, you do all these things and you go and get these other firms of
lawyers and the firms of accountants. All that material was already there in 2011 and is still there today and
that is predominantly for people who come in from the outside.

650 For the people who are already established in Gibraltar, who may be moving from employment to self-
employment, then the answer is that they sit down with somebody in the Employment Service, who finds
out what it is that they require, and helps them to achieve it and gets them in touch with people. Where
people have got sufficient capital to do all this on their own and get professional advice they do not come to
us for help.

655 Where they come to us for help, frankly the interest that we have is that we want people to be able to set
up employment opportunities and therefore it is the Employment Service who has got a vested interest in
helping a potential employer to get on his feet and open vacancies – it is as simple as that.

660 **Hon. D J Bossino:** But, Mr Speaker, can he confirm this? He will recall that when we raised the issue
about this company, I think it was called ETB1 Limited –

A Member: ETB1 Limited.

665 **Hon. D J Bossino:** ETB1 Limited, and then there was a subject of a change of name, he will recall that
that is when we found out that in fact what was being provided by the Government was a registered
office... almost Corporate Service Provider facilities. There was a registered office, directorships,
shareholders by Government employees, and as a result of us revealing the existence of this company, we
found out (1) that there were more; and (2) we found out that this is a service which was apparently being
670 provided by the Government, although no announcement had been made in relation to that.

So can I ask him to confirm that this service is still being provided as part of this scheme? In other
words, that the Government will provide for those people who are wanting to set up a small ...a business in
Gibraltar as part of its – and I can read it – the business start-up and nurture schemes manifesto
commitment, will be providing corporate service facilities for a limited period of time and then they go off
to another Corporate Service Provider if they find one?

675 **Hon. J J Bossano:** Mr Speaker, I have already answered that. He does not have to go back and look at
Hansard. He has to remember what I have said to him 10 minutes ago.

I told him that the ones that had been done on the initiative of the Department where we had set up the
company, provided them with the directors and did everything that could be done, were for people long-
680 term unemployed in their 50s in the construction industry, all of whom are now operating very successfully
providing services in the construction industry, predominantly as subcontractors, have taken on trainees,
have now taken on their payroll those trainees full-time, and have created employment and activity.
Therefore we have removed both the employer and the employee from the unemployment list and that is
where the level of support that had to be given was very, very high.

685 I have told him about the service that is there. I have told him that although we appear to have used up
the pool of eight or nine people that met that characteristic, that if tomorrow somebody loses their job who
is in his 50s or is finding great difficulty in getting another job, we have great difficulty in getting an
employer to take him... all the explanations that I have already given him, then it will trigger again what we
did already in the first batch of people and we will then use our officers, set the company up, provide him
690 with directors, and then when it is all up and running, pass it over to him.

The people that come to us on their initiative do not need that kind of help. They have already got a
business or they already know enough about having a business to be able to do a lot of this stuff for
themselves and they have got the money, which people who were living on social assistance did not have,
to pay a lawyer or an accountant.

695 So there is nothing mysterious about this. It is a service that is there to meet a need which was not being met. The need was a very limited one in terms of numbers, as there are not hundreds of people in this category. If there were more tomorrow, the service would be reactivated tomorrow.

700 We ourselves monitor the unemployment list regularly and we monitor where we think there are potential candidates for the provision of this service. Of course, we have approached people who have said they are not interested, as well. The offer has been made to some people who have not wanted to take it up. They have said they do not want to get involved. They do not feel confident in having the responsibility of having... I mean once they get up and running, the companies, for example, that were created in the first year and now in the second year, they now have the responsibility of dealing with the tax and dealing with social insurance and dealing with all those things and not everybody can cope with that. So there are people that we have offered the service to and who have said no.

705 All the people that said yes, we have done it for them. We have not got at the moment anybody else identified as a potential candidate, but that could change tomorrow. But, in addition to that, the service that is provided by the Department, both to incoming investors and to local businessmen and the service that I am doing and other people might be doing other things, is based on what Gib Invest had initially, which was also for local and outsiders, which was really a series of leaflets of where do you go to get what you need; but we go one step further in getting things arranged for them if they need our help. Really, the people that need our help are the people who are entering into a field that they have never done before.

710 If you have got somebody who has already got some business activity, some business experience, they need very little from us, but we are there to help whoever approaches us because it is in our interest, as I have said, as an Employment Service, to help businesses expand and take on more workers, and that is what the rationale of this is all about.

720 **Hon. D A Feetham:** Mr Speaker, as I understand what he has said is, this was a scheme open to the unemployed so that the unemployed were provided with help in setting up a company. They were provided with help in terms of directorship services, shareholder services, with civil servants acting as directors and shareholders with the ETB... sorry, with the Town Range address at No. 6 Convent Place being used as a registered address, and then they would be given Government contracts. They would obviously earn an income as a consequence of that and they would then employ trainees from the Future Job Strategy, who they would then train within this company. That, as I understand it, is what he has said.

725 In relation to the 15 companies that were initially set up in this particular way – I think it is 15 – were all these unemployed from the unemployment list?

730 **Hon. J J Bossano:** Every single one of the companies that were set up was with somebody from the unemployment list. That is correct.

Hon. D A Feetham: Including the owner of ETB1? I am not going to mention his name across the floor of this House, but the hon. Gentleman knows who he is.

735 **Hon. J J Bossano:** No, I do not know who he is, Mr Speaker. I do not know who the owner of ETB1 is. It sounds as if it was from a science fiction serial actually. *(Laughter)*

Hon. D A Feetham: No, not a science fiction, maybe a nightmare for the Government, but not a science fiction.

740 I am talking about Mr Luis Edwards. He is the owner of this particular company, ETB1. Was he part of the unemployment list? Was he unemployed?

Hon. J J Bossano: Mr Speaker, I have already said that every single person that was helped to set up a company was at the time unemployed. Is the hon. Member saying I am lying?

745 **Hon. D A Feetham:** No, I am not.

750 **Hon. J J Bossano:** Well, then the answer is, if he has asked me three times if the people who were helped were unemployed and I tell him yes, and he now mentions one individual, it does not matter whether the guy is called Edwards or Feetham. If Feetham was unemployed, he would get help. *(Laughter)*

Hon. D A Feetham: Mr Speaker, of course, there is a difference between somebody being unemployed and registered unemployed with the ETB.

755 Can you also confirm they were all registered unemployed with the ETB or were they just simply unemployed because they did not have a job at that particular moment in time? Or were they registered unemployed with the ETB? In particular, were they long-term unemployed?

I can understand, perhaps, the logic – (*Interjection*) Well, I can understand perhaps some logic in doing something like this for – provided that they are sufficiently skilled to pass the skills on to other people – the long-term unemployed, but can he confirm they were all registered unemployed?

760 **Hon. J J Bossano:** Well, I do not know whether the hon. Member is familiar, from the short time he spent in Government, as to how the system works, but he must know that there are people who are unemployed and who in between periods of being registered are lapsed, so the people who are unemployed appear and disappear periodically from the employment register at the rate of about 100 a month. Whether
765 in the particular month that the particular individual was actually helped in setting up a company he happened to be in the lapsed category or in the employment category, I do not know.

Hon. D A Feetham: Well, yes, of course, Mr Speaker, but let me give you another example.

I could resign from Hassans tomorrow, and say, ‘Well, now I am unemployed. Can I have a company now?’ I would not actually say that somebody like that has resigned to get an opportunity from the
770 Government –

Mr Speaker: Has he not answered that question? He said that if Feetham was unemployed (*Laughter*) he would get the... (*Laughter*) He has answered that question already. (*Laughter*)

775 **Hon. D A Feetham:** No, Mr Speaker. Mr Speaker has not...

Mr Speaker, I am afraid in the joke that he has cracked, he has not understood the point that I am making. You see, Mr Speaker (*Interjection*) this question of, he has to be unemployed before he benefits, is a massive loophole because you can say to somebody, ‘Resign from your job tomorrow. I am going to give you a company’. He resigns tomorrow and he is unemployed. Now, that is why I have asked and I have
780 sought to draw the distinction between that and somebody who is registered unemployed and long-term unemployed in particular at the ETB. Can he perhaps provide some information in relation to that?

Hon. J J Bossano: Mr Speaker if it is massive loophole, then that massive loophole would be generating a queue of applicants and I would have just told the hon. Member that... he says there were 17. I
785 said there were 8 or 9, and I have just told the hon. Member that as far as we are concerned the Department goes looking for people that we have difficulty in employing in order to see if by helping them to become self-employed it is possible to make them economically active. Or is it that the Opposition, for reasons that are incomprehensible to me, appears to see people idle on social assistance, unemployed, rather than productively employed, generating wealth and bringing an income to their families.

790 I cannot understand how anybody can be critical unless it is that if you have got a particular name or have got a particular view then it should not apply to you, because it seems to me that what the hon. Member is saying is that it depends who you are whether you get help or not.

I can assure him that if he has got anybody, who is a supporter of his or a member of the GSD, who falls into the parameters that I have described, I will be delighted to help that person. (*Banging on desks*)
795

Hon. D A Feetham: Mr Speaker, thank you very much to the Hon. Minister for that answer, but you see the concern from this side, or one of the concerns from this side of the House is that for a Government that really delights, because it really does delight, in ticking boxes and making announcements. I mean one announcement that it was continuing paying grants to students, that is one manifesto commitment ticked.
800 (*Interjection*)

Why did the Government not make an announcement about this particular scheme at the very beginning when it started it and we only find out because it appears to us that the Opposition rumbled them with this particular scheme when it made public the fact that there were a series of companies registered at No. 6 Convent Place and Town Range, where directorship and shareholder services were being provided by civil servants?
805

Hon. J J Bossano: Well, I do not know what rumbling means, Mr Speaker, but what presumably he means is that he went to the Companies Registry and looked up the Company Register and found the registered list. If looking things up in the Companies Register is rumbling, I suppose he knows about that because as a lawyer he must do a lot of rumbling all the time (*Laughter*) as part of his livelihood.
810

All I can tell him is what I have told him. We did not make an announcement because we launched the scheme by identifying potential candidates. The scheme is open to people without having to wait for an initiative from us.

815 The people that approach us generally are not the people in the category that I have described because it is something that does not even occur to them. The ones that have done it and are successful and are now providing a service to the Government and to the construction industry, many of these small subcontractors

are now working for the bigger construction companies as subcontractors and therefore that is reflected in people who are not being paid by the Government who are being paid for doing work. But it means that the numbers of Gibraltarians in the construction industry was the highest since 1996, when the last survey was published, and will be higher again, and will keep on getting higher because we keep on training more people and then we stop paying them and then they start earning their keep.

It is a policy that they can criticise or they can not criticise. It is a matter for them. All I can tell the hon. Member is that it is producing the results which in the debates that I had with him initially he was saying he thought it would be difficult to achieve, but if I achieved it he would be happy to see more Gibraltarians working. Well, he does not seem to be happy. He seems to be unhappy because he wants to criticise me for achieving what he thought would be difficult, and I can tell him it is not that I am satisfied that we have exhausted what we can do. I think we can do more and we will be doing more.

But so far what the hon. Member is asking me in his original question is what the state of play is at the moment, well, look, the state of play at the moment is not what did Luis Edwards had for breakfast this morning. The state of play at the moment is what is happening with the policy. The policy: what is happening is that the people we have identified we have actually put on the road to earning a living and that if tomorrow we identify more we will do it. If there are people that we have missed out and they know of, we will be happy to help them and if there are people who on their own initiative come forward and say, 'Well, look, I want to set up this business. Is there a way in which you can help me?', we will listen to them. I have not announced it publicly. Well, look, everything I am saying to him here is public.

Q186/2014

**Gaming industry and Employment Service –
Provision of liaison service**

Clerk: Question 186, the Hon. D J Bossino.

Hon D J Bossino: Can the Minister for Employment provide details, such as the grade and duties of the person who is providing a liaison service between the gaming industry and the Employment Service as recently announced by the Minister for Financial Services?

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

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr Speaker, the grade of the person involved in providing a liaison service between the gaming industry and the Employment Service is that of a GDC HEO. The duties of the post in respect of the Employment Service are predominantly driven by ensuring a rapid response to the requirements of the industry, particularly in respect of the need to rely on non-EU nationals who require work permits given the nature of the client base of this industry.

The need for the creation of the liaison service was identified following representations by the industry about delays which affected their ability to recruit specialist staff, especially where non-EU nationals were concerned. Following this initial step the role has been widened to include other aspects, for example, liaising with different companies in respect of the current situation where some sections of the industry are requiring additional personnel whilst others are currently reducing their manning levels. Whilst much of the work involves the Employment Service the Officer concerned also undertakes a similar role in terms of expediting responses from other Government Departments to the requirements of the industry.

The feedback that has been received is that this liaison service is greatly appreciated by companies operating in this sector.

Hon. D J Bossino: Mr Speaker, the Hon. Minister will know that this was an announcement made by the Hon. the Minister for Financial Services during the course of a debate that he and I participated in, in GBC about two or three weeks ago. He knows that there I welcomed it. I welcome it now as something that will facilitate the service which is being provided to such an important part of Gibraltar's economy.

But the first question I would ask is one of detail. He says this person has an HEO position. Would that be a grade 4, I think it is, under the GDC? If he could just confirm that.

Hon. J J Bossano: A grade 4.

Hon. D J Bossino: A grade 4.

870 And secondly the question which I have is why is it possible, certainly in relation to the initial duties
 which this person was carrying out which was more relevant to the duties that may be more properly ought
 to have been carried by the Employment Service, why is it that the Employment Service does not have
 sufficient, either in numbers or in qualified staff or perhaps even in experienced staff, to be able to provide
 875 this service in-house? Why was it necessary to appoint this person to act as a liaison between the industry
 and the Service?

Hon. J J Bossano: Mr Speaker, the person was selected in fact because the person was at the receiving
 end in the Employment Service of the requests. Effectively what happened was that she was transferred
 from the Employment Service to the Department responsible for gaming, so that in fact instead of each
 880 individual company approaching the Employment Service with their problems, they have somebody that is
 permanently working there to do that for them.

It is a way of providing a channel. The requests finish up being in the Employment Service, but instead
 of us having a person in the Employment Service who had a job to do which involved providing a receiving
 point from the gaming, the banking, the construction and everybody else, the people in the Employment
 885 Service are not broken into dedicated categories of employers. They deal with all employers irrespective of
 where the requests come from.

Because the system that was in place when it was being done by the Employment Service was not
 giving the priority to gaming in respect of other customers, so it was first come first served, the gaming was
 making representations to us. Then in response to that lobbying, I suggested, 'Well look, we will take the
 890 employee we have got here and transfer them to the Department that is responsible directly for the gaming',
 and now instead of each H R Department coming to my Department looking for assistance with something,
 everything goes to that person that is there already and that person then makes sure that it gets to the right
 person in the Employment Service having been there and having been at the other end of the business. So
 the reason is because effectively what the hon. Member is suggesting as an alternative is what used to
 895 happen, which is what they thought was not being sufficiently rapid in providing responses. When we have
 changed it, it produced a better result.

Hon. D J Bossino: Mr Speaker, given the obvious positive experience of this venture, presumably there
 is no reason why it cannot be extended to other industries like, for example, the insurance industry and –

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Minister for Financial Services and Gaming (Hon. A J Isola): It probably is.

Chief Minister (Hon. F R Picardo): [*Inaudible*] Financial Services.

905

Hon. D J Bossino: No, it is not. The question related to –

A Member: Financial Services.

Hon. D J Bossino: Yes, but the question related specifically to the gaming industry. If it is already
 910 being provided to other industries within the Financial Services world, then I would ask the Hon. Minister
 to confirm that position – (*Interjection*)

Hon. J J Bossano: I think the hon. Member should realise one thing that is peculiar to the gaming
 industry and that is first of all it is bigger than the others. There are 3,000 employees. Secondly, it is more
 915 diverse in terms of nationality – that is it has more people in it out of the 3,000 that require visas and
 permits and other things that most of the others do not and it has a much higher turnover.

The turnover in the industry, for example, I think I gave him the figures at one stage, or if I did not give
 it to him I gave it maybe to somebody else in Opposition, but when we looked at the churn we found at one
 stage about a year ago that although there were at one point in time 3,000 people, there had been actually
 920 9,000 people in the space of about 18 months who had come into the industry and 6,000 who had left. So in
 almost every month... well, even more than that, in almost every day there is a spate of terminations and
 commencements and in a month there is likely to be a turnover of 60 or 70 jobs in gaming. That kind of
 turnover does not exist in other areas where there is more long-term stability, and therefore although there
 may be others facing similar problems, they are not of an equal magnitude that it can make a difference if
 925 there is somebody permanently dealing with them and specialising and becoming familiar.

Sometimes, for example, I can tell the hon. Member that for this particular officer is dealing also with
 banks, because we had a situation a week ago where in terms of detached workers, one of the things that we
 have put, one of the mechanisms that we have put in because of the requirement that the detached worker
 requires an 11A Form from the country of origin and has got to produce evidence that they are paying
 930 social insurance in the country of origin. All those mechanisms which are required by EU law meant that

sometimes somebody was going to be brought in to look, for example, at the IT systems and the time they were going to be here was taken up more in processing that their application met EU requirements. So we have now introduced a fast track system for people who will be here two weeks or less.

935 There was an instance a week ago where the individual that was going to be here was going to be one day over the two weeks. If that had gone through the normal bureaucratic channels, it would have eventually reached a point where somebody would have said, 'It has gone over the two weeks. The answer is no'. Because we have somebody there who was able to pick it up early on and they phoned in and they said, 'Look, although the criteria is two weeks, this person is going to be just one day over the two weeks. Can we be flexible and approve the fast track system?' and the answer was yes. This was for a bank and not
940 a gaming company.

So that gives the hon. Member a flavour of the kind, which on a day-to-day basis you can make life a little bit easier for the people that we want to stay here and make them feel welcome.

Q187/2014

**Public and private sectors –
Number of people currently employed**

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

945 **Hon. D J Bossino:** Can the Minister for Employment state the number of people that are currently employed in the public and private sectors respectively?

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

950 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, as at 31st December 2013, according to the records of the Employment Service, the number of persons employed in the public service was 6,393 and in the private sector 19,707, excluding directors and self-employed.

Q189/2014

**Sunborn floating hotel project –
Update on recruitment process**

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

955 **Hon. D J Bossino:** Can the Minister for Employment provide an update on the recruitment process in relation to the Sunborn Floating Hotel?

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

960 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, there has been constant close co-operation between the Employment Service and Sunborn regarding its labour requirements.

965 The first vacancies were opened in June 2013. Meetings were held in July; August 5th, 14th and 21st; September 5th, 17th, 20th and 23rd; October 3rd, 11th, 25th, 29th and 30th; November 4th, 5th, 6th, 7th, 9th, 21st and 22nd; December 6th, 11th, 13th, 17th and 19th; January 14th, 15th, 20th, 22nd, 28th, 29th and 30th; and in February on the 13th.

970 As a result of all these meetings, a number of the vacancies have been identified and candidates provided from the local workforce either with the required skills or with the potential for training.

975 **Hon. D J Bossino:** Mr Speaker, is the hon. Member able to give me a number of positions filled, because I have here an article, which appeared again in the *Chronicle* on 22nd August, where Mr Stevendale, who is the CEO for Sunborn, said that he was working with Joanna Hernandez and the team at the ETB to fill 200 positions and an additional 20 positions for senior roles. Then he says, in commenting why all the 200 jobs have been placed with ETB... Mr Stevendale said the jurisdiction has been good to Sunborn and Sunborn wants to be good to the jurisdiction.

There is then a further article of 7th February 2014, where he mentions another figure of 100, which is 50% less. Can he give me some detail in relation to numbers please?

980 **Hon. J J Bossano:** I think the first caveat is that you should not believe everything you read in the press and I think the second is that I think there was a certain amount of poetic licence in his numbers. There are not all that many people already working there. There are quite a number of people that have been identified as suitable and contracts have been entered into, but with a starting date that has not yet been triggered.

985 But I would be very happy if we were able to take 10 to 15% of the jobs because in fact we do not have amongst the unemployed a large number of people with previous experience of working in hotels – in fact we have very few Gibraltarians working in hotels as it is. If one looks at the actual existing hotels, the bulk of the Gibraltarians are doing office work and there are very few... his dad is the one exception (*Laughter*) and your brother. (*Laughter*) Yes, but there are not and regrettably it is not an industry that has ever been very attractive because it is an industry that you have to work very hard to get to the top; it is a reality. You start at the bottom, you learn every job in the hotel, and eventually when you get to the top you know everything that is going on in the whole outfit; but that of course is not something that you can take into a hotel.

990 There will be people hopefully who are now coming in as trainees into this hotel which will follow that path and I think that if we have more hotels there will be a critical mass in this industry for us to be able to say, 'Well, look, we can now invest maybe in a school which will provide staff for five, six or seven hotels, but with the number of jobs that there are at present, I think many of the jobs that require experience and qualified people will go outside.

995 What we are trying to do is to persuade the Sunborn to take as many of the people that have got qualifications in other areas who are willing to switch profession. We are making the pool of graduates available to them for the areas that those can be trained. We have got a few people that have got background in working as cooks and waiters and that kind of thing, which we are also supplying.

1000 But at the stage that we are now, I think we have got something like a dozen people that we have identified that are ready to go in and there are an awful lot of people that have put their CVs in from outside, but the company gave us an undertaking right at the beginning that they would work closely with us and exhaust every possibility here before they took anybody from outside, and even when they take people from outside... they have got people from Scandinavia where they brought their own people from the parent company. But even when they take people from outside, we shall be trying, as far as it is economically reasonable, to have people additional to their normal complement to give people the opportunity to learn the skills.

1005 But we are at the stage of a process. All I can say is it is obvious from the long list of meetings that have been held between my staff and the company that there has been very close involvement at every stage.

1010 **Hon. D J Bossino:** Mr Speaker, I just want to assess results and what the Hon. Minister is planning to do in terms of numbers.

1015 He mentioned, I think he said, 10 to 12% as probably the realistic number he is likely to secure from the Sunborn, in terms of employing presumably locals. He then mentioned... he gave an absolute figure of 12, as I understand it that is the current figure. But can he give me an absolute figure that he would like to see employed at the Sunborn?

1020 We have seen, in fact the *Chronicle* reports 200 foundation jobs being placed at the ETB. I am not sure what Mr Stevendale was referring to by 'foundation jobs' as it is in inverted commas, but what figure does he think he is realistically and likely to be able to achieve?

1025 **Hon. J J Bossano:** He has asked me two things. What would I like? I would like everybody except the owner to be from the unemployment list. Well, that is not going to happen.

I think realistically given the nature of the skills that they require, which we have got a very detailed breakdown of, and the pool of available registered unemployed that we have, which is about 400, of which out of that 400 there might have been, I do not know, 20 or 30 from the hotel and catering industry, and most of those people are people who are... the ones with experience are people in their 50s or 60s and they are mainly Moroccan. The younger people are people that are keen to go in, but have had very little experience.

1030 So I can tell the hon. Member that I do not want to shoot myself in the foot by putting a figure that anybody else is going to try and hold me to if we can get more. The realistic figure is that if we manage 15% of the workforce, of whatever the workforce is... if it is 100, 200 or 300. Well, I do not know. I do not manage the ship. The company has opened a large number of vacancies, but in a hotel... this is not... When you are running a hotel it is not the same thing as running something where you have to have a fixed pool of people. In a situation like this where the hotel is opening its door for the first time they may find once

they start operating that they need a smaller core of people for certain activities and that they need to take people, extra people in, like all hotels do when they are full to capacity.

1040 But in any event we would expect all the admin staff to be ours because there does not have to be a specialist catering establishment skill. The people that do the payroll the people that do the office work, all those people we can supply.

1045 The people with catering skills, hotel skills and hotel experience are already working. There may be people who leave other hotels and go to this one. Recruiting from the local labour market is not limited to recruiting from the people who are unemployed. There is nothing to stop the company if they cannot find it from what we have got available, from looking at some of the people who may be working for existing hotels and who have applied to go to this one, because they might think there is a better future, more money or better promotional opportunities.

1050 But at the end of the day, at this point in time we have done a lot of preparatory work, but we are not to the point where I can say, 'Well, look, the hotel is going to have 200 people working in a month's time', that I am not able to say. If it were there, if it opened in a month's time and if there were 200 people, and out of those 200 we had 40 or 50, then I would say we had done well.

1055 **Hon. D J Bossino:** Mr Speaker, is the Hon. Minister able to – he may not have this information available with him now – tell this House now how many vacancies have in fact been opened? He has heard me make reference to the press reports, and in fact reading again whilst he was providing his answer, basically what I want to do is establish whether what has been said in the press by the company is in fact the real situation because the company is saying, is reported to have said, that by the time the hotel opens on March 1st, there should be a staff complement of around 100 operational staff in both full-time and part-time positions. Then apparently, the company goes on, it does not give specific numbers but said many of its workers have come from the unemployment list. What I would like the Minister who has responsibility for this for employment is to be able to tell this Parliament what in fact the position is, if he is able to.

1065 **Hon. J J Bossano:** Well, I can tell the hon. Member when the first announcement was made and before the first vacancy was opened when there were queues going in circles round Ocean Village, the total number of CVs handed in was 2,961, of which 350 were from Gibraltarians, of whom perhaps 50 were unemployed.

1070 The number of vacancies that are presently on our books I cannot tell him, but I doubt that there are 200 vacancies. We have provided in the period 350 names from people unemployed; but of course I have told the hon. Member how long this has been going on. He needs to understand the fact that, for example, we submitted potential candidates way back in August, it does not mean that those potential candidates have been waiting patiently unemployed refusing every other job waiting for the Sunborn to open its doors. Much of the long list of people we have submitted may, when the time comes that the Sunborn says, 'I am ready to employ you' may no longer be interested because they have found something else since.

1075 These are the figures that I have got, the ones that I have shared with him; but I do not think that there are 200 jobs open.

1080 **Hon. D J Bossino:** Mr Speaker, I will ask a specific question at the next sitting of Parliament in relation to the figures and so therefore the hon. Member will be able to come prepared with the replies. I think it is information which the public ought to have.

The further supplementary I have, Mr Speaker, is – and I am not sure whether he has dealt with it in any specific way in his first reply – how many, if any, future Job Strategy trainees have been taken on to do placements with the Sunborn?

1085 **Hon. J J Bossano:** None at the moment.

1090 **Hon. D J Bossino:** Mr Speaker, is there any reason for that, because obviously this is precisely because of the experience and training deficiency which he has identified in the hotel industry. I come from a family who, as he knows, is involved in that particular industry. It is something I would personally would like to see more Gibraltarians doing, given the fact that more hotels are now going to be opened hopefully shortly in Gibraltar. Does that not present an opportunity given that we have the Sunborn here with us now to ensure that our local population is trained in this field?

1095 **Hon. J J Bossano:** The policy, as the hon. Member knows even though he does not believe it, is that we provide trainees with a job guarantee at the end. We run some training courses without jobs, but others... well, if you believe that then you must believe that people have got real jobs and not that it is a sham with dead end jobs, which is what is was yesterday. *(Banging on desks) (Laughter and interjections)*

1100 So the answer is that when the Sunborn is able to sit down with us and do a programme for training which will lead to maybe replacing some of the people that they have because the training will presumably take more than just the short-term training that is now taking place, then if there are suitable candidates and people interested, we will be happy to provide the trainees and finance them.

1105 **Mr Speaker:** I am not answerable for the previous AACR Government, but I am willing to tell the hon. Member behind the Speaker's chair what the results were of a hotel and apprenticeship scheme, which when I was Minister for Labour we introduced.

Q190-191/2014
Leisure Construction & Maintenance Company Limited –
Details of employees and directors

Clerk: Question 190, the Hon. E J Reyes.

1110 **Hon. E J Reyes:** Mr Speaker, sir, can Government provide details in respect of the number of employees who may have been employed, since the answer provided to Question 98/2014, by Leisure Construction & Maintenance Company Limited, broken down by grade, age, gender and nationality?

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

1115 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 191.

Clerk: Question 191.

1120 **Hon. E J Reyes:** Can Government provide details in respect of the Directors of Leisure Construction & Maintenance Company Limited?

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

1125 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, further to Question 98 the answer is none.

The Employment Service has no records in respect of any registered directors of this company.

1130 **Hon. E J Reyes:** Mr Speaker, may I just clarify, the Employment Service may have no record of the Directors, but given that this company is a Government-owned company, wearing that hat, can any Minister for the Government side say who the directors are please?

1135 **Hon. J J Bossano:** Mr Speaker, he may give whatever it is that he wants to be given, but if a question is that he is asking for me to provide the details of the directors and I am telling him there are no directors registered with this company in the ETB and no employees, I think that it must follow if it has no trade licence, there are no directors registered, there are no employees. It must follow that it is not doing anything.

1140 **Hon. D A Feetham:** Mr Speaker, we spent half an hour this morning on this. *(Laughter)* I have to say my curiosity is piqued with this.

Who withdraw the licence application, if it has no directors and no employees? *(Interjections)*

Yes, whilst he is at it, the Chief Minister has given me another supplementary to ask. Who made the application if there are no directors and there are no employees? *(Laughter and interjections)*

1145 **A Member:** You have not said there are no directors. *(Interjections)* They are not registered as employees.

Hon. J J Bossano: Mr Speaker, the company that registered with the ETB did not register anybody working for it as director or as employee.

1150 We now learn that if it ever applied for a trade licence, which apparently it did, it did not proceed with the application.

Hon. D A Feetham: But, Mr Speaker, is it a Government-owned company or is it not a Government-owned company?

1155 **Hon. J J Bossano:** It is not a Government-owned company. I think the hon. Member was told that when the matter was first raised by him, Mr Speaker.

1160 **Hon. E J Reyes:** No, Mr Speaker. No, I was not told it was not a Government-owned company when the matter was first raised. I was passed to Companies House, for which I had to pay a fee and conduct a search. I found out that there was a company registered on 11th February 2013 with a registered office of 31 Town Range and there are two public servants as share subscribers and that is it, Mr Speaker. Nothing else has been told further to that.

1165 All I know, from the Minister with responsibility for Sports and Leisure, is that two employees, I believe, from his Ministry are the ones who actually signed the application for the trade licence, and in all previous answers the company had no direct employees, as such. So, one understands from all that the Minister for Employment has been saying, that these public servants help in the administration and in the set up of the company and so on. *(Interjection)*

1170 But we have not got to the nitty-gritty now of the latest supplementary by the Leader of the Opposition that from the records this seems to be a Government-owned company and there are no directors, no employees and not even an interest to pursue a trade licence anymore. So why do we have the existence of this company, which originally was going to show itself as trading from premises within the Gibraltar Sports and Leisure Authority?

1175 **Hon. J J Bossano:** What the hon. Member has described is a situation in which there was something that happened at one point in time and nothing has happened since. *(Interjection)*

1180 **Hon. D A Feetham:** Mr Speaker, is this then one of those companies that the hon. Gentleman was answering questions about earlier on, which is the start-up scheme, where he says that people from the unemployment list or unemployed people were assisting in incorporating a company with public servants as directors and as shareholders in order to then be provided with Government contracts in whatever sector, to then recruit trainees from the Future Job Strategy? Is this one of those companies then?

Hon. J J Bossano: No, it is not. No.

1185 **Hon. D A Feetham:** Mr Speaker, I do not want to go round in circles, he must know what this company is about.

1190 You have a company. It is registered at Town Range, it's the offices of the hon. Gentleman, and he knows exactly what is happening in his office. It has public servants as shareholders of the company and it applies for a trade licence in the circumstances that the hon. Gentleman, Mr Reyes, has indicated. He must know more about this company surely... what type of a company it is, because if it is not one of those start-up companies and it is not a Government-owned company, what are public servants doing, as shareholders of this company, and what is it doing being registered at Town Range?

1195 **Hon. J J Bossano:** I know it is not one of the companies because those people that he is mentioning are not long-term unemployed construction workers in their 50s. *(Laughter)* So therefore, that is how it is. It is not one of those companies.

1200 The fact that some people set up a company then and nothing else has happened since is because whatever it is that might have happened did not happen and therefore there is no licence, there is no activity, there are no shareholders, there are no directors and no employees, and as far as I am aware there is no company any more.

1205 **Hon. D A Feetham:** But, Mr Speaker, it is a company that is registered at his offices. It is registered at his offices, with civil servants working for him as shareholders. What is this company? What was this company incorporated to do? What was its purpose?

Hon. J J Bossano: Well, Mr Speaker, I think the hon. Member is saying that it is registered in the sense that it was registered originally there. I think he will find that it is no longer registered anywhere and that the company no longer exists.

1210 **Hon. D A Feetham:** Alright, Mr Speaker, so the company no longer exists. The fact is that it was registered at Town Range, his offices, with his civil servants as shareholders. He must have been involved as the Minister or given the go ahead to its incorporation and its register in his offices.

I do not expect civil servants to go on a frolic of their own and incorporate companies and register them at his office. I mean, that is not the kind of thing that I would expect would happen.

1215 So therefore he must have some knowledge as to what this company is about. Can he explain what the purpose of this company was? He has now said it no longer exists. What was the original, the initial purpose of this company, its incorporation and registration at his offices?

1220 **Hon. J J Bossano:** I have not checked, but my understanding is that it is no longer there. I know that they never registered any employees and I know that they never proceeded with an application. Therefore whatever it was that might have been intended never happened. *(Interjection)* I do not know whether people were frolicking about. I am very lenient as a boss in my office, but allowing frolics is not amongst the activities that I permit. *(Laughter)*

1225 **Hon. D A Feetham:** Mr Speaker, this is now starting to look like a Monty Python sketch – the one about the dead parrot. *(Laughter)* It is a very dead parrot indeed. Now, I know it is a very dead parrot, but what I am asking is when it was alive, what was its purpose?

1230 Now, Mr Speaker, he is the Minister responsible. It is not an improper question. It is not an unreasonable question. He must have given the go ahead to his civil servants to allow this incorporation of this company, for his civil servants to be shareholders of this company, for this company to be registered at his offices. What was the intention behind this company? Why the reticence of the Hon. Minister to provide me with the information that we are seeking? It is a perfectly reasonable question.

1235 **Hon. J J Bossano:** Mr Speaker, whatever might have been in the mind of those who thought of doing something, since the something did not happen, I do not feel I have to give any answers as to what might have happened if it had been proceeded with – it was not.

Hon. D A Feetham: Let me go back a stage.

1240 Was the Hon. Minister involved in authorising the use of this particular company, for whatever use? He does not want to tell me the use or its purpose. Was he involved in authorising his civil servants to assist in the incorporation of this particular company?

1245 **Hon. J J Bossano:** No, Mr Speaker, they do not require my authorisation for each individual company that is incorporated – this one or any other one.

Hon. D A Feetham: But does he know what the purpose of this company was when it was first incorporated? Does he know that?

1250 **Hon. J J Bossano:** It was not discussed with me and I had no reason to want to know.

Hon. D A Feetham: So is he answering that he does not know?

1255 **Hon. J J Bossano:** I am answering more, that I do not know and that I do not care, Mr Speaker. *(Laughter)*

Hon. D J Bossino: Mr Speaker, can he clarify an issue which I have in my mind now and I would really seek his assistance in trying to clear the web somewhat.

We have here a company which is registered at his office. The shareholders –

1260 **Mr Speaker:** I honestly do not think that the Hon. Mr Bossino needs to go... I think we all know what it is that has happened. No, you do not need to say.

Ask a supplementary question by all means, but you do not need to give the background, because even I can understand fully what it is all about. *(Interjections)*

1265 **Hon. D J Bossino:** I accept that, Mr Speaker, and I take on that advice.

1270 As I understand it, the Government was providing corporate services to a fixed set of people – in other words, those who were in their 50s, long-term unemployed, I think he also said involved in the construction industry, etc. He has said that this particular company did not fit the bill – in other words, the owner of that particular company did not fit the bill. So can he tell me whether this service is being provided to people who do not fit into criteria? That is the supplementary Mr Speaker.

Hon. J J Bossano: Mr Speaker, I have already told him. I have great difficulty, much as I would like to help the hon. Member who is asking for my help, my problem in helping him is that the help I give him he does not seem to take because he keeps on asking me the same things.

1275 I told him initially that one identifiable category of people were approached by the Employment Service and did not approach us on their initiative, so we went looking for them. They are the people who had been long-term unemployed in their 50s in the construction industry, which we had... This one is not one of them.

1280 I did not say nobody that does not fit into this category has been helped with a company. I did not say that. I said *this* is a category that I can tell the hon. Member is the one that I think we have now exhausted, but tomorrow that could change. So if he is asking me... I have already answered that this is not a company in that category. So the fact that it is not in that category does not mean that all the 17 companies that have been identified by the hon. Member, it is a figure that I am taking at face value, I have not actually counted them, but assuming that there are 17, but if there were more... well, after all, they get their figures wrong a lot of the time and they may be wrong on the 17 as well, Mr Speaker.

1285 But, apart from the ones I have identified, which I think is about 8 or 9, which are the ones that are really doing the work of the construction industry, there have been other companies that have been helped in other areas, they have come looking for us. So this is one that the approach was not initiated by the Employment Service.

Q192/2014

Accident on scaffolding erected at Laguna Estate – Submission of incident report

1290 **Clerk:** Question 192, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can Government state if a child has had an accident as a result of climbing onto the scaffold erected in the Laguna Estate during the last three months, and if so, has the Factories Inspectorate made an incident report setting out the circumstances in which the incident took place and why, and if so, provide Parliament with a copy of the report?

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

1300 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question together with 193 and 194.

Clerk: Question 193.

Q190-191/2014 continued –

Leisure Construction & Maintenance Company Limited – Details of employees and directors

1305 **Hon. D A Feetham:** Mr Speaker, may I go back to the question about the Leisure Company and just ask one supplementary of the hon. Gentleman? It is information that I did not personally have, but it has been communicated to me, and I think it is a relevant supplementary and an important one.

Mr Speaker, I will be corrected if I am wrong, but the information that we have on this side was that the application for a trade licence related to the maintenance of children's parks in Gibraltar. Can the hon. Gentleman tell me whether that is accurate?

1310 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Well, since I did not submit the application for the trade licence, no. I am neither responsible for what was put there, nor for its accuracy.

1315 **Hon. D A Feetham:** And he can confirm that he is not aware of any discussions of any kind between anybody in his Department and the owner, whoever that may be, of this particular company? We do not know because the shareholders are civil servants, so we do not know who stands behind those civil servants.

1320 He is not aware of any conversations between anybody in his Department and the owners of that company in relation to maintenance of children's parks or anything else that this company was purporting to potentially engage in?

1325 **Hon. J J Bossano:** Well, I do not know what it was purporting to do and not purporting to do, and I certainly do not think I have the responsibility to come here and report conversations that take place between members of my Department and anybody else as if I was eavesdropping. I do not do that to my staff.

Q193-194/2014
Scaffolding erected in Gibraltar –
Inspected and certified

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

1330 **Hon. J J Netto:** Mr Speaker, can the Government state if all the scaffolding erected in Gibraltar since 2012 has been inspected and certified and found to be compliant with the Factories Act and its subsidiary legislation prior to the work commencing, and if not, please state the names of the company or companies that were not compliant and the respective site or sites on which this happened?

Clerk: Question 194.

1335 **Hon. J J Netto:** Mr Speaker, can the Government state if there have been any site or sites in which scaffolding that had been inspected and certified after work commenced since 2012, or not inspected and certified at all, and if so, provide the names of the companies and the sites involved?

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

1340 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is aware that a child climbed onto a scaffolding in Laguna Estate, but the matter was not reported to the Factory Inspectorate. When the Department became aware, an inspection was carried out by the factory inspector to confirm the safety of the scaffolding.

1345 All scaffoldings, of which the Inspectorate has received notification, have been inspected and certified before works commenced, and none after works commenced or not at all.

1350 **Hon. J J Netto:** I am grateful, Mr Speaker, for that answer, but I did not quite catch the ending part to the first Question 192, where the Hon. Minister said that once they became aware they actually went on site. Have they proceeded to do an incident report to try and find the circumstances of what happened, by the Factory Inspectorate?

1355 **Hon. J J Bossano:** Well, no, because as I have said there was not an incident reported that required an inspection and a report. It is just that when I became aware of it, and it was brought to my knowledge by somebody, a member of the public or somebody, that there had been a child involved in climbing, I asked them to go and have a look just to be on the safe side of the safety requirements to check that everything was in order and that it was not that the child had been affected by a badly erected scaffolding. They said that clearly the scaffolding had been inspected initially when it was put up and certified as okay, and they went back in case anything had gone wrong and they could not really find anything that could explain how the accident had happened. So it was not taken any further.

Q195/2014
Future Job Strategy –
Total cost to taxpayer

Clerk: Question 195, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of the total cost of the Future Job Strategy to the taxpayer since 31st March 2013, broken down by month?

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

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Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr Speaker, since March 2013 the average monthly cost of the training programme is £975,000. As was the case with its predecessor schemes, the expenditure covers payments to the individuals in the training programme and operating costs.

The persons covered are those employed by the Employment Training Company, the Construction Training Company, the Graduate Research and Development Company and the Supported Employment Company.

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In addition to the costs of materials used in training, which are charged to this item of expenditure and the running costs of Gib Dock and the Construction Training Centre facilities, payments for courses at Bleak House are also covered and payments made in respect of *ad hoc* training – for example, the provision of training to obtain a bus driver and heavy goods vehicle driver licences and plant operation qualifications, which are examples of some of the training that has been going on.

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Registration fees payable to UK awarding bodies are also met from this expenditure for trainees that are taking part in the programmes.

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Hon. D A Feetham: It is per month, £975 million – (**A Member:** Thousand.) Sorry, £975,000 per month, but I asked only in relation to the Future Job Strategy, he has widened that to include other areas which are not strictly Future Job Strategy. Does he have just a figure for Future Job Strategy... a subdivision?

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Hon. J J Bossano: Mr Speaker, what he calls the Future Job Strategy is the label provided to the programme of training in the Election campaign. I mean we do not have anything now called the Future Job Strategy. What we have is all the training financed from one head of expenditure, which is the head of expenditure that is about... I think we put it in this year's budget at £11.7 million and that covers Gib Dock, the Construction Training Centre, all the materials, the wages of the people there, the fees for the City and Guilds, which we have to pay to the United Kingdom.

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Also some programmes that we have started running recently were as a result, for example, of having a situation where we could not provide people with driving licences for heavy good vehicles, or people with driving licences for buses. We have actually moved away from the traditional parameters that we are training people and placing them with somebody and we have told people who are unemployed that we would keep them on the unemployment register, but pay for their training for them to be able to get new skills and qualifications, which makes it easier for us to find them a job, that is also being funded from this vote and that is being funded for people who are, in effect, continuing unemployed and not trainees.

1400

So we are funding all the costs of all the people who are in the four companies that are doing trainees, which includes the Supported Employment which are permanent employees, and the people that sometimes somebody... for example, we have got some people who are doing hairdressing. They are not employed by us as trainee hairdressers, but we are meeting the cost of the tuition of the hairdressing, which was an initiative of somebody from the industry who came to us and said, 'I would be happy to take on people and train them if you meet the cost', and all that cost is also coming out of there.

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Hon. D A Feetham: Does he have a breakdown in relation to this? For example, does he have a breakdown as to how much the wages are in relation to this figure, the wages component in relation to this figure of £975 million – (**A Member:** Thousand.) thousand, I beg your pardon?

Hon. J J Bossano: I would say that probably the labour cost of the trainees is in the order of £600,000 or £700,000 out of that, which would include the employers' social insurance contributions.

1415

Hon. D J Bossino: Mr Speaker, that is in relation, just to be absolutely clear, to those employees of the companies which form part of the label he described earlier of the Future Job Strategy? In other words, those three or four companies, ETCL and CTCL... yes?

1420

Mr Speaker, he also referred to some individuals, who were currently registered unemployed, were being, in effect, paid by the Government an income, but were not following the FJS scheme procedure whereby they would be placed with an employer. Can he also confirm that those individuals are exclusively within the driver category, which I think he referred to?

1425

Hon. J J Bossano: They are not being paid an income. What I said was not that they were being paid, but that they are *not* being paid. So they are registered unemployed. They are getting the unemployment benefit. (**A Member:** Okay.) They continue to be offered jobs, but they are being given the opportunity of

attending courses, and what we are doing is paying the tuition. So, for example, the bus driver and the heavy goods vehicle is costing us £50 an hour for the training (*Interjection*) but this is being paid to the company that is providing the training that puts the bus and the driver and the fuel and charges us £50 an hour.

1430 But the guys that are being trained and then go on and get a licence, we pay for the cost of the licence. These people are on the dole. So we pay for them to be trained. We pay for the costs of the licence. That means of course that we are now able... we have put something like 20 through this system.

1435 The advantage is now that people who had driving licences, but only had the A licence kind of thing, we are now able to, when a vacancy comes up, we are now able to offer candidates with the necessary qualifications to be able to do the job. We have been able to employ some of them as coach drivers for the tourist industry and we have been able to employ some of them as truck drivers in the construction industry.

1440 **Hon. D J Bossino:** Mr Speaker, can he confirm – my memory is a bit hazy on this issue – whether this is part of one of the announcements which the Minister for Traffic, I think, made at the time when I had that shadow responsibility? Is that not the same thing?

1445 **Hon. J J Bossano:** Not to my knowledge. Frankly, this is something that was... I mean in some of these cases there are a number of these things going on and in fact the initiative has come from the training provider, that is somebody came to us and said, 'Look, it is very difficult to find local people when we want to hire people for coach tours and it is difficult to find people when we want people to...' I mean there is an upsurge in demand now for people to drive trucks because there is a lot of construction work. We have got people unemployed, we are pressing people in the construction industry to take them on, so somebody came along and said, 'Well, look, I am prepared, for £50 an hour, to train people and take them through and get them qualified.' Then once they are qualified, if they are still unemployed, as soon as I have got a job, I will offer them a job.

1450 As a result of that it was not our idea; it was not *my* idea it was something... An idea put to me, which I welcomed, and therefore we invest a few thousand pounds in this kind of training. This is not big money because there are not thousands of people involved – there are only 20 or 30 – but we are doing this in this area, we are doing it in hairdressing. There are three or four activities of this kind, where in a sense what we are doing is upscaling the people that are registered unemployed. The basic departure from what we were doing before is that they continue to be unemployed, they do not get paid and they continue to be available for work and if, for example, the guy that is doing the training for a truck driver, a vacancy comes in for a store man and he wants to do the store man job, then he will abandon the course. There is no penalty and he goes and does the other job. So effectively all the people that are doing this kind of thing are included in the unemployment figures that I provide the hon. Member with.

Mr Speaker: Next question.

Q196-199/2014
Gibraltar Savings Bank –
Value of debentures; breakdown of debt

Clerk: Question 196, the Hon. D A Feetham.

1465 **Hon D A Feetham:** Can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures as at 31st January 2014?

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

1470 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 197 to 199.

Clerk: Question 197.

1475 **Hon. D A Feetham:** Will the Chief Minister please give a breakdown by debenture issue, of that part of the aggregate public debt that comprises Government debentures, as at 31st December 2013 and as at 31st January 2014?

Clerk: Question 198.

1480 **Hon. D A Feetham:** Can the Chief Minister please state what was (i) the gross public debt; (ii) cash reserves; and (iii) the net public debt as at 31st December 2013 and 31st January 2014?

Clerk: Question 199.

1485 **Hon. D A Feetham:** Can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises of bank debt as at 31st December 2013 and 31st January 2014?

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

1490 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, the value of Gibraltar Savings Bank Debentures by maturity dates, as at 31st January 2014, was: one month, £23,390,700; 2015 debentures – that is the maturity year – £44,165,200; 2016 debentures, £23,076,600; 2017 debentures, £86,241,500; 2018 debentures, £165,074,000; 2019 debentures, £10,594,400; other debentures, £6,171,623.

1495 Government debentures by maturity dates were, as at 31st December 2013: 2013 debentures, £819,300; 2017 debentures, £67,917,600; one month's notice, £89,057,000.

On 31st January 2014 the figure was 2017 debentures, £67,913,800; and one month's notice, £88,440,800.

1500 The 2013 debenture obviously was repaid before January.

As at the end of December 2013 the gross debt was £457 million; the cash reserves were £222 million; and the net debt was £235 million.

At the end of January the gross debt was £456 million; the cash reserves £223 million; and the net debt £233 million.

1505 The aggregate public debt as at 31st December 2013 and 31st January 2014 included bank loans of £200 million.

These bank loans in both months were £150 million from Barclays Bank and £50 million from NatWest Offshore Limited.

Q200/2014

Personnel in public service – Increase in numbers

1510 **Clerk:** Question 200, the Hon D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide the total net increase in numbers of personnel in the public service since he was elected into office broken down by reference to the Civil Service, the Gibraltar Development Corporation, Government-owned companies and public authorities?

1515 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr Speaker, the net increase between 31st December 2011 and 31st December 2013 is as follows: Civil Service, 123; GDC, 28; Government Agencies and companies, 654.

1520

Hon. D A Feetham: Mr Speaker, does the 654 include Future Job Strategy trainees within that figure of 654, or is he just giving me, effectively, the permanent increase in the public service in relation to these two areas of Government-owned companies and public authorities?

1525 **Hon. J J Bossano:** It includes everybody who was paid that month from any Government company and therefore it includes the four training companies. The figure is – the hon. Member will remember because it used to be done before – is what the Statistics Office produces every quarter, which shows the people who got paid at the end of that month.

1530 **Mr Speaker:** Next question.

Hon. D A Feetham: May I just have a moment?

1535 **Mr Speaker:** Okay.

May I ask the hon. Member to ask the next question because it is a very lengthy schedule in the next question and they can be looking at it at the same time.

Hon. D A Feetham: I do not think I have another question now.

1540 **Mr Speaker:** Mr Bossino.
Question 201.

Hon. D J Bossino: Ah, yes.

DEPUTY CHIEF MINISTER

**Q201/2014
Gibraltar Civil Aviation –
Security screening**

1545 **Clerk:** Question 201, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister with responsibility for Aviation please provide details since he came to office of all those individuals other than the Chief Minister who have benefitted from not having to pass through customs or immigration control when boarding or disembarking from a flight at Gibraltar Airport and have had use of an official car of the Gibraltar Government to include the G1?

1550

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will now hand over the hon. Member a schedule containing the information requested.

Answer to Question 201

The Gibraltar Civil Aviation Security Programme 2014 states that the following persons are exempt from security screening:

Section A

- Members of The Royal Family
- Lords and Ladies in Waiting when representing the Queen
- Members of Foreign and Commonwealth Royal Families

Section B

- The Chief Minister of the Government of Gibraltar
- The Governor of Gibraltar
- The Judges of the Court of Appeal
- The spouse of the Chief Minister of Gibraltar
- The spouse of the Governor of Gibraltar
- The spouses and children accompanying persons listed in this section.

Any other person who from time to time may be notified as being authorised by the Gibraltar Civil Aviation Security Regulator

Section C

Police protection officers acting in pursuance of their duties, the person or persons they are protecting, and any other person or persons accompanying the protected person and the police protection officer as they enter security restricted areas at the airport.

As common practice, the person on the exempt list are also granted exemption from Immigration and Customs procedures.

As the persons listed above are automatically exempt from screening, records are not kept of the occasions on which they exercise their privilege.

The Gibraltar Civil Aviation Security Regulator has authorised the following persons as being exempt from screening since I came into Office:

Contd....

Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
11/03/2012	BA491	Air Chief Marshal Sir Stuart Peach	MoD	OC
23/03/2012	BA491	Lord Greville Janner Ms Maureen Gold, PS to Lord Janner	GoG	OC
04/04/2012	BA491	Lord Prescott Mrs Prescott	GoG	
14/04/2012	ZB69	Mr M Penning, MP Mrs Penning	GoG	OC
13/06/2012	BA491	Royal Visit Support Party Mr J Smedley - Private Secretary Ms P Southgate-Sands - Asst Private Secretary Ms H Howard - Asst Press Secretary Mr C Sheppard - Protection Officer/Police Mr P Andrews - Protection Officer/Police Mr B Tougher - Valet	GoG	OC
13/06/2012	BA491	Dr J J Garcia – Deputy Chief Minister(Accompanying the Chief Minister) Mr E Gomez – Chief Secretary Mr M Llamas – Senior Legal Adviser Mr G Flower – Senior Personal Assistant Mr C Golt – Press Officer	GoG	OC
18/07/2012	BA491	Ms E Laing, MP - MOD Special Representative Mr A Helliwell - Deputy Director for Policy at Joint Forces Command	MoD	OC
07/09/2012	BA 491	Sir John Chapple - Ex Governor of Gibraltar Lady Chapple Sir Francis Richards - Ex Governor of Gibraltar	GoG	OC
08/09/2012	Private	Music Festival VIPs Ms J Cornish Ms C Darke Ms T Wilson Mr M Dawson	GoG	OC
11/09/2012	BA 491	Ms E Laing, MP - MOD Special Representative	MoD	

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Contd Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
19/09/2012	Private	Mr S Reuben & Mr D Ruben	GoG	
08/10/2012	BA 491	Dr J J Garcia -- Deputy Chief Minister (Acting Chief Minister) Mr E Gomez -- Chief Secretary	GoG	OC
12/10/2012	Private	Mr D Cote	GoG	
21/10/2012	Private	Mr A Gore Mr J Schlichter Ms Nina Desousa	GoG	OC
17/01/2013	BA 491	Air Chief Marshal Sir Stuart Peach Captain Paul Marshall, RN Ms K Langley	MoD	OC
10/03/2013	BA 493	Admiral Sir Mark Stanhope Lady Stanhope Commander Dominy	MoD	
08/04/2013	BA 491	Azizah Pahang - Crown Princess Muhammad Pahang - Crown Prince Mr Mohd Azeri Mohd YUSOF - Bodyguard Mr Mohd Zahor Ahmad -- Butler Mr Misran Daim - Bodyguard Captain Mohamed Najmi Mohamad Sharawi -- ADC Mr Shariful Kamal Shaharuddin -- Personal Assistant HRH Prince Abdullah Ahmad Shah - Crown Prince Major Ahmad Rashidi Bin Ithnin - Malaysian High Commission in London	GoG	
08/04/2013	EZY8902	Hassanal Pahang - Crown Prince Ms A Gibbon -- Personal Assistant Mr Mohamed Arif Hasnan -- Bodyguard	GoG	
03/05/2013	Private	Mr S Reuben	GoG	
17/05/2013	EZY8901	Ms Lesley Pallett	GoG	
22/05/2013	Private	Mr J Lennon Ms A Kuhlman Mr A Greig	GoG	OC

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Contd Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
18/06/2013	Private	Rev T Howarth Mr D Michael Mr M Ostro Rabbi A Levy Rabbi E Mirvis Archbishop V Nichols Fr J O'Leary Rt Rev N McCulloch	GoG	OC
20/06/2013	BA 491	Mr D Taub, Israeli Ambassador to UK Mrs Z Taub Mr D Dawson, Protection Officer	GoG	
05/07/2013	BA 491	Minister J Ciechanowski Minister A Kunert Bishop J Guzdek Brigadier General K Szymański Brigadier General W Grudziński Mr W Strzałkowski	GoG	OC
26/07/2013	BA 491	General Sir R Barrons, Commander Joint Forces Command Capt L Nicol, Asst MA to the General Ms T Walton, PS to the General	MoD	
11/09/2013		The Hon H Hughes Chf Min ANGUILLA The Hon C Cannonier Prem BERMUDA The Hon Dr O Smith Prem BVI The Hon A McLaughlin Prem CAYMAN ISLANDS The Hon I Hansen FALKLAND ISLANDS The Hon R Meade Prem MONTSERRAT Deputy Mayor S Young PITCAIRN ISLANDS The Hon Dr R Ewing Prem TURKS &CAICO ISLANDS Mr P Bradley ANGUILLA Mr B Penn BVI Mr R James TURKS & CAICOS ISLANDS Ms J Ahearn CAYMAN ISLANDS	GoG	OC
15/09/2013	BA 493	Air Chief Marshall Sir S Peach, Vice Chief of the Defence Staff Flight Lieutenant B Goodwin, ADC to the Air Chief Marshall	MoD	

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Contd Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
15/09/2013	ZB 063	Lady B Peach, Wife of Air Chief Marshall Peach	MoD	
20/10/2013	BA 491	Mr J Holland Ms M Holland Mr S Taylor Ms M Chisholm Ms Y Yau Mr P Loasby	GoG	
21/10/2013	BA 491	Capt F Pitto, ADC to HE the Governor	MoD	
19/11/2013	BA 491	Sir John Major Mr A Earl Ms A Warburton Mr D Stevens Mr P Brady	GoG	
26/11/2013	BA 491	Vice Admiral D Steel, Second Sea Lord Capt S Long RN, Flag Lieutenant WO1 T Casey, Senior Naval Warrant Officer	MoD	
11/12/2013	BA 491	Rear Admiral Bennett – Chief of Staff Joint Forces Command Commander R Scandling – Joint Forces Command Lieutenant Commander A Mason – Joint Forces Command Rt Hon M Francois MP – Minister for the Armed Forces Mr A Helliwell – Joint Force Command Ms C John – Assistant Private Secretary to the Minister	MoD	
12/12/2013	Private	Sir R Broadbent Mr K Grace Mr J Tarry Mr M Chipchase	GoG	OC

**Q200/2014 continued –
Personnel in public service –
Increase in numbers**

1555 **Hon. D A Feetham:** Mr Speaker, may I now ask a supplementary whilst my learned and hon. Friend analyses the schedule?

Mr Speaker, the answer that he has given me... effectively I have done the total here. It is a total increase in the public service of 805 employees in the public service, from when they got elected to date. That is the answer that he has given me.

1560 I note that earlier on he answered in relation to one of the questions that my hon. Friend, Mr Bossino, asked about the number of people employed in the public and the private sector, he said that in the public sector the number was 6,393. We are looking at the Employment Survey, and the Employment Survey indicates that for 2011 there were 4,574 people in the public service... in the public sector, and in 2012, 4,991. So the figures that he provided Mr Bossino, it appears that there has been a larger increase in the public service than in the answer that he has provided me today. Now, I do not know, that may be explainable, and I am asking him, can he explain the differences in the numbers.

1565

Hon. J J Bossano: Yes, Mr Speaker, the answer and the explanation is a very simple one. The figures are drawn from different sources.

1570 The Employment Survey is the return produced by employers, who put down who they employ. The figure that he has asked me today... the figure of the Employment Survey is only available for one month a year – the month of October. The figure that I have given him is the most recent figure of the computer in the ETB. To give him an indication of why such discrepancies arise, for example, the people who were employed during the summer who have come out from university and were working during the summer
1575 season as beach keepers and life savers and all those who were there until September and then they went back to the university, the Department forgot to inform the ETB that they were no longer there until January and so they will have been included in December.

If he looks back at the questions that I used to put and if I remind them of that, I often pointed out to the Government of the day that there were four different sources of information and four different figures. So if
1580 you ask the Social Insurance, you get one figure. If you get it from the Employment Service, you get another one. If you ask the Departments, you get a different one. And if you get the computer in the ETB, you probably have the least accurate of the four and that is because there is no guarantee. We have been trying hard for the last two years to reduce that gap, that discrepancy, between one figure and the other and we are now in the process of tracking down 150 employers who may no longer exist, but have never
1585 bothered to tell anybody that they do not exist, and therefore the records remain in the Employment Service and that may be 200 or 300 people. But there is a serious problem and I think until we start effectively fining people for failing to inform the Department when somebody is no longer working... I mean it is easier to enforce the illegal labour thing where they have got somebody working and they do not tell us, but it is more difficult to enforce when the guy just disappears and nobody tells us.

1590 The answer is that subject to what I have said on a number of occasions about the lack of accuracy of the Employment Service, I think the hon. Member should take the figure that I have given him today with a pinch of salt, but it is a figure that I have.

Hon. D A Feetham: Yes, I could understand all that if I were asking questions about the private sector, but we are talking about the public sector.
1595

One would think that the figures in terms of increases in the public sector would be far more accurate than the private sector. I mean employers... the public sector, the employers are Government-owned companies, Government Authorities, Government Departments, the GDC. You see, if one looks at the Employment Survey, one sees that there is an increase from 2011 of 4,574 employees in the public service
1600 to 4,991 in 2012, an increase of 9.1% and that is the figures that his Department produced. Today there is a huge jump from there in 2012 to 6,393 and that is a significant increase in the public service.

I had asked for a question about the net increase in the public services. They got into office in December and the answer is 805. That is the answer, 805 today, but if you look at the Employment Survey the increase, in accordance with the answer that he has provided Mr Bossino is of the order of 1,400 from 2012
1605 to today. Which of the two represents a more accurate picture as to the increase in the public service, the figures in the Employment Survey, which he has now supplemented today or this answer that he has provided to me which appears to indicate that there is 805 net increase in the public service since they got into office?

1610 **Hon. J J Bossano:** The most accurate figure is the one I provided him today because that is the payroll. That is to say – (*Interjections*) The one produced by the Statistics Office.

Hon. D A Feetham: To him or me?

1615 **Hon. J J Bossano:** The one that says that there were 123 more people in the Civil Service. The one I have just given him is the payroll. So at the end of December 2011, x number of people were paid, and two years later y people were paid. The difference between the x and the y is the 805 that is... So we had 805 people more being paid out of public funds in December 2013 as opposed to December 2011, and 450 of those would be the trainees.

1620 In terms of the people in the data base, I agree with the hon. Member that the records of the public sector ought to be better than the records of the private sector, but I can tell him that when I got there I discovered that they had people who had left years ago from the Health Authority and nobody had bothered to terminate the contract and send it to the ETB.

1625 We did an exercise about six months ago where we took... whereas the figure in the Health Authority might be something like 800 in the estimate, the figure in the Employment Service was 1,200. We took about 400 people out, some of whom were dead and buried. It has still not been cleaned up and it is a mammoth task. I have got people checking, inputting and correcting things. If he looks back at the answers that they provided me with when I asked similar questions, he will find that in fact the gap is smaller,

1630 maybe by something like 600 or 700, which is as much as I have been able to whittle it down by, by checking, but it means checking every single employer in Gibraltar and chasing every single Department. I think, frankly, it is simply not on that Government Departments themselves should be so lax in complying with the law and informing the Employment Service of the terminations of the employees they have got; but there are people retired for years and nobody had told...

1635 Indeed, at one stage when I started chasing people up on this I was told by... I think it was by people in Human Resources or in the Chief Secretary's Office that they thought that the Civil Service did not have to comply with this. I pointed out to them that there was no exemption for the Crown. The idea was that because civil servants get a letter of appointment, that they did not have to fill up a termination of employment form and send it to the ETB and that apparently had been going on for years and nobody had challenged it previously.

1640 But the answer is that I would expect that the figure that I have given him earlier today, which is what I got from somebody pushing the button in the computer and saying what is the number, and that is the number that has come out, we can actually produce the 6,000 names and then we can go and see if those people are still alive. But the reality of it is that we are trying to reduce the inaccuracy in the system by chasing people up in the Departments and by chasing private sector employers. Fairly soon I am going to be announcing that we are going to start fining people if they do not deliver, whether they are in the public or in the private.

1650 **Hon. D A Feetham:** I mean, it seemed very odd to me, I have to say, when the hon. Gentleman gave these figures because on a quick calculation what he indicated was that the total labour force in Gibraltar public and private sector was in the order of over 26,000, and that seemed to me to be out by about 2,000 or 3,000. (*Interjection*)

1655 So the figures that he has provided for Mr Bossino really are taken from the computer. They are not – the public service I am talking about – they are not payroll, but presumably if we were to ask next time round what is the total number of people on the payroll in the public service, those figures are available from the Treasury in the same way as he has actually given me the net increase of, in the public service from those figures in answer to my question.

1660 **Hon. J J Bossano:** That calculation is done on a quarterly basis, and it is done on a quarterly basis by the statistics that used to be provided for the previous Government and has always been provided. So that quarterly head count... the different sources count things in a different way. So, for example, in the case of the figures that I have given him today, it is people who were actually in the month of December receiving a salary at the end of the month. But it would include, for example, people who are working as supply, because somebody is on maternity leave. It is the most accurate in the sense that if you got paid you are there and if you did not get paid you are not there. So if somebody is on unpaid leave they would not be there. The others are the returns from employers and is what the employer puts down in the form and the returns from the Employment Service is what somebody put there sometime in the past and either failed to cancel or even... we had a situation where I have mentioned it to the hon. Member before... The four years, I know that they think that I have got it in for Mr Montiel, but I do not (**A Member:** You do.) but I have mentioned before that the four years that Mr Montiel was actually the Minister for Employment responsible for the accuracy of this, he appeared as not being in Government and being in the GDC in Bleak House. (*Laughter*) He was hardly in a position to say to anybody, 'I am going to fine you for not notifying it', when he had failed to notify his own termination in Bleak House and there he was sitting in the office with his name in the computer saying he was not there. There was a sibling somewhere in Bleak House monitoring the employment.

1675 Well, I have to say even Mr Speaker was still shown as being in the GDC when I started checking the records, so –

1680 **Mr Speaker:** In October 2012, I remember making a return to the Board signifying that I was terminating employment at the end of October.

Hon. J J Bossano: Well, in December 2011 you were still there, Mr Speaker. (*Laughter and interjections*)

1685 **Mr Speaker:** [*Inaudible*]

**Q201/2014 continued –
Gibraltar Civil Aviation –
Security screening**

Clerk: Question –

Hon. D J Bossino: No, Mr Speaker, I have got a supplementary in relation to Question 201.

1690 Mr Speaker, I have had some time to look at the schedule and it very helpfully sets out what is the security screening policy of the Gibraltar Civil Aviation Security Programme. Now that particular programme is dated 2014.

1695 Can the Hon. the Chief Minister...the Hon. the Deputy Chief Minister – Freudian slip there – tell me what the differences are between the 2014 policy and the policy which was there before that one?

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, there was a change to the original programme of 2010, when in April 2011, when the hon. Members were in Government, they added the spouse of the Chief Minister and the spouse of the Governor to the people who are exempt.

1700 There was another change in 2012 when the Civil Aviation Security Regulator was authorised to authorise *ad hoc* exemptions at the request of the Minister for Civil Aviation and that was a change which basically reflected the practice which had been set in place since 2010. Then in addition to that, in 2012 the police protection officers undertaking escorting duties were also included in the list.

1705 **Hon. D J Bossino:** Mr Speaker, he has mentioned the spouse of the Chief Minister and the spouse of the Governor of Gibraltar. Presumably what was also added was the spouses and children accompanying any of the above individuals or was that the... that must be the case, surely?

1710 It is the final bullet point in section – (*Interjection*) Exactly. In section B. The Hon. the Deputy Chief Minister has referred to the two I have just referred to, but there is also a final one which refers to... it just logically follows that that would have been added – the spouses and children accompanying persons listed in this section.

Hon. Deputy Chief Minister: Mr Speaker, the only changes that we made were those in 2012, were to the escorting policemen and to the procedure. Everything else was there from before we came, including the children, and so it must have been done when the hon. Members were in Government.

1715

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can assist, it is the escorting policemen because we had the Royal visit, I think, in that year and there were escorting policemen escorting Members of the Royal Family. The Chief Minister and the Governor do not travel through the air terminal... at least never have. There may be a situation in the future where we might have to, but we have never travelled with escorting policemen through the air terminal. So this was specifically done to deal with those who were escorting the Royal Family members who came to Gibraltar.

1720

Everything else, every single aspect of the procedure is exactly as set down by them when they were in Administration, and the practice which they built up when they were in Administration.

**Q202-203/2014 –
Erection of scaffolding –
Government and private projects**

Clerk: Question 202, the Hon. J J Netto.

1725

Hon. J J Netto: Mr Speaker, can the Government state the number of scaffolds that have been erected since 2012 to date, stating which ones are Government projects and which ones are private ones?

Clerk: Answer the Hon. the Deputy Chief Minister.

1730

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, I will answer this question together with Question 203.

Clerk: Question 203.

1735

Hon. J J Netto: Mr Speaker, can the Government state the date and location of every scaffold that has been erected since 2012, either in Government projects or private ones, the date on which the scaffold was dismantled, the projects that are still ongoing and the name of the company erecting the scaffold and for what project?

1740

Clerk: Answer the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
1	XL Scaffolding Ltd	Rosia Court, Rosia Road	06-Feb-12	20-Feb-12	Repairs to Façade	PRIVATE
2	XL Scaffolding Ltd	Rosia Court, Rosia Road	12-Feb-12	12-Mar-12	Repairs to Façade	PRIVATE
3	XL Scaffolding Ltd	Cornwall's Lane Adj to Horse Barrack lane	12-Feb-12	18-Mar-12	Repairs to Façade	PRIVATE
4	XL Scaffolding Ltd	Lynches Lane	26-Feb-12	11-Mar-12	Repairs to Façade	PRIVATE
5	XL Scaffolding Ltd	67 Irish Town	26-Feb-12	11-Mar-12	Repairs to Façade	PRIVATE
6	A & M Scaffolding	46 Flat Bastion Road			Repairs to Façade	PRIVATE
7	Access	1 Town Range	05-Mar-12	26-Mar-12	Repairs to Façade	PRIVATE
8	Casais	Arengo's Palace Car Park	01-Mar-12	01-Sep-12	Construction of Multi Storey Car Park	HMGOG
9	Access	Library Ramp	12-Feb-12	08-Mar-12	Repairs to Façade	PRIVATE
10	Mersey Castle	30 Cornwall Lane	18-Mar-12	01-Apr-12	Repairs to Façade	PRIVATE
11	XL Scaffolding Ltd	South Pavilion			Repairs to Façade	PRIVATE
12	Mersey Castle	19-21 Scud Hill	30-Jan-12	30-Jun-12	Repairs to Façade	PRIVATE
13	Mersey Castle	75 Governors Street	01-Mar-12	08-Apr-12	Repairs to Façade	PRIVATE
14	Mersey Castle	18 Shorthorn Estate	26-Mar-12	26-May-12	Part of Building Application	PRIVATE
15	XL Scaffolding Ltd	281 Main Street	02-Apr-12	02-May-12	Repairs to Façade	PRIVATE
23	Mersey Castle	31-33-35 Cannon Lane	02-Dec-12	03-Mar-13	Part of Building Application	PRIVATE
24	Mersey Castle	Piazzella, Governors Square	24-Apr-12	24-Jun-12	Part of Building Application	
25	XL Scaffolding Ltd	17-19 Old Naval Hospital Road	25-Apr-12	09-May-12	Part of Building Application	PRIVATE
26	A & M Scaffolding	Main Street / Bomb House Lane	06-May-12	16-Jul-12	Part of Building Application	PRIVATE
27	XL Scaffolding Ltd	12 Prince Edwards Road	06-May-12	20-May-12	Repairs to Façade	PRIVATE
28	Mersey Castle	Horse Barrack Lane	06-May-12	20-May-12	Repairs to Façade	PRIVATE
29	XL Scaffolding Ltd	79 Irish Town	13-May-12	03-Jun-12	Repairs to Façade	PRIVATE

Contd...

Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
30	A & M Scaffolding	Governor's Parade & Main Street (Opposite Cathedral)	27-May-12	10-Jun-12	Part of Queen's Jubilee Celebrations	HMGOG
31	A & M Scaffolding	284-288 Main Street	19-May-12	02-Jun-12	Repairs to Façade	PRIVATE
32	A & M Scaffolding	4 Cathedral Square	19-May-12	19-Jun-12	Repairs to Façade	PRIVATE
33	XL Scaffolding Ltd	218 Main Street	10-Jun-12	12-Aug-12	Repairs to Façade	PRIVATE
34	XL Scaffolding Ltd	38-40 Flat Bastion Road	06-Jun-12	13-Jun-12	Repairs to Façade	PRIVATE
35	XL Scaffolding Ltd	1-4 Demaya's Ramp	17-Jun-12	21-Oct-12	Repairs to Façade	PRIVATE
36	A & M Scaffolding	Catholic Community Centre, Zoca Flank			General Repairs to Building	PRIVATE
37	A & M Scaffolding	186-188 Main Street	17-Jun-12	17-Jul-12	Repairs to Façade	PRIVATE
38	XL Scaffolding Ltd	325 Main Street	27-Jun-12	17-Jul-12	Repairs to Façade	PRIVATE
39	A & M Scaffolding	Catholic Community Centre	27-Jun-12	29-Jul-12	General Repairs to Building	PRIVATE
40	XL Scaffolding Ltd	2 Hospital Hill	02-Jul-12	03-Jul-12	Repairs to Façade	PRIVATE
41	XL Scaffolding Ltd	Bargain Stores/La Cantina	08-Jul-12	12-Aug-12	Repairs to Façade	PRIVATE
42	Mersey Castle	Church of Scotland	07-Jul-12	12-Aug-12	Repairs to Façade and Roof	PRIVATE
43	A & M Scaffolding	Clipper Bar Irish Town	15-Jul-12	19-Jul-12	Repairs to Façade	PRIVATE
44	Mersey Castle	1 Boyd Street - Queens Hotel	16-Jul-12	06-Aug-12	Repairs to Façade	PRIVATE
45	A & M Scaffolding	5D Library Ramp	22-Jul-12	23-Sep-12	Part of Building Application	PRIVATE
46	XL Scaffolding Ltd	9-11 New Passage	01-Aug-12	24-Aug-12	Part of Building Application	PRIVATE
47	XL Scaffolding Ltd	10 Castle Street	02-Aug-12	30-Aug-12	Repairs to Façade	PRIVATE
48	XL Scaffolding Ltd	11 Castle Road	14-Aug-12	24-Aug-12	Repairs to Façade	PRIVATE
49	Mersey Castle	1 Boyd Street	15-Aug-12	08-Sep-12	Repairs to Façade	PRIVATE
50	A & M Scaffolding	292 Main Street	23-Sep-12	25-Oct-12	Repairs to Façade	PRIVATE
51	Admiral Bridge Investments Ltd	3 Main Street & 1 to 7 Crutchett's Ramp	30-Jan-10	30-Jan-14	Repairs to Façade	PRIVATE

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Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
52	XL Scaffolding Ltd	15-27 City Mill Lane	10-Oct-12	10-Nov-12	Repairs to Façade	PRIVATE
53	XL Scaffolding Ltd	17 Town Range Brooke House	14-Oct-12	21-Oct-12	Repairs to Façade	PRIVATE
54	F T Construction Ltd	68 Main Street	14-Oct-12	04-Nov-12	Repairs to Façade	PRIVATE
55	XL Scaffolding Ltd	Boschetti's Steps	21-Oct-12	28-Oct-12	Repairs to Façade	PRIVATE
56	First Gibscaffolding Co	The Convent, Main Street	15-Oct-12	18-Feb-13	Repairs to Façade	HMGOG
57	A & M Scaffolding	192 Main Street	18-Nov-12	25-Nov-12	Repairs to Façade	PRIVATE
58	XL Scaffolding Ltd	16 Crutchets Ramp	18-Nov-12	25-Nov-12	Repairs to Façade	PRIVATE
59	Access Scaffolding	35-37 Irish Town	18-Nov-12	16-Dec-12	Repairs to Façade	PRIVATE
60	XL Scaffolding Ltd	204 Main Street	09-Dec-12	16-Dec-12	Repairs to Façade	PRIVATE
61	Casais	7 - 9 King's Yard Lane			Part of Building Application	PRIVATE
62	Prime Auto Ltd	5a-7 Rodgers Road	14-Dec-12	21-Dec-12	Repairs to Façade	PRIVATE
63	Casais Ltd	7-9 King's Yard lane	07-Jan-13	30-Sep-13	Part of Building Application	PRIVATE
64	XL Scaffolding Ltd	17 Castle Street	09-Jan-13	30-Jan-13	Part of Building Application	PRIVATE
65	Access Scaffolding	31-33 Irish Town	04-Feb-13	04-Mar-13	Part of Building Application	PRIVATE
66	XL Scaffolding Ltd	132-136 Main Street	13-Jan-13	31-Mar-13	Repairs to Façade	PRIVATE
67	Mersey Castle	117 Main Street	20-Jan-13	03-Mar-13	Repairs to Façade	PRIVATE
68	Mersey Castle	12 John Mackintosh Square	15-Jan-13	03-Mar-13	Repairs to Façade	PRIVATE
69	Mersey Castle	317 Main Street	20-Jan-13	03-Mar-13	Repairs to Façade	PRIVATE
70	XL Scaffolding Ltd	22 Main Street	15-Jan-13	29-Jan-13	Repairs to Façade	PRIVATE
71	XL Scaffolding Ltd	4 George's lane	31-Mar-13	31-May-13	Part of Building Application	PRIVATE
72	Koala Construction Ltd	John Mackintosh Square, Main Guard Heritage Offices	04-Feb-13	30/11/2013 - ONGOING	Govt Job - Part of Building Application - Main Guard Heritage Offices	HMGOG
73	Andrews Kent & Stone	86-90 Main Street / Tuckey's Lane	01-Jan-13	06-Oct-13	Repairs to Façade	PRIVATE

Contd...

Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
74	XL Scaffolding Ltd	Waterport Place	01-Feb-13	14-Feb-13	Repairs to Façade	PRIVATE
75	XL Scaffolding Ltd	61B Devil's Tower Rd (Trico)	17-Mar-13	24-Mar-13	Repairs to Façade	PRIVATE
76	A & M Scaffolding	12 Bomb House Lane	24-Mar-13	07-Apr-13	Repairs to Façade	PRIVATE
77	A & M Scaffolding	15 Rodgers Road	07-Apr-13	21-Apr-13	Part of Building Application - Reconstruction of Balconies	PRIVATE
78	XL Scaffolding Ltd	Loreto Convent Europa Road	23-Mar-13	13-Apr-13	Govt Job - Part of Building Application - Schools extension at St Bernards Road	HMGOG
79	XL Scaffolding Ltd	22 Withams Road	01-Apr-13	15-Apr-13	Part of Building Application	PRIVATE
80	XL Scaffolding Ltd	10 Irish Town	07-Apr-13	21-Apr-13	Repairs to Façade	PRIVATE
81	F T Construction	Ex-Shell House Line Wall Road	05-May-13	19-May-13	Repairs to Façade	PRIVATE
82	A & M Scaffolding	4 Benzimra's Alley	12-May-13	02-Jun-13	Repairs to Façade	PRIVATE
83	XL Scaffolding Ltd	6 George's Lane	05-May-13	19/05/2013 - ONGOING	Repairs to Façade	PRIVATE
84	Access	46 Castle Road	20-May-13	29-Jul-13	Repairs to Façade	PRIVATE
85	Koala Construction Ltd	1 Parody's Passage	03-Jun-13	12-Aug-13	Repairs to Façade	PRIVATE
86	XL Scaffolding Ltd	244 Main Street	08-Jun-13	16-Jun-13	Repairs to Façade	PRIVATE
87	XL Scaffolding Ltd	Line Wall Road (Traffic Lights by American Steps) rear of 10 Irish Town	28-Jun-13	11-Jul-13	Part of Building Application	PRIVATE
88	XL Scaffolding Ltd	Gavino's Passage	01-Jun-13	15-Jul-13	Repairs to Façade	PRIVATE
89	A & M Scaffolding	35 Town range	05-Jul-13	05-Sep-13	Repairs to Façade	PRIVATE
90	A & M Scaffolding	1 Corral Road	27-Jul-13	18-Aug-13	Part of Building Application	PRIVATE
91	XL Scaffolding Ltd	12 Governor's Lane	06-Jul-13	16-Aug-13	Part of Building Application	PRIVATE
92	A & M Scaffolding	46 Flat Bastion Road	10-Jul-13	07-Aug-13	Govt Job - Repairs to Façade	PRIVATE
93	A & M Scaffolding	222 Main Street	14-Jul-13	16-Aug-13	Repairs to Façade	PRIVATE

Contd...

Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
94	XL Scaffolding Ltd	12 Cotchfoe House Devil's Tower Road	20-Jul-13	05-Aug-13	Repairs to Façade	PRIVATE
95	A & M Scaffolding	6 B Buena Vista Road	29-Jul-13	26-Aug-13	Repairs to Façade	PRIVATE
96	XL Scaffolding Ltd	17 Governor's Street	04-Aug-13	01-Sep-13	Repairs to Façade	PRIVATE
97	A & M Scaffolding	St Mary The Crowned Main Street	01-Sep-13	01/03/2014 - ONGOING	Govt Job - Cathedral St Mary The Crowned - Repairs to Façade	HMGOG
98	A & M Scaffolding	Shackleton House Shackleton Road	08-Sep-13	08-Dec-13	Govt Job - Repairs to Façade	PRIVATE
99	XL Scaffolding Ltd	Queens Cinema Boyd Street	04-Oct-13	03-Nov-13	Repairs to Façade	HMGOG
100	A & M Scaffolding	21 Line Wall Road	20-Oct-13	27-Oct-13	Repairs to Façade	PRIVATE
101	XL Scaffolding Ltd	226 Main Street	23-Oct-13	06-Nov-13	Repairs to Façade	PRIVATE
102	Gibraltar Joinery Building Services Limited	Ex-St Bernards Hospital	21-Oct-13	21/04/2014 - ONGOING	Govt Job - Part of Building Application - Demolition / Reconstruction / internal & external alterations	HMGOG
103	Access	10 Trafalgar House	21-Oct-13	04-Nov-13	Repairs to Façade	PRIVATE
104	Hercon Ltd	59/61 Irish Town & 23 Tuckey's Lane	01-Nov-13	10/01/2015 - ONGOING	Part of Building Application - Internal Etxernal alterations & extension	PRIVATE
105	XL Scaffolding Ltd	Top of Bishop Rapallo Ramp	11-Nov-13	02-Dec-13	Repairs to Façade	PRIVATE
106	A & M Scaffolding	Chatham Counterguard Fish Market Lane	13-Nov-13	02-Dec-13	Repairs to Façade	PRIVATE
107	Gibraltar Joinery Buinding Services Limited	City Hall Line Wall Road	13-Nov-13	22-Nov-13	Repairs to Façade	HMGOG
108	Koala Conctruction Ltd	10 City Mill Lane	24-Nov-13	12-Jan-14	Repairs to Façade	PRIVATE
109	XL Scaffolding Ltd	221-225 Main Street	27-Nov-13	29-Nov-13	Repairs to Façade	PRIVATE
110	A & M Scaffolding	Halifax Road	05-Dec-13	20-Dec-13	Repairs to Façade	PRIVATE

Contd...

Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
111	A & M Scaffolding	62-64 Irish Town	08-Dec-13	15-Dec-13	Part of Building Application - Internal External alterations & extension	PRIVATE
112	Akis Enterprise Ltd	Serfaty's Passage	08-Nov-13	20-Dec-13	Repairs to Façade	PRIVATE
113	TGS Maintenance Section	Garrod Road	08-Jan-14	10-Jan-14	Emergency. Roof panels fell due to recent stormy weather.	PRIVATE
114	XL Scaffolding Ltd	8 Rodgers Road	13-Jan-14	12/05/2014 - ONGOING	Part of Building Application	PRIVATE
115	Gibraltar Joinery Building Services	Laguna & Glacis Estate	13/01/2014	31/12/2014 - ONGOING	Govt Job - External refurbishment to Laguna, Glacis Estates and Moorish Castle Estate	HMGOG
116	A & M Scaffolding	Post Office Main Street	22-Jan-14	29-Jan-14	Govt Job - Repairs to Gutters	HMGOG
117	Access	Victualling Office Lane	08-Feb-14	09/03/2014 - ONGOING	Repairs to façade	PRIVATE
118	Koala Construction	Anderson House Calpe Road	03-Feb-14	03/12/2014 - ONGOING	Government Job - General Repairs to Building	HMGOG
119	Koala Construction	Gibraltar Museum	07-Feb-14	16-Apr-14	Government Job - General Repairs to External façade and Balconies	HMGOG
120	Casais	Main Street / Bedlam Court			Part of Building Application	PRIVATE
121	XL Scaffolding Ltd	15 Tuckey's Lane	11-Feb-14	21/02/2014 - ONGOING	Repairs to Façade	PRIVATE

1750 **Mr Speaker:** Again, this is a very long schedule... four, five, nearly six pages, may I suggest we go on to Question 204.

**Q204/2014 –
Government projects –
Scaffolding costs; contractor**

Mr Speaker: The Hon. Mr Netto.

Clerk: Question 204, the Hon. J J Netto.

1755 **Hon. J J Netto:** Mr Speaker, can the Government state the money spent per Government project on scaffolding since 2012, stating to which company and whether the payments are for completed works, or for ongoing projects?

Clerk: Answer the Hon. the Deputy Chief Minister.

1760

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the cost of scaffolding for a project is in the main not identified as a separate item in the contract. Scaffolding is included as part of the general contract preliminaries and its cost cannot therefore be easily identified. It is therefore not possible to provide the information for all Government projects since 2012. The information which is available is provided in the table which I hand the hon. Member.

1765

Answer to Question No 204

Scaffolding costs				
Project	Total cost	Paid to date	Pending	Contractor
Sandpits House	£ 25,865.60	£ 17,935.20	£ 7,930.40	GJBS
Kingsway House	£ 53,307.00	£ 27,730.31	£ 25,576.69	Profield
Red Sands House	£ 76,490.74	£ 24,082.56	£ 52,408.18	Sharrock Shand
Repulse House	£ 3,132.00	£ 2,192.40	£ 939.60	GJBS
Valiant House	£ 3,132.00	£ -	£ 3,132.00	GJBS
Royal Sovereign House	£ 3,132.00	£ 2,192.40	£ 939.60	GJBS
Alert House	£ 3,132.00	£ 2,192.40	£ 939.60	GJBS
Anderson House	£ 71,846.51	£ -	£ 71,846.51	Koala
William Thomson	£ 24,194.88	£ -	£ 24,194.88	GJBS
Laguna Estate	£ 71,992.80*	£ 41,062.56	£ 30,930.24	GJBS
Glacis Estate	£192,093.72*	£ 112,523.88	£ 79,569.84	GJBS
Moorish Castle Estate	£ 72,980.48*	£ 42,914.82	£ 30,065.66	GJBS

Note: Items marked * indicate total costs of scaffolding erected to date and not the overall scaffolding for the project

Hon. J J Netto: Mr Speaker, could I ask the Deputy Chief Minister with regard to the last Question 204, I think I understood, subject to be corrected, that he could not give me the cost per project because he could not desegregate the amount of payment to the scaffold from the overall cost of the particular project.

1770 But is it not the case, and please correct me if I am wrong, that the fees, when a particular company is about to put a scaffold up, they have to seek permission from Building Control Department? They have the forms on which they say that on such and such a day they are going to start erecting the scaffold in such a place and are going to end by such and such a date and in accordance with the time that the scaffold is going to be up, then a schedule of rates goes towards the payment of that scaffold for the duration of the scaffold being erected at that particular site. Is that not the case?

1775 **Hon. Deputy Chief Minister:** Mr Speaker, scaffolding is not something that comes across my desk very often and the reason I have compiled all this is because it is different Government Departments that are only involved and some of them deal with their own projects.

1780 But the information which is available in relation to what he has requested, which is the cost of the scaffolding in the projects that we have, is what I have supplied to him.

The information which he referred to earlier, I think, is revenue generated to the Government from scaffolding, not the cost of scaffolding to the projects. Those are two different things.

1785 **Hon. J J Netto:** So the information with regard to how much is charged for the scaffolding, that can be provided and that can be provided because the information is gathered at the Building Control Department. Is that correct?

1790 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, but it is the revenue the Government generates from that and not what is charged by the scaffolding company to the person or the company carrying out the projects. They are two different things.

1795 **Hon. S M Figueras:** Mr Speaker, I am grateful for the Deputy Chief Minister's attempts at clarifying this. Is it correct to assume that where you have the particularisation of HMGOG projects that, given that you have that particular information, you may at some point be able to determine what the cost of that specific project listed as a HMGOG project might be?

1800 **Hon. Deputy Chief Minister:** Mr Speaker, we can determine the revenue the Government receives from scaffolding which is put up all over Gibraltar in relation to building control fees –that we have available and that we can supply; but that is not what the hon. Member has asked. The information we have compiled... he has asked what the cost is of scaffolding in relation to a project (*Interjection*) which is an expense and not a revenue item – that was the difference.

1805 **Hon. S M Figueras:** Is the Hon. Deputy Chief Minister saying that it is impossible to ascertain the cost to Government of the scaffolding, as in not that it is difficult or perhaps not the most practical task, but impossible to secure the information?

1810 **Hon. Deputy Chief Minister:** Mr Speaker, it is impossible to obtain in relation to a number of projects because the scaffolding is sometimes included in the costs. It is not broken down as a separate item. But in those projects where it is broken down as a separate item, we have already provided that to the hon. Member in one of the schedules.

1815 **Hon. D A Feetham:** Mr Speaker, is he saying that in relation to... this schedule is the schedule of total scaffolding... the large one, the very long one – is the schedule that includes a list of all scaffolding erected, effectively, in Government projects or where there is a contract with the Government, presumably with a Government-owned company, then there is a shorter schedule that provides the cost to the Government. Is he suggesting that anything that is not listed in this short schedule is because the cost of the scaffolding is subsumed within the cost of the contract?

1820 **Hon. Deputy Chief Minister:** Mr Speaker, that is correct. It is not broken down... itemised.

1825 **Hon. E J Reyes:** Mr Speaker, in the long schedule, if we take No. 78 as an example, there is scaffolding being erected at Loreto Convent, Europa Road, and it is listed as a HM Government of Gibraltar project, but yet the property I do not think is a Government property. Can the Minister enlighten us how we can have what I understand to be a private entity and yet it has been listed as a Government project?

And in order to save time, and the same will probably apply to No. 97, where the St Mary The Crowned, Main Street, which I take it to be the... yes, the Cathedral there, again it is a Government project and I do not think it is a Government-owned building.

1830 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the works done to Loreto Convent, although these appear to be March to April 2013, I think are probably part of the work undertaken there by the previous Administration, not by this Administration, and that may simply be a tidying up or a fixing in respect of that.

1835 That building, you are right, is not a Government building, but it appears – I cannot say more than that at this stage – that all of the works and all of the extension done at that school was a Government project, although it is not a Government School and it is not a Government building, but they were the ones who were in power when it was done. I know no more about it.

1840 **Hon. E J Reyes:** Yes, Mr Speaker. That is precisely what I was asking. I was asking for confirmation that it was a Government project, despite the property being a private one.

The same goes for No. 97, which is a start date of September 2013 and is still ongoing. So, that has been going on for four, five months or something and perhaps the Chief Minister can shed some light on that one as well.

1845 **Hon. Chief Minister:** Yes, Mr Speaker, that is different. That is work done to the Cathedral of St Mary The Crowned, which the Government has agreed to subsidise.

Hon. D A Feetham: Mr Speaker, just so that I understand it, may I ask the Deputy Chief Minister, this particular column which indicates private or Her Majesty's Government, what is the difference between the

1850 two? Dealing with what... a private project in relation to which the Government has some involvement?
Because I would not expect the Government to be answering questions for which it is not responsible in this House. If it is a private project, can he explain that?

1855 **Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member asked in relation to Government projects or private projects, that was the question, and in relation to scaffolding which had gone up, which is a building control matter, and so in that sense the Government is involved.

Clerk: And with that we come to the end of Oral Questions.

Questions for Written Answer

Clerk: Now we go on to Written Questions, the Hon. the Chief Minister.

1860 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions, W25 to W35 of 2014.

Q204/2014 continued – Government projects – Scaffolding costs; contractor

1865 **Hon. J J Netto:** Mr Speaker, I know we have moved on to Written Questions, but I have just spotted in the long schedule that the Hon. Deputy Chief Minister gave me that item 24 on the last column, there is nothing at all indicating whether it is a Government project or a private project. Is that one of these... you know, an error in the printing or something?

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, looking at the scaffold location, it looks to be a private project, but I could not say that for certain without finding out... without asking.

ADJOURNMENT

1870 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn to Friday 21st February 2014 at 10.30 a.m.

1875 **Mr Speaker:** I now put the question, which is that the House do now adjourn to Friday, 21st February at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? Carried.
The House will now adjourn to Friday, 21st February at 10.30 a.m.

The House adjourned at 5.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.35 a.m. – 1.10 p.m.

Gibraltar, Friday, 21st February 2014

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<i>The House adjourned at 1.10 p.m.</i>	33

The Gibraltar Parliament

The Parliament met at 10.35 a.m.

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

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

BILLS FIRST AND SECOND READING

Stamp Duties (Amendment) Bill 2013 – First Reading approved

Clerk: Sitting of Parliament, Friday, 21st February, 2014.

Bills – First and Second Reading.

A Bill for an Act to amend the Stamp Duties Act 2005. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Stamp Duties Act 2005 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

10

Clerk: The Stamp Duties (Amendment) Act 2013.

Stamp Duties (Amendment) Bill 2013 – Second Reading approved

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time. This Bill, Mr Speaker, amends the Stamp Duties Act 2005 for two principal purposes.

15 First of all, it introduces an exemption from stamp duty of any instrument whereby property is transferred between spouses, or between the dissolution, or following the dissolution of marriage between former spouses.

Secondly, it introduces a zero rate of stamp duty, where either the value of the property does not exceed £250,000, the purchaser, or if more than one, each of the purchasers, is a first-time or second-time buyer and the property being bought is residential property.

20 LPS have looked at this Bill, Mr Speaker, which implements budget measures and have confirmed to the Government that it enables them to give business efficacy to those measures.

25 Under the new section 19A, the definition of a ‘first-time buyer’ is given as a person being an individual who has not previously been a purchaser of property subject to duty, where the real property in Gibraltar consisted of residential property. The definition of person, Mr Speaker, as an individual is designed to ensure that this zero rate can only apply when it is an individual real person who is a purchaser and not a company. The definition refers to residential property, so that if the individual has a business, and so has previously bought property for commercial purposes, he is still a first-time buyer for the purposes of the Act if he then goes on to buy residential property for the first time.

30 Furthermore, the definition of ‘first-time buyer’ and ‘second-time buyer’ refers to a purchaser of property subject to duty, because the definition in the Stamp Duties Act 2005 of property subject to duty relates to buying real property or to any interest in the company that owns real property. This means that if you have previously bought property through a company for residential purposes more than once, then you are no longer a first or second-time buyer.

35 Admittedly though, according to the Government’s Land Property Agents, LPS, most properties that are owned by companies are over the £250,000 threshold and checking if the existence of a previous property interest held by a company may be difficult, or impossible, if shares have been held by a Trust.

For this purpose, and at the suggestion, the useful suggestion of LPS, we have included a certificate requirement in the new section 19A so that the purchaser has to sign a certificate confirming that they are a first or second-time buyer for the purposes of the Act. A person who issues a false or misleading statement, or is reckless as to whether the statement is false or misleading, commits an offence.

The level of the fine is the same as that in section 6, for setting out incorrect facts or information in the instrument affecting how much duty is chargeable. This goes some way, we are advised, Mr Speaker, in dealing with those issues.

Mr Speaker, generally the amendments made in this Bill are deemed to have come into operation on Budget day, 24th June last year, as this Bill gives effect to the provision set out in my speech on the Appropriation Bill.

I commend the Bill to the House.

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

I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Stamp Duties (Amendment) Act 2013.

**Stamp Duties (Amendment) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Employment (Bullying at Work) Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes.

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Employment (Bullying at Work) Act 2013.

**Employment (Bullying at Work) Bill 2013 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill implements one of our key manifesto commitments. The purpose of the Bill is to prohibit bullying and victimisation in employment.

Members of this House will be aware that a Command Paper was presented and published in January 2012 on this matter and that the Command Paper contained a draft Bill, entitled 'Rights to Dignity at Work Act 2012.'

80 Responses to the Command Paper were received and considered and a working group, which comprised of Members of DAWN, the Dignity At Work Union, Unite and the GGCA were set up in January 2013 to further develop the draft Bill. The Bill before this House is therefore different to the Bill that appeared in the Command Paper following consultations with the working group.

85 Mr Speaker, the Bill itself is intended to provide a legislative structure to tackle bullying in a way that goes further than the current provisions on harassment in the Equal Opportunities Act 2006, the Employment Act and the Crimes Act 2011. The Act, by virtue of clause 3(2) is binding on the Crown.

90 Clause 4 defines what amounts to bullying under the Act. It provides that bullying takes place where a person engages in conduct which has the purpose or effect of causing another person to be alarmed, distressed, humiliated or intimidated. This conduct includes: persistent behaviour, which is offensive, intimidating, abusive, malicious or insulting; persistent unjustified criticism; punishment imposed without justification; and changes in the duties or responsibilities of a person to that person's detriment without reasonable justification.

Bullying does not include reasonable action taken by an employer relating to the management and direction of the employee or the employee's employment as set out in clause 4(3) of the Act.

95 Clause 5 defines what conduct amounts to victimisation under the Act. It provides that victimisation takes place where one person treats another less favourably because he or she in good faith has, for example, taken or supported any action taken for the purpose of the Act, including in relation to any alleged breach of its provisions. It also provides that victimisation takes place where one person treats another less favourably because he or she is suspected of having done this or of intending to do this.

100 A person is not protected from victimisation where he or she maliciously makes or supports an untrue complaint. The section replicates the effect of the provision in the Equal Opportunities Act 2006 as regards victimisation, and that is section 13 of the Equal Opportunities Act that I am referring to.

105 Clause 6, Mr Speaker, makes it unlawful for an employer to subject employees and people applying for employment to bullying. It also makes the employer liable for bullying of its employees by third parties, such as customers or clients over whom the employer does not have direct control. Liability in relation to third party bullying will, however, only arise when bullying has occurred on at least two previous occasions, the employer is aware that it has taken place and has not taken reasonable steps to prevent it happening again.

110 However, clause 6(5) provides that an employer will not be in contravention of clause 6(1) in relation to a complaint of bullying where he or she can show that at the time of the Act or Acts complained of, he or she had in force a Bullying at Work Policy in accordance with the schedule and that he or she has taken all reasonable steps to implement and enforce the said Policy. Further, he or she will not be in contravention if, as soon as it is reasonably practicable, the employer takes all steps as are reasonably necessary to remedy any loss, damage or other detriment suffered by the complainant as a result of the Act or Acts complained of.

115 The schedule provides for the Bullying at Work Policy, Mr Speaker. It sets out that the Policy must be in writing, must be distributed to every employee and must include the following: an explanation of the statutory right of employees not to be subjected to bullying and victimisation and a statement that bullying and victimisation will not be tolerated; examples of bullying behaviour and of the conduct that may lead to disciplinary action; a statement of the procedure for bringing complaints and the manner in which they will be dealt with; a designation of a competent person to whom complaints should be made; a statement of the disciplinary procedure to be followed against employees who infringe the Policy; details of designated persons available to counsel, assist and advise individuals who bring complaints, or who are the subject of complaints; arrangements to train all those occupying any position and managerial authority and to inform all employees of the Policy; annual monitoring of the operation of the Policy; and arrangements for the consultation with trade unions, safety representatives and other stakeholders on the operation of the Policy, its implementation and any revision.

120 Clause 7 makes it unlawful for an employer to victimise employees. It applies in respect of anything done in the course of a person's employment.

130 Clause 8 provides that the Industrial Tribunal has jurisdiction to hear the claims under the Act. This clause replicates the effect of provisions in the Equal Opportunities Act and the Employment Act. The clause also deals with time limits. A person must bring a claim within three months of the alleged conduct taking place. If a person wants to make a claim after that period, it is at the Industrial Tribunal's discretion whether they grant permission to allow them to do so. The test applied by the Industrial Tribunal is what is just and equitable in the circumstances. Where conduct in respect of which a claim under the Act might arise continuous over a period of time, the time starts to run at the end of that period.

135 Clause 9 sets out the remedies available to the Industrial Tribunal hearing cases under the Act. This clause again is designed generally to replicate the effect of the provision of the Equal Opportunities Act 2006 and the Employment Act. The Industrial Tribunal can make a declaration regarding the rights of the complainant and/or the respondent, order compensation to be paid, including damages for injury to feelings

140 and make an appropriate recommendation. The measure of compensation is that which applies in tort claims, for example claims of negligence where the compensation puts the claimant in the same position, as far as possible, as he or she would have been in if the unlawful act had not taken place.

145 Clause 10 provides that in any claim where a person alleges bullying or victimisation under the Act, the burden of proving his or her case starts with the claimant. Once the claimant has established sufficient facts, which in the absence of any other explanation points to a breach having occurred, the burden shifts to the respondent to show that he or she did not breach the relevant provisions of the Act.

Clause 11 sets out how interest to any awarded compensation made to a claimant as a result of a case brought under this Act shall be calculated. This clause again replicates the provisions of the Equal Opportunities Act 2006.

150 Finally, the schedule provides for the Bullying at Work Policy, which I referred to earlier.

Mr Speaker, this Bill will not come into operation until a notice is published in the *Gazette* to commence it. The Government welcomes that employer organisations, like the Federation of Small Businesses and the Chamber of Commerce, are supportive of the work being done to rid the workplace of bullying.

155 In order to ensure that commencement of the Bill does not however give rise to spurious claims and to enable employers and employees to prepare for this landmark legislation, I have established a Commencement Committee which will include the Unions, DAWN and the GFSB and the Chamber, to enable us all to work together in ensuring this legislation comes into operation as effectively as possible.

160 I have this morning, Mr Speaker, or I will in fact this morning in a moment circulate a letter with minor typographical amendments to the language of the Bill, which we will raise at the Committee stage.

Mr Speaker, the very first leaflet we issued during the course of the 2011 General Election campaign carried a simple and effective message that demonstrated our commitment to banning bullying in the workplace. The message was 'Ban the Bully.' This Bill does just that. For that purpose Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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

The Hon. Damon Bossino.

170 **Hon. D J Bossino:** Mr Speaker, I have spent considerable time and effort in reviewing this particular Bill, because I think it is a very important legislative move on behalf of the Government and in fact, with your permission, I will be reading from some notes I have here with me. But it is precisely, Mr Speaker, because it is such a ground breaking and I would describe it also revolutionary in nature, that I think and certainly on this side of the House we think that much more should have been done to educate, inform and advise employees and importantly employers about this particular piece of legislation.

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There should have been, in my consideration, much more consultation. I have spoken recently in my preparation for this Bill to various employers and other interested parties and stakeholders and many of them, Mr Speaker, are unaware of the existence of this Bill or in some cases, its far reaching terms.

180 One has to acknowledge the sterling work which has been done by a particular local pressure group by the name of Dignity At Work Now – DAWN, for short – and one of its main proponents, Mr Francis Buttigieg, whom I recently had the pleasure to meet to discuss this Bill. Mr Speaker, his very good work over the years in both bringing this delicate issue to the fore and also in counselling and advising people affected by this scar on society, that is bullying generally, but particularly in the workplace, has to be recognised by everybody in this House.

185 There have of course, Mr Speaker, been many pressure groups outside of Gibraltar and particularly in the UK, which have also done a lot of work in this area. But, as I said earlier, in our view a lot more could and should have been done by the Government in the lead up to this legislation by way of analogy.

190 I recall when Lord Woolf spearheaded the radical changes to the Supreme Court Rules, which heralded the introduction of the... I was just about to describe them as the new civil procedure rules, but of course they have been in place now for a considerable period of time in 1999.

Members of the legal profession will recall that we had conferences, seminars and symposiums, which were held in Gibraltar in anticipation of the rules application here. That was indeed very informative for local practitioners, who were able to digest the meat and the substance of the rules before their implementation.

195 As a collective, the members of the Bar, the Judiciary and other court service users and staff were able to prepare for the radical changes which the reforms brought in their wake. As far as the Opposition can see, there has been none or at least little of that here. Very few shop owners, small business owners or indeed even practitioners in Employment Law, Mr Speaker, have been made aware of the proposed radical nature of these changes and this, Mr Speaker, is an important point, because certainly from the perspective of, for example, the small business owner, who is already facing the very considerable reduction in sales as

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a result of the frontier queues, is now having imposed on him more stringent burdens in the form of legislation. This is not just in the context of the implementation of the Bullying at Work Policy, as set out in the schedule to the Act, which indeed I will go into that later, has been cited in the House of Commons as being unenforceable in nature, but a Policy which has been applied... in fact that particular Policy which the Hon. the Chief Minister alluded to, is a Policy which would have to be applied by all employers irrespective of their size. But also because they could be subjected to unmeritorious claims without being able to recover the costs from such claims given that the jurisdiction where these complaints are going to be heard is in the Industrial Tribunal where cost recovery, as hon. Members who are petitioners or were petitioners in this area will know, is very, very difficult indeed.

Europe-wide there are different stages of developments in relation to this area of law. Sweden, for example, was the first country to legislate in this area in 1993. There have been European-wide legislative moves in the areas of equal opportunities, which the Hon. the Chief Minister referred us to, which enshrined what in broad terms can be referred to as anti-discrimination provisions, where there is a prohibition of bullying and victimisation in respect of protected characteristics, such as sex, religion, age etc, that is already part of Gibraltar's statute in the form of the Equal Opportunities Act.

In the UK there have been various attempts at introducing what they call, and we used to call the Dignity at Work legislation, which although approved in the House of Lords in 2001 has not been implemented in the House of Commons to date. In England, as here, Mr Speaker, we have the ability not only to bring claims under the Equal Opportunities legislation, the common law, but also in relation to Health and Safety legislative architecture.

One particular campaigner, Miss Valerie Davey the MP for Bristol West in the 2001 to 2005 UK Parliament, carried out a personal campaign by persisting over many years to ensure that there was a debate on this issue in the House of Commons, having first applied for a Motion in 2001, but which was not in fact debated until 2003. She, however, found cross-party support for her campaign when the matter was finally aired. In her 2003 speech, she spoke of the harrowing experiences that employees across the country undergo at the hands of bullies in the workplace. The statistics she used then were quite shocking to read. A study carried out by the University of Manchester in 2001 showed that 10% of people had experienced bullying during the previous six months, whilst 25% had experienced it in the previous five years.

Gibraltar, unfortunately, is not apparently free of such bullies. The information available in the DAWN website, the local pressure group, refers us to a preliminary study which shows that 31.1% of employees consider themselves victims of bullying at work and we also had the sad case of one suicide. However, what many people have asked is what other empirical evidence is there of bullying in Gibraltar? What information, if any, is available to the Employment Service? What statistics does the Government have? None, I suspect, and this is one further area of concern as to how this delicate issue is being handled. The now governing party already had draft legislation in place and were already committed to legislation before, in my view, studying the matter more carefully. They had the pill ready before they even knew how big the ailment in fact is or was in Gibraltar.

For all these reasons, this issue should have been properly debated and the community properly educated. I am conscious that this is a manifesto commitment of the Government, but there is no reason why the debate could not have taken place before the legislation was brought to this House.

I also Mr Speaker have concerns, with the details of the Bill as it currently stands and whether therefore we are introducing a good law for what is such an important and delicate subject. I really do get the impression that the Government is pursuing this initiative without much thought in its obsession with ticking that particular box of its manifesto. **(A Member: Hear, hear.)**

Firstly, and as stated earlier, I am not sure that there has been wide consultation or indeed enough time given for such consultation, given that the Bill represents a substantial departure from the Command Paper which was published in January 2012 within a month after the current party was elected into Government. The Command Paper is expressed, for example, in terms of Dignity at Work as opposed to bullying or victimisation which follows the UK Bill.

Secondly, we seem to have gone on a frolic of our own by mixing the wording set out in the UK Dignity at Work Bill, Equal Opportunities legislation and Prevention of Harassment the UK Prevention of Harassment Act wording, all in one melting pot, and I am not sure how that will work in terms of enforcement and interpretation.

One of the... I am not sure whether this is what informed his decision, but when the Leader of the Opposition was the Minister of Justice and he introduced a considerable number of legislative changes, as a petitioner what I always noticed was that they were very similar in terms to the English legislation, which for a petitioner makes a lot of sense, because you can at least apply the common law architecture which is available in the UK to Gibraltar.

Where you have a wholesale adoption of the Equal Opportunities legislation, is in relation to the remedies section in clause 9 of the Bill and the interest on compensation set out at clause 11 section, which provide, for example, for Supreme Court compensation and injury to feelings. The statutory cap here, Mr

Speaker, is removed in circumstances where the legislation is of much wider scope, because the bullying or victimisation is not required to be based, as I said earlier, on a protected characteristic as it is in the current Equal Opportunities legislation.

265 Could at least, as an initial move, the Government not have adopted a non-punitive approach, as in the case, for example, in Sweden, where in fact there was an MP in the UK by the name of Mr John Robertson who, during the course of a debate, on 25th March 2003, encouraged the UK Government at the time to follow that particular route?

270 Importantly, Mr Speaker, the cost regime applicable in relation to unfair dismissal claims – i.e. they are for all intents and purposes non-payable – apply to complaints of this nature. So that, for example, a small business employer could be subjected to an unmeritorious claim, which would require defending at cost to it, which would then not be recovered, with medical reports and all other sorts of expenses. An unmeritorious claim, Mr Speaker, to a small business employer employing, let us say, one or two employees, could ruin the business.

275 The other point is, is the Industrial Tribunal the appropriate body to deal with claims of this nature? A chairman will now be required to deal with Supreme Court level compensation. Can the Tribunal deal with these matters administratively? A question that I do have is whether this in fact makes matters worse for claimants. Will they not also be precluded as a result from claiming such compensation from the Supreme Court in an ordinary claim? It should be borne in mind that claims under the Protection of Harassment Act 280 of 1997 in England and Wales, can only be brought in the High Courts in England.

Section 4(1) refers to... sorry clause 4(1), I beg your pardon, Mr Speaker, refers to conduct and there is another point I wish to raise with hon. Gentlemen and Ladies, and it is this: there is no further explanation as to whether the conduct is expected to be repetitive or not. Should there not be, for example, a reference to a course of conduct, which I think is the legislative language in the Protection of Harassment Act? I understand, Mr Speaker, that in Sweden, for example, they outlawed recurrent reprehensible or distinctively 285 negative actions, using the words in fact used in the particular section there.

Much of the literature that I have read on the subject refers to repeated and persistent behaviour, which is what is in fact envisaged in most of the examples set out in clause 4(2), but not all of them. The Protection of Harassment Act requires there to be a course of conduct, as I said earlier. Whilst on this 290 subject of the Protection of Harassment Act, I would ask the Hon. the Chief Minister during the course of his reply, given that it is a manifesto commitment of the Government to also include a Protection of... it says, yes, I am reading direct from the manifesto and it says this will also include a Protection of Harassment Act, and whether it is the intention of the Government, as part of its legislative programme during the course of this Parliament, to introduce a separate Act in relation to Protection of Harassment or 295 whether he considers that the relevant provisions there are already set out in this particular Bill. I would be grateful for some guidance in relation to that point.

The suggested amendment I have just made in relation to the course of conduct will also go some way to address concerns, which employers will no doubt have, of being at the end of spurious claims, as I mentioned earlier, as a result of one-off actions. I daresay, Mr Speaker, that even the local pressure group 300 will also agree with the definition of bullying acts as being repetitive or using the words of the draft legislation, ‘persistent behaviour’.

Should the word, Mr Speaker – and it may be one of the suggested amendments that the Hon. the Chief Minister referred to earlier – the word ‘reasonable’ not also be included before ‘justification’ in clause 4(2)(c)? I would ask him to consider that.

305 In relation to ‘third party’, I take hon. Members to clause 6(4), which deals with basically the employer having to protect employees from third party bullying, is the Government contemplating legislation for those acts of bullying perpetrated by non-employees on employees, is a question I have? I think on the face of the wording of the legislation, I think the answer must be yes.

310 And, of course, this can lead to a situation, Mr Speaker, where, for example, a contractor has employees working on a construction site and that particular employee is bullied by a tenant. That contractor or employer will be held liable under the Act. I do not know... a lawyer in a legal firm situation where, for example, a partner may be or a legal firm may be the subject of a claim by an associate if the associate is bullied by a client. Things like that which I think ought to have been given sufficient thought to.

315 How is it proposed, Mr Speaker, that A – i.e. the employer – will know of B’s bullying? I note that there is no specific provision which allows for the giving of notice by, say, B to A, for example.

The other point is, has thought been given to the difference in the use of language and therefore potentially legal tests in the use of the word ‘detriment’ in clause 7(d) and the ‘less favourable’ treatment in clause 5, because I think those two clauses sort of work with each other. I will ask the Hon. the Chief Minister maybe in his reply whether he could address concerns I have in relation to that.

320 In relation to – and this may be one of the typographical errors which the Hon. the Chief Minister was referring to – in clause 9 there is a reference... clause 9(1) we have three subsections, which are (a), (b) and

then there is a big 'I'. I think that ought to be a small (c), with a consequential change to clause 9(3) which makes a reference to that particular subsection.

325 Moving on to the schedule to the Bill, which sets out the Bullying at Work Policy, as I said earlier, this requires a mandatory implementation by *all* employers, irrespective of the size of the undertaking. What cost burden will this imply for these employers? Will they not have to seek legal advice in terms of the drafting of these documents, for example? This is in fact a crucially important part of the legislation, given that it affords a defence to employers under clause 6(5).

330 Provision 2(d) in the Bullying at Work policy, talks of the designation of a 'competent person' to whom complaints should be made. There is no definition of what a 'competent person' is. What guidance is being offered to employers, especially those, as I said and I have repeated during the course of my speech, who run small businesses, which are the vast majority of employers in Gibraltar, as to who this competent person should be? Will they need to employ somebody else? Does a person have to be qualified? If so, in what?

335 Reference is also made, Mr Speaker, in 2(f) to providing details of 'designated persons' and approval, who are available to counsel etc. Again, what guidance is there as to whom those persons should be?

340 Mr Speaker, the legislation which the MP I referred to earlier, Miss Davey, sought to introduce by an amendment, I think it was the Employment Relations Bill, on 29th March 2004, in clause 1 is in fact in very similar terms to clause 4 of the current Bill, although it talks about the protection of the right to dignity at work. But it is almost word for word what is provided for... the amendment which she sought to introduce was almost word for word, if not word for word, what is set out in the schedule to this particular Bill. She in fact withdrew that particular clause on the basis that the Government at the time was to launch, together with Amicus, and I quote:

'The world's largest project to stamp out the bullying and discrimination at work'

She then said:

'I offer my sincere congratulations to my right hon. Friend the Secretary of State on her announcement last week that, together with Amicus, the Government will launch the world's largest project to stamp out bullying and discrimination at work. The project has been launched to provide supportive advice and training to organisations that are trying to tackle bullying, train employees as counsellors, devise and promote a voluntary charter on dignity at work, promote examples of excellent employers in the United Kingdom and produce a benchmark that enables organisations to measure their success in achieving dignity at work and a "ban bullying" pack. The Government are working initially with Amicus and 10 leading employers, including British Aerospace, Royal Mail...'

345 And then she refers to a few other employers.
Miss Eleanor Laing, from the Conservative Opposition at the time, then said:

'Although I entirely agree with her sentiments and intentions, I disagree with the idea that passing further legislation will achieve them. The clause is too prescriptive...'

– the same clause as the Bullying at Work Policy –

'Clearly, I do not have to make that argument because she acknowledges its validity...'

– and that is because in fact Miss Davey withdrew the amendment –

'New clause 1 would place an enormous burden on employers and employees to understand what constitutes a dignity at work policy and the way in which it would be enforced. That applies especially to a small workplace in a small or medium-sized firm that does not employ many human resources people. It cannot be good for industry to employ more people to deal with further regulations than it does to manufacture goods and services. Business and industry should be about the latter, not keeping to the letter of complicated laws [...] If the solution to the enormous problem that she described was passing such a law, we would all be pleased. Employers and employees alike would be pleased if we could eradicate the dreadful problem of bullying by merely writing something in statute [...] It would be bad jurisprudence to pass new clause 1 into law, as it would be difficult to enforce. It is bad in principle to make laws that cannot be enforced and would be unclear.'

350 Mr Speaker, in another debate later on, I think it was in 2004, Dr Vincent Cable, Vince Cable said that he was struck by the comments made by the Andrea Adams Trust, which the hon. Member for Bristol was cited as Miss Davey referred to earlier, and it asks

'Does the courtroom really have to be the appropriate battleground? Surely in reality the ideal place to resolve the problem must be in the workplace itself. Recognition and awareness of workplace bullying is essential if we are to move forward.'

Whether or not there may be a case for workplace legislation, the report said that a concerted effort should be made by management and the unions to raise the profile of workplace bullying to ensure that it is

355 properly monitored. Then he referred to the fact that there are legal remedies which exist which are very similar to the legal remedies which are available in Gibraltar.

And then he says

360 'If there were a role for legislation, perhaps it is not laying down prescriptive procedures to deal with work-place bullying, but placing an obligation on employers to have an anti-bullying policy and to allow for flexibility in that policy to deal with particular problems.'

I do not think that this particular Bill achieves that, Mr Speaker. These are precisely the criticisms that we on the Opposition side have in relation to this legislation in general, but specifically to the schedule to the Bill, which is entitled, 'The Bullying at Work Policy'.

365 Mr Speaker, rather than proceed by way of legislation, for example, should the Government not have proceeded in a similar way to the UK and engage with the industry? Or perhaps, also, if legislation is the way to proceed, to have adopted the Swedish example of non-punitive measures, as I mentioned earlier. It is interesting, I would point out, given the socialist credentials of Members opposite, that it is not Labour Party Policy and it certainly did not feature in the 2010 Election manifesto.

370 It is for all of these reasons, Mr Speaker, that unless I am persuaded by the Hon. the Chief Minister in his reply as to what he is about to say, that I think we have little alternative but to abstain on this particular legislative initiative and it is a pity, because had things been done in a different way and properly, it would no doubt have resulted in support from this side of the House. (**A Member:** Hear, hear.) (*Banging on desks*)

375 **Mr Speaker:** Does any other hon. Member wish to contribute to the second reading of the Bill? Otherwise, I will call upon the mover to reply.

The Hon. the Chief Minister.

380 **Hon. Chief Minister:** Mr Speaker, it really is quite astonishing to have heard the extraordinary remarks that the hon. Member has made as he has tried to wriggle through, pretending to support something that is designed to protect those who are being bullied in the workplace, whilst trying to find *every* possible reason to object to raising their hands at the end in support of this. I really do not know what it is that they think that they are doing. Is it that they are trying desperately to be in the good books of the employers organisations, but not annoy the employee organisations? If that is the sort of tight rope that they are trying to walk with these games, well I think it is so transparent and see through that it is not going to get them anywhere.

385 Mr Speaker, let us be very clear about what has happened and how the hon. Gentleman has tried to pretend the opposite. We have published, within 100 days of being elected, a Command Paper on a subject that even by the hon. Member's intervention, he accepts deals with something that is sensitive and that affects some people's daily lives. He has accepted that there are statistics available, internationally and in Gibraltar, carried out by a group that he has said he respects, although he does not appear to have put much store by their statistics that show that there is bullying in the workplace in Gibraltar.

390 So we publish a Command Paper in 2012. We publish an amended Bill, as a result of having published that Command Paper *and* having consulted a very different Bill to the Command Paper as a result of the consultation, in 2013. And in 2014, the hon. Member gets up and says, 'You have not consulted enough.' Mr Speaker, if we change a Command Paper because we do consult, and we produce a Bill that is different because we do consult, does that not demonstrate that the fruit of that work is what is before the Parliament today? It is therefore the Bill that results from the consultation. How can he say we have not consulted enough?

400 Mr Speaker, I dare say that the fact is that they have not engaged in the consultation. It appears to me that Mr Bossino spent much of last night trying to read up on debates anywhere else in the European Union that he might be able to lay his hands on to have something to say, because we have not had him address what he has been doing for the past two years with the Command Paper published and who he has spoken to in the past two years. By his own mouth he tells us that in the past couple of days he has phoned a few people who are employers and then he has given us his own summary of the debates that he has read in another place. Mr Speaker, I do not think that is consultation leading to proper decision making, to make a stand on something as important as this which leads them to abstain. Well, I think members of the general public will make up their own minds about how serious their protestations of support for the principles and general merits of the Bill are, given their response in this Second Reading.

410 Then, Mr Speaker, the hon. Gentleman tells us we should have done more by way of guidance and information, and he puts us in mind of the work done in relation to the Woolf reforms (*Laughter*) as they were known. (*Laughter*) He is a bit of a wolf in sheep's clothing, Mr Speaker, in this debate, I put it to him, whilst he pretends to want to protect those who are bullied, but does not want to support the legislation that does it.

415 So the Woolf reforms, which were the civil procedure reforms, he says, those were properly dealt with. There were seminars and there were guidance notes and there were conferences. Yes, Mr Speaker, there were *after* the Bill to make those changes to the rules had passed the Westminster Parliament or had been adopted as what practitioners know as the new white book. So the rules were in place. It was not a question of the rules not being made whilst there were conferences and guidance notes and discussions. All of it was done and then there was guidance, conferences and discussion.

420 But I can see what happened to the hon. Gentleman in his speech, he wrote it before he heard my speech and he either felt that his pen had been so florid in writing his speech that he wanted to read it anyway or he just did not listen to what I had to say. I said there will be a Commencement Committee and the Bill will not commence until the Commencement Committee advises me to commence it, and what the Commencement Committee will do is provide guidance and provide training and help employers and help employees. All the things that he said that we should be doing, which I had just said we were going to do. So I will take, Mr Speaker, with a proverbial pinch of salt, everything that came after, because if he is advising me to do that which I have said I am doing, he is not giving me the sort of advice that I could be persuaded to pay for if I was instructing him professionally.

430 Mr Speaker, small business owners in Gibraltar have never had a more listening Government, and despite the fact that this Bill has been published as a Command Paper for two years and in its current form for some time and that it was published actually as a Bill in December of last year – no this is not a Bill which has only been published for six weeks; it has now been published for almost 12 weeks or even longer – we are still talking to the employer organisations, not to one or two employers, like he referred to his conversations, but to the employer organisations and to the employee organisations and we are putting the employer organisations and the employee organisations and the Government in the same Committee to work on guidance and the best way to implement this Bill.

435 Therefore his pretence that he is somehow representing the interest of the small business owner, of the business with two or three employees, really wears very thin when one looks at what is actually happening on the Government side. They do not need protection from this Government, Mr Speaker. This Government is the ally of small businesses and the ally of those doing business in Gibraltar, regardless of the size of the undertaking, because they are the ones who provide jobs. And in doing the work of presenting this Bill to the Parliament, of course we are not just protecting the bullied, we are also protecting the employer, because what productivity in a workplace where bullying is rife, or where an employee who is there to produce is subject to such bullying that he cannot give the best of himself... so this is in effect also in the interest of the employer.

440 But, Mr Speaker, there should be perhaps no surprise whatsoever that they have taken the attitude that they have taken and in their abstention on this side of the House, we will hear them voting against this Bill because in effect they had 16 years in Government to consult, to think, to talk to DAWN, that they never talked to when they were in Government, and only last week he had the pleasure of welcoming to his office. Whilst those of us who are on this side of the House had been working with them for almost half a decade, concerned about the issues that they raise, because all of the florid words to justify the unjustifiable abstention today are about the new GSD and what the new GSD has done in the past 72 hours or in the past week to try and deal with this difficult issue; but not about what the old GSD was up to for 16 years and their failure to address this issue, at least since DAWN put it on the agenda.

445 Perhaps I should not be surprised, Mr Speaker, given that in almost every public intervention that hon. Members make they try and decry the things that their party did whilst in Government and tell us how new and how different they are, and how new and how different even their internal procedures are, Mr Speaker, although they are uncannily similar to those internal procedures that those of us on this side of the House in the GSLP have been pursuing for many, many years since we were established.

450 But, anyway, Mr Speaker, the history lesson that the hon. Gentleman gives us as to the progress of anti-bullying legislation through other parliaments, he should know is one that we have done already ourselves before the Command Paper and even before being in Government. It does not take a Seneca – and that name is the same in English as it is Spanish, Mr Speaker, because it is Greek – to be able to work out what to type into Google to get now the debates that one has access to in all of the parliaments around Europe that deal with these issues.

455 But everything he told us was just that, it was historical, it was anecdotal, it was this attempt to justify what they are going to do. They are going to keep their hands down. They are going to keep their mouths shut when this Parliament gives them for the first time in history the opportunity to support a measure that will ban bullying. That is what they are going to do and the hon. Gentleman just could not find enough words to try and decorate that disreputable silence that is going to characterise their approach to this legislation when they have the opportunity to vote.

470 Mr Speaker, we have looked at that history. We have looked at those debates. We have engaged with DAWN. We have engaged with the employers. We have engaged with the employees. This Bill is the product of that consultation, and the Commencement Committee will take us even further in providing

guidance and deciding how best to assist with the implementation of the principles that are set out in this Bill. Because, Mr Speaker, of course there is evidence of bullying in the workplace in Gibraltar, that our first leaflet in the General Election campaign, that our first advertisement in the General Election campaign in 2011 highlighted the issue of bullying, should at least have highlighted to them during the campaign at least that our first Command Paper dealt with this issue, should have highlighted to them in Opposition the breadth of the representations made to us about how widespread this problem has become.

The hon. Gentleman seemed to quote with approval; the statistics provided to him by DAWN; but then said, ‘Why haven’t you done your own survey?’ Well, Mr Speaker, one suicide is one suicide too many. That is a statistic that should stick in all of our minds today when we decide how we vote on this Bill. To a great extent whether a leader of a Parliament says this is an issue of conscience or not, whether a leader of a Party says this is an issue of conscience or not, every Bill that we make a legislative measure that we make an Act that we make a law, is a matter on our conscience.

Whether it deals with taxation, which affects people’s pockets, or whether it deals with issues that can affect daily lives in a different way, every time we vote to make an Act, this must be something on our conscience because we are making laws for the people who are not in this Parliament and who look to us to regulate the relationships between us in this community. And if there has been one suicide attributable to bullying at work, what more statistics do the hon. Members want before they decide to support this and to act?

Mr Speaker, needing guidance and needing to do all the work that we have agreed, and I have said we have agreed should happen during the course of the work of this Commencement Committee, is not a reason to delay the legislation. I do not discount, Mr Speaker, that we could come back in the future and amend the legislation as a result of the work of the Commencement Committee or otherwise, like every piece of legislation, because we have had bumper pieces of legislation, sources of huge pride for those who they have presented. A new Crimes Act, Mr Speaker, that the Hon. the Minister for Justice, when before he was Leader of the Opposition on that side of the House made, and we have had to amend that, Mr Speaker. We have had to amend a lot of pieces of legislation because things change, because of the operation of the legislation, because legislation needs to be updated. We should be amending more.

There are statutes in our Statute Book that require attention because of levels of fines or levels of payments etc, and it maybe that this, which as the hon. Gentleman says is a home-grown piece of legislation, will require amendment in the future. So be it. I do not discount that. It maybe that we need to tighten in some areas that he has suggested that we should loosen. It maybe that we need to loosen in some of the areas he has not suggested that we should loosen. So, Mr Speaker, I think that... and he has even suggested in one particular remark that we should tighten a particular area by the introduction of the concept of reasonableness before a justification.

So, Mr Speaker, it may be that all of those things are relevant in the future, but not a reason not to progress with this legislation today. Mr Speaker, if he were genuine in what he was saying... if he were genuine in what he was saying, because he likes to present himself as the genuine face of the GSD, *el tio bueno*, Mr Speaker, the nice guy, right? Why has he not written to me, and said, ‘Fabian, I really want to support this legislation. This is an important thing that deals with the bullied at work. These are the issues which I think would make the Bill better’? If he were *genuine*, Mr Speaker, he would have done that and he has not.

He has wanted to use all of these little hooks in this legislative intervention, which is almost an attempt at what we might call now that we know more about fishing, a *palangre* speech with many hooks in it (*Laughter*) to try and get himself off the hook of why he is not going to support this landmark piece of legislation. I do not think there is much merit in the interpretation that he wanted us to consider of what happens in relation to associates in a law firm, Mr Speaker. Many of them are actually not employees, they are self-employed individuals. But, of course, there are issues with fixing employers with liability for what third parties do, but this is not the only legislation that does it.

Of course in the same way as an employer has vicarious liability for the acts of his employees, he has sometimes to carry liability if his employee is subject to injury and this is just dealing with exactly that principle. So let no employer think that Mr Bossino is their representative in this place, protecting them from a new concept of liability, because if even he believes that, he has got it completely wrong and he should know better.

It is not a question, Mr Speaker, of employers needing to employ somebody to be the competent person in schedule 1. If he had read the Bill in detail he will see that the competent person in schedule 1 just needs to know what the procedures are, and understand what it is that the anti-bullying protocols that a particular employer may have in place are there for. It is, Mr Speaker, as he has noted at least in one part of his intervention, a defence to a claim in respect of bullying to have had such a procedure in place and the simplest model for him to understand, Mr Speaker, that we base this on, is the model, for example, of anti-money laundering.

Small companies, Mr Speaker, even those he seems to pretend to represent, those with two or three employees, they all have to be ready to deal with money-laundering issues. When one deals with issues like this which are all pervasive, you do not say this will not apply to a three-member firm or a three-man company or somebody trading with a small group of employees, of course it applies. You have a policy that deals with this issue that you know about. It sounds so difficult, maybe when it is being considered in the context of the Parliament, an anti-money laundering policy. ‘My goodness, how am I going to deal with that? I have got a paint shop. How am I going to deal with an anti-money laundering policy? I have got three employees, who is going to be the anti-money laundering officer?’ Well, Mr Speaker, at the end of the day we all have to be on guard in relation to these issues, regardless of the industry in which one is. It is much more important in the financial services sector, than it is in the paint shop, but nobody can launder money today and nobody’s employee can launder money today. So this is not new ground that we are making here, Mr Speaker.

Mr Speaker, before I say a little bit more about these issues, the hon. Gentleman talked about the protection of harassment issues that are in our manifesto and that were dealt with originally or were going to be dealt with originally with this legislation and are not. In fact, Mr Speaker, those have already been dealt with. I am surprised he asks us how we intend to deal with that. I know that he has only been here two years, but I would have thought the two years that he has been here he has been paying attention. The hate crimes legislation has already dealt with those issues. I know the Minister for Justice is able to give us more guidance on that and I am happy to give way to him, so that he can explain the detail of how that has been dealt with.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Yes, Mr Speaker, the hon. Member has referred to a provision in our manifesto which deals with this, that we are dealing with today, and says, there will also be a Protection of Harassment Act. The hon. Member will know, or should know, that there have been several measures taken already in respect of harassment.

The Crimes Act, which was a piece of legislation enacted in this Parliament at the time when the Leader of the Opposition was Minister for Justice, contains Part 6, which precisely is headed, ‘Protection from Harassment’. So there are protection from harassment provisions which were enacted during the GSD’s time, but which we commenced, I seem to recall, in November 2012.

But we have not just done that, we have not just commenced legislation at a part dealing with commencement from harassment which was there already. What we did was we reviewed how this legislation was actually working in practice in the UK – the Protection from Harassment Act in the UK – and what we have done is introduced new provisions into that Part 6 of the Crimes Act, additional provisions to those which were already there and these provisions, one of them which we dealt with quite recently here in Parliament was the stalking provisions which was an entirely new provision. It is a part of harassment –

Mr Speaker: May I give some guidance on this matter?

Here we have a Bill that deals with bullying and associated matters. There was a comment by the Hon. Mr Bossino about a question of harassment, which is a separate issue and is not being provided for in this Bill. The Chief Minister has invited the Hon. Minister for Justice to explain what the Government has done, but we really have to be brief about it. We cannot have a debate about harassment on a Bill which is for another purpose.

So I would invite the hon. Member to continue with what he was doing, but to be brief and we are not going to have a debate about harassment.

Hon. G H Licudi: Yes, Mr Speaker, it is not certainly our intention to have a debate, but simply to answer the point as to what the Government is doing about this, which was connected to the provisions of bullying.

As I have explained, we have introduced in the Crimes Act, in Part 6, new provisions which include the question of stalking and also the new offence of harassment of a person in his own home – that is a new offence which we introduced to Part 6 and which was not there already.

I would remind the hon. Member that in those provisions, in that part of the Crimes Act, which are essentially criminal offences, there is also provision for civil remedies – section 93, in particular, also introduces that.

As the Hon. the Chief Minister has mentioned, we have gone even much further than that because we have introduced in one of the parts in the Crimes Act further provisions in relation to hate crimes, and those provisions include specific provisions which deal with religiously aggravated harassment, disability aggravated harassment, aggravated harassment by reason of sexual orientation and age aggravated harassment; again, all new provisions which we have introduced as part of our anti-harassment policy. So although it is true that what we have not done is taken all of those and put them in a separate Act, we

considered that it was appropriate, given that there was statutory provision already, simply to add these provisions and there were civil remedies already provided. So we have kept it in the Crimes Act, added to that statutory framework, and that is the extent to which we have gone in introducing the protection of harassment which we committed ourselves in our manifesto to do, and which we have now fully done.

Hon. Chief Minister: Therefore, Mr Speaker, for all of those reasons, a very good opportunity for the Deputy Chief Minister to ensure that he ticks that box in respect of our manifesto commitments completed (*Banging on desks*) because, Mr Speaker, they do not like the fact that we are completing all of the provisions of our manifesto. They do not like it. They even say that we say that we have done things and that we tick off boxes that are nonsensical, because we said that we have ticked the box of continuing to provide grants to students. Well, Mr Speaker, apparently it is nonsensical when we tick that box and we have done it, but it is not nonsensical for them to put it in their book of 16 years of achievement when it was not their achievement, it was the achievement of the Government before, and to put in their manifesto for 2011 that they were going to continue to give those grants – so, so much for their criticisms of our box ticking.

But, anyway, Mr Speaker, I will deal with the issues that the hon. Gentleman raised, as to the detail of the sections of the draft legislation, during the course of the Committee stage and Third Reading if he wants to raise those issues.

Mr Speaker, this legislation protects small businesses and large businesses. It protects employers and it protects employees. It protects every potential individual, company, firm that this Parliament should *want* to be protected; but it denudes of protection, the bullies who have not had to deal with legislative controls until now. It is a Bill that is carefully crafted to achieve those purposes and to deal with an issue that, as we have heard, has already become far too pervasive. It puts bullies in their place and it protects small and large employers and all employees.

But, let us be clear, Mr Speaker, we are moving proactively from this side of the House to provide that protection and Members opposite are looking for a way of obstructing this. So be it. Fair enough. Let the public know. Let the public know what it is that Members opposite are not going to support... prohibiting. Let the public know what it is that Members opposite apparently do not stand against. Let the public know, Mr Speaker, that the Opposition are not going to support legislation designed to prohibit persistent behaviour which is offensive, intimidating, abusive, malicious or insulting. Let the public know that they do not want to stop persistent and justified criticism. Let the public know that they do not want to stop punishment being imposed without justification. Let the public realise, Mr Speaker, that they do not want to stop people having changes in their duties or responsibilities to their detriment without reasonable justification.

Mr Speaker, we stand for stopping all of that. They have just told us they are going to cop out again. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes be read a second time. Those in favour? (**Members:** Aye.)

Mr Speaker: Those against?

Hon. D A Feetham: We are abstaining.

Mr Speaker: The Opposition abstain.
Carried.

Clerk: The Employment (Bullying at Work) Act 2013.

**Employment (Bullying at Work) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

Hon. Chief Minister: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Tobacco (Amendment) Bill 2014 –
First Reading approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997.
The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

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Mr Speaker: I now put the question which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment) Act 2014.

**Tobacco (Amendment) Bill 2014 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for an Act to amend the Tobacco Act 1997 be now read a second time.

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Mr Speaker, this Bill amends the Tobacco Act 1997 so as to create new summary offences of concealing cigarettes, or being knowingly concerned with the concealment of cigarettes, within a motor vehicle and being in charge of a motor vehicle in which cigarettes are concealed. The offence does not require there to be a commercial quantity involved, although this does affect the penalty, or for the offence to take place in a public place or within a designated zone.

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The term ‘conceal’ is defined in the amendment as meaning ‘placing cigarettes within a compartment or place adapted, altered or fitted in any manner, for the purpose of concealing goods. Placing cigarettes within the engine compartment of a vehicle or placing cigarettes within the body work, wheels or tyres of a vehicle. As such, simply placing cigarettes in the boot or glove box of a car, or under a seat is not caught by this offence. The penalties for these offences are in line with those for other offences under the Tobacco Act; imprisonment is not available as a sentencing option where the quantity of cigarettes involved is not a commercial quantity.

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The amendments included in clause 2(3) place the forfeiture of tobacco in motor vehicles to which the offence relates, on the same basis as the forfeiture of tobacco in motor vehicles, to which the offence of transportation of a commercial quantity of tobacco relates. The court must order forfeiture when an application is made in that respect by the Attorney General or the Prosecuting Officer, as is the case at the moment under the existing provisions of the Act.

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Mr Speaker, hon. Members will have seen a letter circulated yesterday by me, certifying the Bill as too urgent to await the six-week publication period before it can be proceeded with. The issue of the trade in tobacco is, as hon. Members know, the subject of a letter from the European Commission arising from their inspection of the frontier controls illegally imposed by Spain. The Government has taken, and will be taking measures to implement the recommendations of the European Commission and to go further even than those recommendations in the curtailing of the illicit tobacco activity. This is one such measure and the Government has wanted to ensure it is in place as soon as possible.

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The Bill, Mr Speaker, was published on 30th January and the abridgement is therefore of three weeks and it is very much in Gibraltar’s public interest, in our view, that it should be taken today. I commend the Bill to the House.

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

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Hon. D A Feetham: Mr Speaker, very briefly.

Mr Speaker, the Opposition will be supporting the Bill. Indeed, the Opposition will be supporting any legislative measure introduced by the Government that keeps a handle or helps in dealing with what is a problem for this jurisdiction – a reputational problem for this jurisdiction in the unseemly sights that we see, that everybody sees at different points in Gibraltar with this particular illicit activity.

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I said as much in September 2012 when I urged the Government to deal with the issue of the selling of tobacco in estates. I am glad that the Government has also dealt with that.

As I say, any measure introduced by the Government that deals with what is a problem and a reputational problem for Gibraltar, the Opposition will support, not only now but also in future.

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Hon. Chief Minister: Mr Speaker, I am grateful to the Hon. the Leader of the Opposition for having set the position out as he has.

710 The Government is taking steps, not just which require action in this House – some of which do not require action in this House – and the exercise of powers already granted to the Government under the Tobacco Act and other legislative enactments in order to deal with these issues. These issues have been a problem in Gibraltar for a long time but this Government will grab the nettle, we will deal with the issues.

715 We have done so in Laguna Estate and in Glacis Estate through the Commissioner's, the Collector of Customs' exercise of his discretion to control the retailing of tobacco in those estates in a particular fashion. I have certified and created new red zones under the Tobacco Act in the area of the beaches in Gibraltar and in the area of the frontier in order to curtail that activity, and my hand will not shake if I have to sign into law other measures to enable our law enforcement officers to have the powers necessary to take the action required to curtail activity which is anti-social.

720 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment) Act 2014.

**Tobacco (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

725 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

**Taxation (Mutual Administrative Assistance) Bill 2014 –
First Reading approved**

730 **Clerk:** A Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010; and for connected purposes.

The Hon. the Chief Minister.

735 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010, and for connected purposes, be read a first time.

740 **Mr Speaker:** I now put the question, which is that a Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

745 **Clerk:** The Taxation (Mutual Administrative Assistance) Act 2014.

**Taxation (Mutual Administrative Assistance) Bill 2014 –
Second Reading approved**

750 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Taxation (Mutual Administrative Assistance) Act 2014 implements the OECD and the Council of Europe Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol.

755 A measure of similar co-operation as that created by this Act already exists with some States, Mr Speaker, by virtue of the TIEAs that Gibraltar has already entered into. TIEAs, Mr Speaker, are Tax Information Exchange Agreements and the usefulness of these is well recognised.

760 The extension of this Convention to Gibraltar extends that network of TIEA equivalent relationships enormously, through the effective international co-operation which this multilateral convention creates between a large number of States and through the uniform application and interpretation of its provisions.

Therefore, Mr Speaker, the Bill is framed so as to provide administrative co-operation between States by way of exchange of information and with respect to taxes on increment profits and in particular, with a view to combatting tax avoidance and evasion. Mr Speaker, I am going to take the House through what I hope will be a quick review of some of the relevant sections of this Act.

765 The declaration that the Convention shall apply only to taxes on income or profits is set out in clause 3 Mr Speaker, and the competent authorities there set out to be the Commissioner of Income Tax in clause 4. Clauses 5 and 6 set out duties and functions and provide latitude for them to be extended by the Government in writing by any other enactment.

770 Clauses 7 to 14 set out the basis upon which information may be exchanged and under clause 7, the condition that needs to be satisfied is whether the information is foreseeably relevant to the administration and enforcement of any laws whether in Gibraltar or in the requesting State relating to taxes on income or profits.

Clause 9 allows the Government to automatically exchange information where the Government agrees with one or more States to such automatic exchange.

775 Clause 10 deals with the spontaneous exchange of information on the basis set out in Article 7(1)(a) to (e) which are replicated in our Act virtually verbatim. (a) deals with the Competent Authority having grounds for supposing that there may be a loss of tax in another jurisdiction; a person being liable to tax under (b) obtains a reduction in or an exemption from tax in Gibraltar, which would give rise to an increase in tax or to liability to tax in the other State. Under (c), business dealings between a person liable to tax in 780 Gibraltar or in another State and a person liable to tax in Gibraltar or another State as the case may be, are conducted through one or more countries in such a way, that a saving in tax may result in Gibraltar and the other State or in both Gibraltar and in that other State.

Indeed, Mr Speaker, the Competent Authority has grounds for supposing that a saving of tax may result from artificial transfers of profits within groups of enterprises or at (e) that information forwarded to the 785 Competent Authority by another State has enabled information to be obtained which may be relevant in assessing liability tax in the other State. On the advice of the Income Tax Office, clauses 11 to 14 incorporate the powers that exist in the International Co-operation (Tax Information) Act 2009 and which are deemed appropriate for the Competent Authority to be able to respond to the request which will be made to it.

790 Clause 16 deals with the simultaneous tax examinations which two competent authorities agree to. Clause 17 covers tax examinations abroad, and allows the competent authorities to make arrangements to allow representatives of another Competent Authority of the applicant States, to be present at the appropriate part of a tax examination in Gibraltar, but always subject to a Minister's approval. As provided for in the Convention, the Competent Authority needs to have exclusive competence over the conduct of a 795 tax examination held in Gibraltar.

Clause 20 deals with the protection of person's rights and sets out limitations permitted by the convention. The Competent Authority in particular is *not* obliged to provide assistance when the request is (a) for the Competent Authority to carry out measures which are at variance with the laws of, or administrative practice in Gibraltar; (b) seeks that measure to be carried out which are contrary to public 800 policy; (c) requires information to be supplied which is not obtainable under the laws of, or administrative practice in Gibraltar; (d) requires information to be supplied that would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy; (e) is for administrative assistance and the Competent Authority considers that the taxation in the applicant State is contrary to generally accepted taxation principles or to the provisions 805 of a convention for the avoidance of double taxation, or of any other convention which the Government has concluded with the applicant state; (f) is for the provision of administrative assistance for the purposes of administering or enforcing a provision of the tax law of the applicant state or any requirement connected therewith which discriminates against the Gibraltar national as compared with a national of the applicant State in the same circumstances; or (g) is for administrative assistance if the applicant State has not pursued 810 all reasonable measures available under its laws or administrative practice except where recourse to such measures would give rise to disproportionate difficulty.

The limitation period provided for in the convention is 15 years and that is set out under clause 21. Clause 23 deals with confidentiality and how the Competent Authority may use the information. The confidentiality provisions in section 3 of the Income Tax Act are relied upon in respect of information 815 obtained under this Bill.

Clause 25 on costs provides that unless the Competent Authority has, with the Minister for Finance's prior consent, agreed otherwise, ordinary costs involved or incurred in providing assistance shall be borne by the Competent Authority; and (b) all extraordinary costs incurred in providing assistance shall be borne by the applicant State.

820 Clause 26 covers jurisdiction over proceedings relating to measures taken under the Convention. Subclause (1) provides that proceedings related to measures taken under the Convention shall be subject to the jurisdiction of the requested State. Subclause (2) concerns proceedings relating to measures taken by the requesting State and found jurisdiction in that State, whilst providing for the requested State to state any action it has taken pursuant to the request, pending the final outcome of the requesting State.

825 Clause 26 does not apply to proceedings under clauses 13 and 14 which deal with proceedings for a search and seizure and to obtain a production order.

Clause 27 provides an element of forward proofing by empowering the Government to make regulations for the administration or implementation of this Bill and complies with any OECD Council of European Union or other international obligations. Clause 28 provides that the Government and the Competent Authority shall not be liable in damages for anything done or admitted in the discharge of their functions under this Bill, unless it is shown that the act or admission was in bad faith.

830 By way of general note, in clauses 16, the simultaneous tax examinations clause, clause 17, the tax examinations abroad clause, and clause 25, the costs clause, the exercise of the power and discretion by the Competent Authority, is subject to the Minister's prior approval or consent. Reservations and declarations have been entered into, Mr Speaker, on behalf of Gibraltar by the United Kingdom at our request. Pursuant to Article 30, paragraph 1.a of the Convention, the Government of Gibraltar will not provide any form of assistance in relation to the taxes of other parties described in Article 2, paragraph 1.b of the Convention. Pursuant to Article 30, paragraph 1.b of the Convention, the Government of Gibraltar will not provide assistance in the recovery of any tax claim or in the recovery of an administrative fine for all taxes.

840 Pursuant to Article 30 paragraph 1.c of the Convention the Government of Gibraltar will not provide assistance in respect of any tax claim where a reservation has previously been made under Article 30, paragraph 1.a or b of the Convention is in existence that the data withdrawal as such a reservation in relation to the taxes in the category in question. Pursuant to Article 30, paragraph 1.d of the Convention the Government of Gibraltar will not provide assistance in the service of documents for all taxes listed in Article 2, paragraph 1 of the Convention. And pursuant to Article 30, paragraph 1.e of the Convention, the Government of Gibraltar will not permit the services document through the post.

845 The following Mr Speaker, are the declarations that the United Kingdom has entered for Gibraltar. In accordance with Article 2, paragraph 2 and in the respect of Annex A, the Government of the United Kingdom declares that for Gibraltar the Convention shall apply for those taxes in Article 2, paragraph 1 which fall under paragraph a.i.

850 In accordance with Article 3, paragraph 1.d and in respect of Annex B the Government of the United Kingdom declares that the Competent Authority for Gibraltar shall be the Commissioner of Income Tax of the Government of Gibraltar. That is a specific declaration required.

855 And in accordance with Article 3, paragraph 1.e and in respect of Annex C, the Government of the United Kingdom has declared that in relation to Gibraltar, the term 'national' means a Gibraltarian within the meaning of the Gibraltarian Status Act 1962 and any legal person, partnership or association deriving its status as such from the laws enforced in Gibraltar.

860 Mr Speaker, in relation to this Bill which was published last week, I have also circulated a letter certifying it to be too urgent to await the six-week period of publication before it can be proceeded with by this House. As hon. Members will recall, I discussed the extension to Gibraltar of the OECD Multilateral Convention with the Rt Hon. the Prime Minister, David Cameron, during the course of my visit to Downing Street in June, and had written to him before then to seek the said extension to Gibraltar.

865 The extension of the Convention occurred in Jakarta on 21st November last year, at a meeting of the OECD which was attended by the Government's Minister for Financial Services, Albert Isola. Since then, the process of drafting our national legislation, not an easy piece of legislation to draft at that, has proceeded at a very fast pace. We were able to publish it last week. But the deadline for implementation internationally, Mr Speaker, is 1st March this year, and we want to meet that deadline and not have to explain why we are having to catch up thereafter.

870 For that reason, Mr Speaker, we have considered it to be in the public interest of Gibraltar to proceed with this Bill now, as a matter of urgency, and I commend the Bill to the House.

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

875 **Hon. D A Feetham:** Mr Speaker, yes.

Mr Speaker, the Hon. the Chief Minister provided me with a copy of the letter certifying that the Bill was urgent. Having discussed the matter with him, I am satisfied that it is urgent, because this is a measure that needs to be introduced here in Gibraltar before 1st March and that is the urgency, so the Opposition has accepted that this is an urgent measure and therefore we have agreed that the matter be brought to the House without the proper notice.

Mr Speaker, these types of measures are never easy for the Finance Centre and there is always going to be a level of scepticism from some operators within the Finance Centre in relation to measures of this nature which by their nature are intrusive. The Opposition will be voting in favour of this and we will be voting in favour of this really on two grounds: (1) that it builds upon existing measures, as I will explain in a moment; but (2), the reality of the situation is that if it does not already, if these measures do not already apply to, or will apply to our competitors, sooner or later our competitors will be subsumed within what is a clear international trend that finance centres like Gibraltar and others, our competitors, will not be able to avoid.

Mr Speaker, I said that it builds on existing structures. At the moment, what we have is 27 TIEA agreements, some of which – most of which, I think it is true to say – were negotiated by the GSD Government, when we were in Government, some of them by the hon. Gentlemen opposite during their term in Government, and as I say, when I talk in the United Kingdom and also in Spain about this, it is 27 TIEA agreements on the exchange of information not only with the smaller countries, important as smaller countries are, but with the larger front-line countries like the United States and Germany.

On top of that, we also have existing as part of our law, a directive which has been implemented that has the effect of creating TIEAs with Members of the European Union, so effectively the 27 TIEAs are then converted into TIEAs with all the European Union Member States by virtue of the Directive. The Directive also provides within the European Union for automatic exchange of information and also for spontaneous exchange of information.

Now, this latter measure, this Convention which is an OECD initiative, what it seeks to do is to extend effectively the scope of the directive in terms of TIEA, spontaneous exchange and automatic exchange to countries that may not be members of the European Union, but are also signed up to this particular Convention and I am told in a conversation that I had with Mr Tipping yesterday from the Finance Centre that the effect of it would be to create effectively 70 TIEA agreements – in other words, that it would have the effect of Gibraltar having agreements with 70 countries, members of the OECD, including it has to be said, although that was covered by the Directive, the Kingdom of Spain.

So the effect of all these measures that I have described is to create a TIEA agreement for exchange of information between Gibraltar and the Kingdom of Spain, which has hitherto resisted the idea of having a bi-lateral agreement with Gibraltar.

Now, Mr Speaker, therefore for all those reasons, the Opposition will be supporting the Bill and we will be voting in favour of it.

Hon. Chief Minister: Mr Speaker, I am pleased to see that the Opposition will be supporting this Bill, and I have heard the hon. Gentleman say in the course of the reasoning why they will be supporting this Bill, much of what I said myself in the introduction of the Bill.

But I just want to take issue with a few minor points that he has mentioned. The hon. Gentleman mentioned to not having given the *proper* notice. Well, can I just caveat that by saying that by sending a letter certifying the Bill as urgent, it does not mean that there is *improper* notice in any way. There is full compliance with the provisions of the Constitution and of the requirement for a Bill to pass this House. I do not for one moment think that he was suggesting that there was improper notice, but the use of the word *proper*, I think could have led others to think that. So this is an entirely *proper* procedure that is being pursued.

The hon. Gentleman says that some members of the Finance Centre may find these issues are not easy to deal with. Well, Mr Speaker, the financial services business has changed and is changing. I remember the prophets of doom long before I was a Member of this House, suggesting that in 1995, when the GSLP was legislating to deal with the issues of anti-money laundering on an all crimes basis, there were some who feared that, not because we were involved in money-laundering, but because our clients as a jurisdiction might not want to jump through hoops, that might be the end of the Finance Centre, and we have grown from strength to strength since then.

Mr Speaker, this Government has a very clear approach to everything that relates to Gibraltar's international relationships, whether it is our relationship with the European Union or our compliance with international conventions and that is a culture of compliance. That is why one of the first things that I ensured we did and we invested in when I was elected was that we became completely up to date with all outstanding directive measures that we were required to transpose under European law. There were many, Mr Speaker, that were outstanding.

Mr Speaker, one of those was the Multilateral Directive that had the equivalent effect to this Convention at a European level between the Member States. The hon. Member has tangentially referred to that by saying that now we have the equivalent of a TIEA with Spain, even though they will not enter into a bi-lateral TIEA with us. Well, Mr Speaker, we have that, not as a result of this Convention – and I think it is important to set out explicitly that that is the case – not as a result of this Convention, but as a result of the Directive that we ensured was transposed into law.

Mr Speaker, the Prime Minister David Cameron, when he was the President of the G8, grasped the nettle and decided that it was important to ensure that the unfair criticism that had been levied against many of the Overseas Territories and the Crown Dependencies of the United Kingdom should be dealt with. He addressed an issue that others had failed to address before him and Gibraltar was pleased to be with him Mr Speaker, in leading in the compliance by Overseas Territories and Crown Dependencies on all matters relating to international conventions to ensure that money laundering and tax evasion became a thing of the past.

The Prime Minister himself, after all the Overseas Territories and Crown Dependencies together at the same time agreed to the extension of this Convention, has said in Parliament that it would be wrong and unfair for anybody to describe any of the Overseas Territories and Crown Dependencies and that of course includes Gibraltar, as tax havens after this Multilateral Convention of the OECD has been extended to us and in particular, in the case of Gibraltar, that already had equivalent to this OECD Convention with all of the Member States of the European Union, the largest economies in the world, and the United States of America.

Mr Speaker, I have absolutely no doubt that the financial services world is very different today to what it might have been 20 years ago and will be very different in 20 years' time. It is a brave new world, but not for that reason, a world to fear.

Mr Speaker: I now put the question, which is that a Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988 as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010, and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Taxation (Mutual Administrative Assistance) Act 2014.

**Taxation (Mutual Administrative Assistance) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

**Protection of Trees Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to provide for the preservation and protection of trees and for connected purposes.
The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to provide for the Preservation and Protection of Trees and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the Preservation and Protection of Trees and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Protection of Trees Act 2013.

**Protection of Trees Bill 2013 –
Second Reading approved**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

990 Mr Speaker, before I commence, I have given notice by letter which we can take obviously at Committee Stage, of a change in the title of the Bill to the Environmental Protection (Trees) Act 2014.

This Bill was initially published as a Command Paper towards the end of last year and makes provision for the protection and preservation of trees in Gibraltar. Trees Mr Speaker, are important in the urban landscape as they provide shelter for wildlife, they provide oxygen, remove harmful particulate matter and are aesthetically pleasing. Indeed there is evidence to suggest that health of communities in areas with trees is significantly better than in urban areas without.

995 The loss of trees in Gibraltar has been a cause for concern in the past. There are a number of reasons why people request that trees are removed and these may be for danger, structural reasons, desirability for construction with a tree being in the way, health and inconvenience. There is currently an existing regime under section 38 of the Town Planning Act 1999, which allows the Development and Planning Commission to make a tree preservation order. If the tree is subject to such an order, the cutting down, topping, lopping or wilful destruction of the tree, is prohibited without the consent of the Commission. There are currently 1000 47 tree preservation orders in Gibraltar.

This Bill repeals section 38 of the Town Planning Act as it replaces that regime but also expands it in order to improve upon the powers of the Commission. Furthermore, this Bill goes beyond the existing regime in that it will apply to all trees, as it introduces a new regime for those trees not subject to a tree preservation order.

I now turn to the different parts of the Bill. Part I of the Bill applies the Act of the Crown, because the most important trees in Gibraltar are often found on Government property. In the interest of security, clause 3(3) allows the Government to issue a certificate so that the right of entry found in clause 19 shall not be excusable in relation to the premises specified in the certificate.

1010 Part II of the Bill deals with Tree Preservation Orders. While all trees provide some benefit to the community, tree preservation orders are used to protect selected trees, which are particularly valuable because of their intrinsic beauty, their contribution to the landscape, their scarcity or their importance as a wild life habitat among other reasons. The main purpose of a tree preservation order is to prohibit the pruning, cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of a tree, as set out in clause 8 of the Bill, without the consent of the Development and Planning Commission.

1015 Once the Commission makes a TPO, it must serve a copy of it on the owner and occupier of the land affected by the order. This is defined in Clause 2 as the land on which the tree is situated. A copy of the order shall be available for public inspection and may also be made available electronically. By virtue of Clause (6), the Commission has the power to vary or revoke a TPO as it considers necessary. It must then notify the owner and occupier of the said land.

1020 Clause 7 is intended to prevent an owner from intentionally allowing a tree that is subject to a tree preservation order, to die or become infested. It allows the Commission to issue a notice on the owner of the land, to take such steps as may be specified in the notice, to prevent pure or controlled infestation or disease or remedy the condition of the tree.

1025 Clause 9 sets out how an application to carry out works to a tree that is subject to a TPO is made to the Commission. The Commission may, upon receipt of an application either grant consent unconditionally or subject to conditions or refuse consent. The condition, subject to which consent may be granted, includes specifying the standard to which works may be carried out and requiring the applicant to plant one or more trees. Consent granted under clause 10 is valid for a period of two years, unless the Commission decide to grant consent for a lesser period as a condition for grant of consent.

1030 Part III applies to other trees not subject to the regime under Part II. A tree that is not subject to a Tree Preservation Order is still caught by the provisions of the Bill, but is subject to a much less stringent regime. The main aim of this part is to prohibit the cutting down or uprooting of a tree, without the consent of the Commission as provided in clause 13 of the Bill. However, in order to prevent any delay caused by the Commission in dealing with an application, where an applicant has not received notice of the Commission's decisions, or a reply to the effect that this application is being considered within 28 days, the prohibition shall not apply.

1035 Again, the Commission may either grant consent unconditionally, or subject to conditions or refuse consent. The conditions subject to which consent may be granted include the planting of one or more trees and limiting duration of the consent. Generally, consent shall be valid for one year.

1040 Part IV deals with the exceptions to the general prohibitions appeals etc. Clause 16 sets out the circumstances in which the prohibitions contained in clauses 8 and 13 do not apply. In particular, the prohibition does not apply where the diameter of the tree does not exceed 75mm, where the tree is dead,

1045 where work is urgently necessary to remove an immediate risk of serious harm, the removal of dead branches from a tree or if the tree is removed in compliance with the provisions of the various acts listed in that section.

1050 Furthermore, by virtue of clause 16(1)(g) the prohibitions do not apply to works carried out at the Alameda Gardens or the Nature Reserve, where those works are carried out in accordance with the written authorisation of the Government in order to allow legitimate management operations. In order to strengthen the powers of the Commission under the Act, in relation to its ability to prevent the cutting down of trees in contravention of the Act, clause 17 allows the Commission to serve a notice on the owner of the land to plant one or more trees of an appropriate size and species. This could be in the same place as the tree that was cut down or uprooted or in such other area or land as may be agreed between the Commission and the owner of the land.

1055 Clause 18 deals with appeals which may be made to the Development Appeals Tribunal appointed under the Town Planning Act. In particular, an applicant for consent made under clauses 9 or 14 may appeal against the Commission's decision and the tribunal has the power to confirm or vary the decision of the Commission, including amending the condition subject to which consent has been granted. An appeal may also be made by an applicant for consent where he or she has not received notice of the Commission's decision by the end of a period of eight weeks, beginning with the day the application was received by the Commission.

1060 In line with the Government's commitment to e-Government, clause 20 allows the applicant to apply to the Commission for consent by way of electronic communication and includes an appeal made to the tribunal as long as it is in a form approved by the Commission. Certain conditions apply.

1065 Clause 21 gives the Minister the power to make regulations for carrying out the purpose of the Act. I now commend this Bill to the House. (*Banging on desks*)

1070 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Mr Netto.

1075 **Hon. J J Netto:** Mr Speaker, the Opposition will be voting in favour of this Bill, as we see this as a natural progression from the policy introduced by the GSD Government in the Development and Planning Commission in order to preserve our trees and woodlands during our period in Government. I think there is a bit of murmur coming from the Government side.

As the explanatory memorandum states, the Bill replaces section 38 of the Town Planning Act 1999. Therefore, any further changes that enhances the preservation of trees and the management thereof in its application is something the Opposition welcomes.

1080 Having said this, the Opposition does not see why it is necessary for the inclusion of section 23 which refers to the Governor's constitutional responsibilities. We would therefore ask the Minister in his right of reply to our contribution if he could clarify why this clause was found necessary to be included in the Bill.

Thank you.

1085 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, thank you very much.

Just in relation to this last point that the Hon. Mr Netto has made, this is a clause that was not uncommon in legislation that potentially impacted on the Constitutional responsibilities of the Governor.

1090 So for example, it was included I recall, in the Criminal Procedure Act, because it might have had an impact in terms of the Governor's responsibilities for internal security. But we are dealing with the preservation of trees – clause 23, I beg your pardon. The Minister for Justice is asking which clause: it is clause 23. We just do not understand why clause 23 has been included when we are talking about tree preservation. What possible explanation could it be?

1095 What possible impact could this legislation have on the Governor's constitutional responsibilities in relation to the affairs of internal security or other matters, unless of course – ? I mean nobody is going to chop down trees at the Convent without the consent of the Governor, but even that would not justify the inclusion of this particular clause. We feel that if there is no justification for it, really I think it is constitutionally bad form to introduce a clause of this nature in legislation that cannot possibly impact on the Governor's constitutional responsibilities.

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Mr Speaker: The Hon. Mr Cortes.

1105 **Hon. Dr J E Cortes:** Mr Speaker, on the last point I think it is a matter that we can consider at Committee stage and we can discuss there.

I welcome the Opposition's support of this Bill and clearly I have to make one comment in relation to the hon. Member opposite stating that it is a progression of the policy of the former administration.

It will not be generally known because the Planning Commission met in secret, that the author of the policy that we are now progressing was, in fact, the person who is now Minister for the Environment.

1110

Several Members: Hear, hear.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the Preservation and Protection of Trees and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1115

Clerk: The Protection of Trees Act 2013.

**Protection of Trees Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1120

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

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to amend the Animals and Birds Act.
The Hon. the Minister for Health and the Environment.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals and Birds Act be read a first time.

1130

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Animals and Birds (Barbary Macaques) (Amendment) Act 2013.

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**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
Second Reading approved**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, before I turn to the substance of the Bill, I do want to point out, as you and hon. Members will be aware, I will be moving several amendments of the Bill at Committee Stage.

1145

Mr Speaker, on the substance of the Bill, the Government is very conscious of the need to ensure that the unauthorised feeding of Barbary Macaques is properly deterred, and that it is adequately punished when it is not deterred. Deterrence in turn depends on the law being, and being seen to be, enforced. That is why, Mr Speaker, the Government is introducing a number of reforms through the present Bill.

The first of these reforms is to rehouse section 547 of the Crimes Act 2011, which deals with the offences of enticing and feeding Barbary Macaques in what will become section 6A of the Animals and Birds Act. This places the offences in the more appropriate context of animal protection legislation.

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We have, at the same time, and this leads me to the second reform, created a distinction in section 6A between an offence committed inside the Nature Reserve and one committed outside it. The practical effect of this is to assign different fixed penalties to these offences and I will explain these further in a moment.

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The third reform is the very creation of the fixed Penalty Notice regime just mentioned. This is contained in section 6B and will enable authorised officers to issue Fixed Penalties to offenders on the spot.

We see this as a key component in enforcing the law. Indeed, Mr Speaker, I will immediately be publishing subordinate legislation in the form of rules in order to administer the fixed penalty regime if Parliament approves this Bill.

1160 You will see that the penalty for offences relating to enticing Macaques away from, or feeding them outside the Nature Reserve contained in sections 6(1)(a) and 6(1)(c) respectively, following the changes that I will bring up at Committee Stage, is £500 while the penalty for feeding a Macaque or encouraging another person to do so, inside the reserve is £250. This distinction reflects the particular seriousness which the Government gives to the presence of Macaques outside the Reserve.

1165 I should emphasise that the summary conviction offence, with a fine at Level 4 on the standard scale, currently £4,000 is carried over from Section 547 of the Crimes Act and is thereby retained. The fourth reform is the new definition of Authorised Officer in the Animals and Birds Act to include Wild Life Wardens. The inclusion of Wild Life Wardens will help ensure that these individuals, who are among those most likely to see an offence being committed, are able to act on it immediately by issuing a Fixed Penalty Notice.

1170 Mr Speaker, this Bill addresses one aspect of controlling the Barbary Macaque population, the enforcement of laws prohibiting feeding. It is part however, of the Government's commitment to tackling the challenges and opportunities presented by the Barbary Macaque population in a holistic and integrated way and I commend this Bill to the House.

1175 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Mr James Netto.

1180 **Hon. J J Netto:** Thank you, Mr Speaker.

We in the Opposition will be voting in favour of the Bill, given the general principle contained therein.

We believe that there should be fixed penalty offences to ensure compliance with the underlying view that illegal feeding of the Barbary Macaques is something that this society takes a serious view of and the deterrence of such an act will cause such individuals dearly in their pockets.

1185 The Opposition does, however, have some misgivings. The fact is that there has never been any prosecution and this legislation on its own will not deal with the problem. We still continue to ask the Minister as to where are the Nature Reserve Wardens that he used to say when in GONHS that would solve this particular problem.

1190 As I have said, we in the Opposition will be voting in favour of the Bill but we will be monitoring the implementation of the new legislation very closely. No doubt the Minister will continue to blame the GSD Government for everything which is wrong, despite the fact that the Minister has been dealing with the treatment of Macaques for the last 30 years (**Several Members:** Hear, hear.) but upon enacting this Bill, if the outcome becomes as sterile as the two years in which the hon. Member has been the Minister for the Environment, then he will find himself at the end of a long branch with nowhere to go but crashing down to a hard surface of public opinion with nobody willing to pick him up. (**Several Members:** Hear, hear.)

1195 Our advice to the Minister is that we have had enough of theory and excuses what the public wants at large is real tangible practice on the ground.

1200 **Hon. D A Feetham:** Yes, Mr Speaker, just a small point. There are no new substantive offences created by this Bill. Effectively what this Bill does is takes out of the Crimes Bill the substantive offences created in the Crimes Act and puts it in this new piece of legislation for the policy reasons the Government has outlined, which is that it believes that these types of offences ought to be dealt with in animal protection legislation.

1205 I have to say that I do not agree with that and I hope that in the future the Government perhaps thinks carefully about taking things out of the Crimes Act, which was intended to be a codified piece of legislation dealing with all our criminal offences, save for very few, so that criminal practitioners had effectively a bible so to speak to which to consult when faced with cases which they deal with on behalf of clients.

1210 We are voting in favour of it because we believe that even though it creates no substantive offences, some of the other amendments are worthwhile, they could have been introduced into the Crimes Act but I urge the Government to rethink any policy in the future, taking out of the Crimes Act and then dealing with it piecemeal in other pieces of legislation which just complicates things for practitioners.

1215 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I wish to deal with a point that the hon. Member has just made. We certainly do not agree that where you have got legislation other than the Crimes Act, where an offence is created or exists, that is dealing with criminal legislation on a piecemeal basis, we have had this morning the Tobacco Act amendment which creates an offence, not in the Crimes Act in a Tobacco Act of concealment in a vehicle, which the hon. Member has

supported for the reasons that he has stated. It has not taken out an offence, but it is not true to say that the Crimes Act is simply a codifying piece of legislation of all offences in Gibraltar –

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Hon. D A Feetham: Will he give way?

Hon. G H Licudi: Yes, I will.

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Hon. D A Feetham: And I have not said that.

Hon. G H Licudi: Well, that is what you...

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Hon. D A Feetham: No, no, I have not said that. I said... I did not say that. I actually said there are other criminal offences in other pieces of legislation.

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The point I am making is, that I am urging upon the Government a policy not to take out of the Crimes Act, to deal with in separate pieces of legislation, because we have a wonderful piece of legislation which we drafted, they implemented (**A Member:** Hear, hear.) dealing with most of our... dealing with 90% of our criminal offences and I do not think it is the right policy – that is all I am urging, it is up to them – to be taking out of the Crimes Act to introduce it into separate legislation which I have described as piecemeal. Perhaps that is not the best way to describe it, but the hon. Gentleman gets the gist of what I am saying.

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Hon. G H Licudi: Mr Speaker, this is not so much an issue of policy but what is appropriate and what is convenient in any particular case. We have the Crimes Act, which is not a codifying piece of legislation of all criminal offences in Gibraltar, but is a repetition of what was included in the Criminal Offences Act originally, plus an extension, with new offences being created, particularly offences involving children, sexual offences and all that.

1245

Where we have felt it is appropriate to add legislation to the Crimes Act, we have done that and I gave that example this morning in relation to protection of harassment, and I will not repeat what I said earlier, but the position before is that we had a commitment to introduce a Protection of Harassment Act and instead of creating that separate piece of legislation, we simply incorporated the provisions that we wanted to include, in the existing provisions, or further to the existing provisions in the Crimes Act and that shows that there is flexibility of the approach. Where we feel it is appropriate to add offences to the Crimes Act we do so. Where we feel that it is appropriate to add offences to other pieces of legislation, like we did this morning with the Tobacco Act, because we do not have all the tobacco offences in the Crimes Act, we have a separate piece of legislation dealing with that and we now have, or we have in fact a separate piece of legislation, dealing with protection of animals and birds and this is part of that piece of legislation.

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Therefore, it is a matter that we gave some thought to, whether we should make these amendments to the existing provisions in the Crimes Act, or we should repeal those provisions and have them in the Animals and Birds Act. We took the latter view. The hon. Member may have taken a different view, but I do not think that this is a substantial issue of policy. It is almost as if the hon. Member wants to protect his baby and anything we do to interfere with that baby, to take anything out is wrong. Well, I do not think that is the right approach to legislation.

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Mr Speaker: Does the hon. mover wish to reply?

Hon. Dr J E Cortes: Mr Speaker, I would like to thank my learned colleague, and hon. learned colleague –

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Hon. D A Feetham: Thank you very much!

Hon. Dr J E Cortes: – the Minister for Justice (*Laughter*) – not the *former* Minister for Justice, stressing the word *former*, of course – for assisting in this discussion.

1270

I do have to correct the former and no less honourable Minister for Justice in suggesting that there is nothing new in this piece of legislation. The aspect of enticing is a new concept. Also the difference in that there will be higher fines outside the nature reserve than inside the nature reserve, to stress the fact that it is possibly something that has to be taken more seriously, and the issuing of tickets rather than the other more drawn out process of the Magistrates' Court, which is still an option for enforcement.

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The other significant difference is the number of officers who will now be able to enforce, it is now no longer just the police but also Mr Speaker, all the technical and enforcement members of the Department of the Environment, including the new Environmental Protection Officers, and the officers of the Environmental Agency, so it is increasing the number of people who will be able to enforce this new law.

Over and beyond the wildlife wardens which the Member opposite has continuously tried to provoke me, by saying that I said all these wonderful things were happening or were going to be happening when we had wildlife wardens, in fact there will be more people now on the ground than any wildlife wardens I ever dreamt about at the time, enforcing this piece of legislation.

Mr Speaker, there are some people who even today tell me that I am too nice and too good to be a politician. (A Member: Hear, hear.) I think that the hon. Member opposite has almost convinced me that I am, because as he started welcoming this piece of legislation, and saying how he would support it and so on, I thought, 'Well, isn't this great! Let's just stick to the business', and I am not going to then stand up and tell him all the things he did not do, when he was the Minister for the Environment. (Hon. N F Costa: Tell him.) And there he goes (Hon. N F Costa: Tell him!) and begins a personal attack on me, even wishing me to fall from the branch of a tree – (Interjection) no doubt a tree of one of the hundreds that I have already planted in these two years when I have been sterile (Several Members: Hear, hear!) (Banging on desks) and it begs me to ask of the hon. Member opposite, how can you, Jaime?

Have you forgotten the conversations that we had when you were my Minister and I your loyal contractor? Have you forgotten the correspondence that I and other professionals wrote to you, when we warned you that if you did not listen to what we were wanting to tell you, that the problem that we are having now with the Barbary Macaques was going to happen in a few years?

All I can say is, thank God that I am now the Minister and I am tackling it and I am going to solve it, Mr Speaker. (Several Members: Hear, hear!) (Banging on desks and interjections)

But let me climb up on the tree again, from which I have no intention of falling.

Mr Speaker, the allusion to the lack of prosecution, almost trying to put the blame on me for such lack of prosecution, when his party was in Government for 16 years when they did not prosecute anybody, is almost unbelievable, or when nobody was prosecuted, it is not for the Government to prosecute, it is almost unbelievable. It is precisely because perhaps the law was too cumbersome, that we have introduced this new regime, which may be able to tackle offenders in a more practical and realistic manner.

Mr Speaker, I am not going to refer again to the correspondence and I have published some of the letters in the past to show exactly what the former Government was not doing, and how it was not listening. We are doing a lot of other things. We have increased the human resources now tackling the Macaques considerably, we have introduced this Bill, we have carried out habitat improvement and a lot of other measures that we will be hearing of very soon but needless to say, I will once again, at the next opportunity, be accused of not –

1310 **Hon. D A Feetham:** Will he give way?

Hon. Dr J E Cortes: No, I do not think I will give way. I will once again be accused of not doing anything, when in two sterile years, despite the fact that there were 16 sterile years on all range of things that we all recall, because we do not have that short a memory.

1315 Mr Speaker, I will leave it at that. I am glad that the Opposition will support this, but I am disappointed because I did think that at last, we were going to see the Opposition standing shoulder to shoulder with the Government tackling and supporting a problem which we have to resolve and that we have both got a role in getting all of our supporters to support the work that we are trying to do in order to properly manage the Barbary Macaque population. (A Member: Hear, hear.) (Banging on desks)

1320 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act be read a second time. Those in favour? (Members: Aye.) Those against? Carried.

Clerk: The Animals and Birds (Barbary Macaques) (Amendment) Act 2013.

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

1325 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

1330

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to amend miscellaneous Acts which include a reference or reference to the Minister with responsibility for Trade and Industry.

The Hon. the Minister for Education, Telecommunications and Justice.

1335

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry, be read a first time.

1340

Mr Speaker: I now put the question, which is that a Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trade and Industry (Miscellaneous Amendments) Act 2013.

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Second Reading approved**

1345

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill be now read a second time.

The Bill reflects changes in ministerial portfolios and responsibilities which took place back in December 2011 when that marvellous New Dawn occurred, (**A Member:** Hear, hear.) as a result of which there is no longer a post which can be easily identified as being either the Minister for Trade and Industry or the Minister with responsibility for both Trade and Industry. Therefore there has been a need to identify the pieces of legislation that referred to the Minister in those terms and to correct that.

This Bill does not create any new powers at all. It simply amends the title of the Minister and a search of the current legislation Mr Speaker, has identified eight Acts which would benefit from amendment so as to clarify which particular Minister will undertake the duties and responsibilities under those particular Acts. The amendments have been drafted so that the description of the Minister is no longer tied to multiple responsibility. There is a description of a Minister now, or there will be, for one responsibility so whoever may have that responsibility in the future will be the Minister responsible under these particular Acts without the need for further amendments if there is any kind of changes as there was in December 2011.

Mr Speaker, the Acts amended by the Bill and the relevant Minister for each Act are firstly the Intellectual Property (Copyright and Related Rights) Act 2005 and that is changed to the Minister with responsibility for Commercial Affairs; the Motor Fuel (Composition and Content) Act 2011 to the Minister with responsibility for the Environment; the European Public Limited-Liability Company Act 2005 to the Minister with responsibility for Financial Services ; the Petroleum Act to the Minister with responsibility for the Environment; the Business Trades and Professions (Registration) Act to the Minister with responsibility for Employment; the Export Control Act 2005 to the Minister with responsibility for Finance; the Deep Sea Mining (Licensing) Act to the Minister with responsibility for the Environment and the Disclosure of Interest in Shares Act to the Minister with responsibility for Financial Services.

Mr Speaker, I commend the Bill to the House.

1370

Mr Speaker: 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 miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1375

Clerk: The Trade and Industry (Miscellaneous Amendments) Act 2013.

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

1380 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

1385 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

1390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Stamp Duties (Amendment) Bill 2013; the Employment (Bullying at Work) Bill 2013; the Tobacco (Amendment) Bill 2014; the Taxation (Mutual Administrative Assistance) Bill 2014; the Protection of Trees Bill 2013; the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 and the Trade and Industry (Miscellaneous Amendments) Bill 2013.

In Committee of the whole Parliament

**Stamp Duties (Amendment) Bill 2013 –
Clauses considered and approved**

1395 **Clerk:** A Bill for an Act to amend the Stamp Duties Act 2005.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1400 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Employment (Bullying at Work) Bill 2013 –
Clauses considered and approved as amended**

1405 **Clerk:** A Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes.

1410 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in respect of this Bill, a letter has been circulated to hon. Members with what I describe as very minor typographical amendments which hon. Members will be able to see. I think it is being circulated now. They are literally minor typographical amendments. One of them is the typographical amendment that the hon. Gentleman spotted, which was the absence of a little ‘c’ which we will come to, but they are not in any instance a substantive change. They are all typographical.

1415 **Hon. D A Feetham:** May I suggest that rather than go through... I mean, in the past –

Mr Chairman: Yes, because they are purely typographical amendments and the Chief Minister has given clear notice of them, the Committee will agree that they all be incorporated into the Bill.

1420 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, there is one further typographical amendment, which is not included in the letter and that is in clause 2, where it

defines Minister. It says 'Minister with responsibility for Employment'. The 'e' in Employment should be a small 'e' rather than a capital 'E'. That is just to make it consistent with the way we are drafting legislation and defining ministerial responsibilities.

1425 **Mr Chairman:** I hope that that can also be incorporated and that when the Act is published, that it will appear there. I mean it has to be monitored.

Clerk: Clauses 1 to 11 and the schedule.

1430 **Mr Chairman:** Clauses 1 to 11 and the schedule stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Tobacco (Amendment) Bill 2014 –
Clauses considered and approved as amended**

1435 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997.
Clauses 1 and 2 and the long title.

Mr Chairman: Clauses 1 and 2 and the long title stand part of the Bill.

**Taxation (Mutual Administrative Assistance) Bill 2014 –
Clauses considered and approved**

1440 **Clerk:** A Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21 January 1988 as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010; and for connected purposes.
Clauses 1 to 29, the schedule and the long title.

1445 **Mr Chairman:** Clauses 1 to 29, the schedule and the long title stand part of the Bill.

**Protection of Trees Bill 2013 –
Clauses considered and approved**

1450 **Clerk:** A Bill for an Act to provide for the preservation and protection of trees; and for connected purposes.
Clause 1

Mr Chairman: Clause 1 –

1455

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Chairman, I –

Mr Chairman: The Hon. Mr Cortes.

1460 **Hon. Dr J E Cortes:** Mr Chairman, as I have circulated, the intention Mr Chairman is that for the words 'Protection of Trees Act 2013', we should substitute the words 'Environmental Protection (Trees) Act 2014'.

1465 **Mr Chairman:** Do all hon. Members agree that the amendment moved by the Hon. Mr Cortes should be included in the Bill? (**Members:** Aye.)

Clerk: Clauses 2 to 22.

1470 **Chief Minister (Hon. F R Picardo):** Mr Chairman, if I may deal with the point that Mr Netto made and which the Leader of the Opposition followed up in respect of the reference at paragraph 23, which is outside the scope of the clauses called by the Clerk at the moment, of the Governor's constitutional responsibilities, the reason I want to deal with it now, is because the reason for it is actually in section 3.

1475 Section 3 of this Bill applies the Act to the Government and section 3(3) sets out that the Government may certify that, in the interests of the security of Gibraltar, the right of entry under section 19 shall not be exercisable in relation to the premises specified in the certificate.

1480 That is taking to the Government of Gibraltar, rather than putting in the Governor, the right to certify something in the interests of Gibraltar and when we do things like that, we specifically provide that that is not a derogation from the Constitutional power in respect of the security of Gibraltar that the Governor has specifically set out in the Constitution. That is therefore the reason why section 23 is there, I entirely agree with the reasoning that it should not be there unless it needs to be there, that is the reason why it needs to be there.

Clerk: Clauses 2 to 25, the schedule and the long title.

1485 **Mr Chairman:** Clauses 2 to 25, the schedule and the long title stand part of the Bill.

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
Clauses considered and approved as amended**

Clerk: A Bill for an Act to amend the Animals and Birds Act.
Clause 1

1490 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 2.

1495 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Chairman, as I alluded to in my speech earlier, a number of amendments have been distributed by copies of a letter to you. The first one is a typographical error in 6B(3) the definition should be of 'conviction' not of 'convicted'.

Hon. D A Feetham: Mr Speaker, we are quite content –

1500 **Mr Chairman:** Again, we have a similar situation: they are merely typographical errors. They are not substantive amendments. The hon. Member has given notice, it has been circulated and therefore the Committee agrees that these should all be incorporated into the Act.

1505 **Hon. Dr J E Cortes:** I am grateful to you and to the Committee, Mr Chairman.

Clerk: Clauses 1 and 2 and the long title.

Mr Chairman: Please call that again?

1510 **Clerk:** Clauses 1 and 2 and the long title.

Mr Chairman: Clauses 1 and 2 and the long title stand part of the Bill.

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Clauses considered and approved**

1515 **Clerk:** A Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry.
Clauses 1 to 9 and the long title.

Mr Chairman: Clauses 1 to 9 and the long title stand part of the Bill.

BILLS FOR THIRD READING

**Stamp Duties (Amendment) Bill 2013; Employment (Bullying at Work) Bill 2013;
Tobacco (Amendment) Bill 2014;
Taxation (Mutual Administrative Assistance) Bill 2014;
Protection of Trees Bill 2013, now renamed; Animals and Birds (Barbary Macaques) (Amendment)
Bill 2013;
Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Third Readings approved, some with amendments: Bills passed**

Clerk: The Hon. the Chief Minister.

1520

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Stamp Duties (Amendment) Bill 2013; the Employment (Bullying at Work) Bill 2013; the Tobacco (Amendment) Bill 2014; the Taxation (Mutual Administrative Assistance) Bill 2014; the Protection of Trees Bill 2013 now renamed; the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 and the Trade and Industry (Miscellaneous Amendments) Bill 2013 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

1525

Mr Speaker: I now put the question which is that (1) the Stamp Duties (Amendment) Bill 2013; (2) the Employment (Bullying at Work) Bill 2013; (3) the Tobacco (Amendment) Bill 2014; (4) the Taxation (Mutual Administrative Assistance) Bill 2014; (5) the Protection of Trees Bill 2013 with the amended title; (6) the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013; and (7) the Trade and Industry (Miscellaneous Amendments) Bill 2013 be read a third time and passed.

1530

Those in favour of the Stamp Duties (Amendment) Bill? (**Members:** Aye.) Those against? Carried.
Those in favour of the Employment (Bullying at Work) Bill 2013?

1535

Hon. Chief Minister: Mr Speaker, can I call for a division on this Bill, please?

A division was called for and voting resulted as follows:

FOR	AGAINST	ABSENT	ABSTAINED
The Hon. P J Balban	None	The Hon. J J Bossano	The Hon. D J Bossino
The Hon. Dr J E Cortes		The Hon. P R Caruana	The Hon. Mrs I M Ellul-Hammond
The Hon. N F Costa		The Hon. S M Figueras	The Hon. D A Feetham
The Hon. Dr J J Garcia			The Hon. J J Netto
The Hon. A J Isola			The Hon. E J Reyes
The Hon. G H Licudi			
The Hon. S E Linares			
The Hon. F R Picardo			
The Hon. Miss S J Sacramento			

1540

Mr Speaker: There are three Members absent, five Members have abstained, there are nine Members in favour. The ayes have it – carried. (*Banging on desks*)

Those in favour of the Tobacco (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Taxation Mutual Administrative Bill 2014? (**Members:** Aye.) Those against?

1545

Carried.

Those in favour of the Protection of Trees Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Trade and Industry (Miscellaneous Amendments) Bill 2013. (**Members:** Aye.)

1550

Those against? Carried.

RETIREMENT OF CLERK TO THE PARLIAMENT

**Tribute to Mr Melvyn Farrell
for distinguished service to Parliament and Gibraltar**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise to move that the House do now adjourn *sine die*.

1555 But before I do, it is not lost on us on this side of the House, that this may be the last moment that we have Mr Melvyn Farrell, the Clerk of the House with us, discharging his functions which he has loyally done now for some years as Clerk of the House, before he retires.

1560 Mr Speaker, Mr Farrell has loyally served this House and he has loyally served Gibraltar as a civil servant before he arrived in this House as Clerk. From the time that I have been conscious of his work, he has served Chief Ministers at No. 6 Convent Place, he has served in the Registry and he has of course served with distinction in this House.

I have always found, as I know my colleagues on this side of the House and no doubt on the other side of the House, that Mr Farrell is impeccably polite, impartial and unflappable in any situation and he has found himself no doubt, in all the years that he has been a civil servant, in many situations.

1565 Mr Speaker, those of us who have the benefit of having a crib have always found our cribs impeccable as a result of his diligent work. He has always been a friend to everyone in this House and an enemy of none of us.

1570 He is also a distinguished member of *HMS Calpe*, a retired distinguished member of *HMS Calpe* and of course he has been discharging his function not just as Clerk of this House in this House, but he has been the organiser of European Elections and the organiser of national elections.

And I will always remember him, Mr Speaker, reading out the names of those who were duly elected to this Parliament after the last General Election. I have him standing on the stage at Mackintosh Hall ingrained in my mind as he read those names.

1575 Mr Speaker, I am sure that this is not the end of Melvyn Farrell's distinguished service to Gibraltar and I am sure that it must be recognised beyond the words I am uttering today. We were reminded by the previous Chief Minister, who is not here today, no doubt not out of any desire not to be here to share with us celebrating Melvyn's work, that he is of course the last civil servant to hold WOPS and therefore his retirement today will enable his diligent approach in the savings to start accruing for the benefit of not just him, but also his family, although we sincerely hope and he goes with the wish I have no doubt of everyone in this House, that the WOPS criteria should not kick in for many years to come.

Members: Hear, hear. (*Applause and banging on desks*)

1585 **Hon. D A Feetham:** Mr Speaker, certainly on this side of the House, we associate ourselves entirely with everything that the Hon. the Chief Minister and the Leader of the House has said about Melvyn.

But yesterday, when I was talking to my Opposition colleagues, 'Well, what can I say about Melvyn?' and almost to the man and almost to the woman, the one word, the one word that resonated in description of Melvyn was the word 'loyalty'.

1590 Melvyn has not only been a Senior Officer of *Her Majesty's Calpe* with a Reserve Decoration, loyal to *Her Majesty's Calpe*, loyal to the Civil Service in his 47½ years of public service here in Gibraltar, loyal to this Parliament with which he has served since 2006, and loyal of course, above all, to Gibraltar and to this community. (**Hon. D J Bossino:** Hear, Hear)

1595 Melvyn is diligent, he is meticulous and he has an eye for detail. I have to say that when I first became a Member of the Opposition – it is less likely when we are Ministers – and I submitted my questions, I would have Melvyn on the phone to me saying, 'Well, don't you think that perhaps you can phrase this question in this particular way?' And I thought, and I said, 'Well, Melvyn, do you suggest a change of questions to everybody?' and he said, 'There is not one person since I have served as a Clerk that I have not suggested a change of questions!' (*Laughter*) And I have to say...

1600 **A Member:** Always to improve –

Hon. D A Feetham: Always, always to improve the question – *always* to improve the question.

1605 And therefore I have absolutely no hesitation in associating myself with the Hon. the Chief Minister and to wish Melvyn and his family all the best for the future. And that if, in future, Melvyn's service to this community during his long years of service is to be recognised in any way, I can assure this House that the Opposition will be entirely supportive of it, because I can think of no-one else that is as worthy of recognition as Melvyn Farrell. (*Applause and banging on desks*)

1610 **Mr Speaker:** May I associate myself with those very kind remarks about the Clerk, about Melvyn Farrell.

Let me put his service into perspective. He has served a total of 47 years and that means that he could have retired with full service at least 10 years ago and he has carried on for about another 10 years, well beyond the age of 60. In fact I am not going to reveal his age, (*Laughter*) but it is well beyond the age of 60.

1615 When I took over the task of chairing the proceedings of Parliament in October 2012, I knew Melvyn beforehand and I knew and was confident of the extent to which I was going to rely on his guidance, on his advice, and his help would be matched, would exceed all my expectations and this I can vouch for. He has been a tower of strength to me. He has the accumulated wisdom of many years here in Parliament which I have been able to draw upon in order to help me in what is not an easy task.

1620 He has been loyal, he has been a great counsellor and above all, a great friend. And even though he will no longer sit in that chair, our friendship will endure forever. So I associate myself with the Members, I wish him many years of retirement and which he will be able to enjoy with his gracious lady, Sonia. Behind every great man, there is a great woman and this is a job which entails on occasions, great sacrifice. Sometimes the Members here, the staff at Parliament are working here until the early hours of the morning, and people, the public may not realise that, and there is a lady at home waiting for the Clerk and the others to return.

1625 A sad day because it will be the end of seeing Melvyn here, but a very fulfilling day and a day which I think points and indicates that in Gibraltar we are blessed with a very great Civil Service. They are great upholders of the task and they serve the needs of our nation, of our country, very, very to the highest standards in any other Parliament.

1630 May God bless him. (**A Member:** Hear, hear, Mr Speaker.) (*Applause and banging on desks*)

Clerk: I am sorry I am being rather emotional, but that is the way I am. And I am grateful to all of you for your fine words and thank you. (*Applause and banging on desks*)

ADJOURNMENT

1635 **Chief Minister (Hon F R Picardo):** So I move, Mr Speaker, that we now adjourn *sine die* and let him go. (*Laughter*)

1640 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn *sine die*.

The House adjourned at 1.10 p.m.