



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 1.00 p.m.

Gibraltar, Thursday, 20th March 2014

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<i>The House recessed at 1.00 p.m. and resumed its sitting at 3.05 p.m. ....</i>	<i>55</i>

# The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

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

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

**PRAYER**  
*Mr Speaker*

## Order of the Day

**Acting Clerk:** (i) Oath of Allegiance.

5

### CONFIRMATION OF MINUTES

(ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th and 21st February 2014.

10

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

*Mr Speaker signed the Minutes.*

### COMMUNICATIONS FROM THE CHAIR

15

**Acting Clerk:** (iii) Communications from the Chair.

20

**Mr Speaker:** As hon. Members are aware, it is a requirement, under I think it is section 69 of the Constitution, that the Estimates of Expenditure for the next financial year should be tabled in the House before 30th April. Since the House is not due to meet next month, and in any case following the precedent of last year, when we did not meet in any case for a couple of months because of the refurbishment of the House, I then ruled and I think I should rule now, that the provisions of the Constitution will have been deemed to have been met if the Estimates are circulated to hon. Members before the end of April. Is that agreed?

25

*It was agreed.*

**Acting Clerk:** (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees.

30

## Questions for Oral Answer

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

#### Q229-230/2014

#### Miami Seatrade Cruise Shipping Convention – Gibraltar delegation and costs

**Acting Clerk:** (viii) Answers to Oral Questions. Question 229/2014, the Hon. D J Bossino.

35 **Hon. D J Bossino:** Can the Minister for Tourism state, who formed part of the Gibraltar delegation to the Miami Seatrade Cruise Shipping Convention?

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

40 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 230.

**Acting Clerk:** Question 230/2014, the Hon. D J Bossino.

45 **Hon. D J Bossino:** Can the Minister for Tourism state what the cost of attendance at the Miami Seatrade Cruise Shipping Convention was, to include the costs of setting up of the stand if one was set up, and travel – I think there is a word missing there – expenses, broken down into air fares and hotels?

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

**Hon. N F Costa:** Mr Speaker, Gibraltar did not exhibit at the Miami Seatrade Cruise Shipping Convention this year. Therefore there was no delegation and no costs.

55 **Mr Speaker:** Next question.

#### Q231/2014

#### Cruise companies coming to Gibraltar – Invitations due to Miami Cruise Shipping Convention

**Acting Clerk:** Question 231, the Hon. D J Bossino.

60 **Hon. D J Bossino:** Can the Minister for Tourism state how many senior executives from cruise companies have come to Gibraltar since he took office and who these are, together with how many he has invited with their identity following the Miami Cruise Shipping Convention?

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

65 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, since I took Office nine senior executives from cruise companies have come to Gibraltar and they are: Giora Israel, Senior Vice President, Port and Destination Development and Michel Nestour, Vice President, Global Port and Destination Development, EuroMed Region, Carnival Corporation; Emilio Freeman, Director Brand Operations & Destination Delivery, Global Tour Operations for Azamara Club Cruises; Emilio Lopez Puertas, Vice President of Land Operations and On Board Revenue of Pullmantur Cruises; Steven Young, Head of Port Operations & Services Carnival UK; Sara Ciliberto, Shore Excursion Executive, Fleet Operations, Carnival UK; Neil Duncan, General Manager, Marketing & Planning, Thomson and Island Cruises; Jacqui Nobile, Port and Shore Excursions Operations Manager, Thomson & Island Cruises; Matt Grimes, Viking Ocean Cruises; James Buchanan, Manager Shore Excursion, Saga Cruises.

Mr Speaker, since Gibraltar has not attended the Miami Seatrade Cruise Shipping Convention, no cruise executives have been invited from this Convention.

80 **Hon. D J Bossino:** Mr Speaker, I may have misread the Press Release which he issued on 3rd March 2012 – in fact, I was reading it whilst he has been answering the question. The way I interpreted it was that there had been an attendance by the Minister with a delegation and therefore, as he will realise, that has been the premise of the questions which I have posed.

85 But I have re-read it and it appears that what there was, was a prior visit to the Convention but no participation directly by the Government in the Convention – is that the correct understanding, can he confirm that?

90 **Hon. N F Costa:** Yes, Mr Speaker. As the Press Release that was issued on 3rd March makes clear and as the hon. Gentleman has just said now, senior officials and myself went to Miami ahead of the Cruise Shipping Convention for a series of meetings with the cruise company executives.

95 **Hon. D J Bossino:** Mr Speaker, the last question which I posed in relation to the Miami Seatrade Cruise Convention related to executives that he has invited. In the Press Release, he also said that he planned to invite senior executives but I think in the answer that he has given is that he has not invited any executives, can he shed some light in relation to that?

**Hon. N F Costa:** Mr Speaker, as I said in the original answer to the original question, we have invited since taking office, nine senior executives. As the hon. Gentleman knows, Giora Israel is the top, top in terms of executives of the cruise line world.

100 We have also, as he knows, gone to the UK in addition to Miami to hold meetings with cruise line executives. From the list that I have before me, between 2012 and 2014, together with the Chief Executive of the Tourist Board and Peter Canessa of Gibraltar House and myself, either together or separately, we have held around 33 meetings, and that is apart from the nine executives that have been invited to come to Gibraltar.

**Q232/2014**  
**ITB Travel Fair in Berlin –**  
**Gibraltar delegation and costs**

105 **Acting Clerk:** Question 232, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism state who formed part of the Gibraltar delegation to the ITB Travel Fair in Berlin, together with what the cost of attendance was, to include travel and hotel cost and the cost of the stand, if one was set up?

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

115 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Tracey Poggio, UK Marketing and Communications for the GTB in London; Stuart Finlayson, Consultant Airline Business Development for the Gibraltar Tourist Board; and Gail Francis-Tiron, Information Manager for the GTB, formed part of the delegation to the ITB Trade Fair in Berlin.

120 The costs of the attendance were as follows: flights – £1,150; hotel – £2,114.28; subsistence – £313.32; travel expenses £272.97; stand space and build cost – £17,101.89; miscellaneous expenses – £667.45; less the participation fees from the co-exhibitors which amounted to £7,500.

Ordinarily I would have handed the hon. Gentleman a schedule. I do not know why they have given it to me in this way, but if he has not had a chance to make a note in writing, I will ask the hon. Lady to make a photocopy for him.

Flights	1150.00
Hotel	2114.28
Subsistence	313.32
Travel Expenses	272.97
Stand Space & Build Costs	17111.89
Miscellaneous Expenses	667.45
Less Participation fees from Co-Exhibitors	-7500.00

125 **Hon. D J Bossino:** Yes, I am grateful for that and I am conscious of the hon. Member's practice and I would welcome a copy of that in schedule format.

Mr Speaker, again I am referring to his Press Release, to another Press Release in relation to this matter, of 5th March where he identifies the ITB Berlin Fair as one which can provide great potential for growth in tourism for Gibraltar, then in the final paragraph he gives the public some statistics, which on the face of it would support that assertion, given the number of attendees.

130 In fact, can I ask him to confirm whether the basis of the assertion is on the grounds of these figures which he has provided in a Press Release and secondly, how in coming to that judgement he compares the ITB Berlin Fair with other potential fairs which could also be providers of potential growth in this area to Gibraltar?

135 **Hon. N F Costa:** Mr Speaker, in answer to the hon. Gentleman, to confirm that the figures given in the Press Release did of course show the value of attendance at the Trade Fair. As the Press Release notes, there were more than 174,000 visitors, among these 114,000 are trade visitors and 11,000 are represented companies from 189 countries, so that it is considered to be the leading B2B platform of tourism industry offers.

140 Following the events, I was debriefed on the series of meetings and the contacts that were made. As the hon. Gentleman knows, the main source market continues to be the UK and of course Spain, but there is also tourism that comes from Germany by way of cruise passengers and also from people that are in the Costa del Sol and do come to Gibraltar for the day. So there is great potential in being able to deal directly with those people that instead of coming to the Costa may consider coming directly to Gibraltar and spend more time here and that is the angle that we are considering, which is more a leisure market angle to stay longer in Gibraltar and therefore increase hotel occupancy.

145 But the strategy if you like is more leisure visitors to come to Gibraltar and stay in Gibraltar, rather than come to the Costa del Sol and just come to Gibraltar for the day.

150 **Hon. D J Bossino:** Mr Speaker, he has identified the German markets, which is obvious given the location of the fair, but why particularly the German market? I mean we get for example other... Immediately I can think of other northern European visitors who come to Gibraltar and who do visit the Costa del Sol. Is there any sort of empirical statistical evidence that he can provide which would support the conclusion which clearly he has come to in terms of targeting Germany as a particular jurisdiction?

**Hon. N F Costa:** Well, Mr Speaker, two things. In the first place, the reason why I mentioned Germany particularly, one is because it is a particularly important European country, as the hon. Gentleman knows, and it is one of the countries that continue to have disposable income for tourism.

160 Secondly, the fair is held in Germany, so that it is the headquarters of what, I said before, is considered to be, apart from the World Travel Market, the most important trade fair in Europe and that is why I mentioned Germany in particular. Had it been set in France, then I would have mentioned France, but it brings into play, as I said before, the numbers that I was reading out to him, the 114,000 trade visitors from around Europe and the way that the ITB structure allows tourist boards and other companies to be able to meet up with the tour operators, ground handlers, travel agencies and the trade visitors, to be able to start to first create networking opportunities, once you establish those of course, to pursue them.

165 **Hon. D J Bossino:** So in other words, Mr Speaker, it is not that necessarily the German market is being identified; it is just that the location of the fair is in Germany and it attracts individuals from other nations, presumably northern Europe – or as I said, in other words, the 170,000-odd visitors to the trade fair are not exclusively going to be German clearly.

170 So I just wanted to establish that, it is not that the Ministry, his Ministry has identified the Germany market in particular; it just so happens that the location is in Germany and it encompasses other European... I would have thought European nation states.

175 **Hon. N F Costa:** Well, Mr Speaker, just to be clear on my side, it is what I said in the second answer to his... or his first answer to his second supplementary, that Germany is considered to be an important market, but for instance we go to FITUR in Madrid and the World Travel Market in the UK, whereas the main business happens to be either UK based or Spanish based. The reality is that once we are there we do conduct business with – for example, I remember in the World Travel Market in FITUR, we established contact with an Israeli travel company.

180 So like he rightly says, we do meet and seek interest from other European countries, but undoubtedly Germany is an important catchment market because for the reason as I have said before, many do disembark from cruise liner companies, some are in the Costa del Sol and they do travel to Gibraltar for day

185 trips and there is no reason why we cannot sell Gibraltar by itself, as a unique tourist leisure destination and  
they should consider it separately, and not just as part of a Costa del Sol tour.

**Hon. D J Bossino:** But Mr Speaker, he will recall in answers to the questions he gave me at the initial  
stages of this Parliament, when he explained the policy of the Government, which was really to carry out a  
190 review of the various attendances at these fairs and to see whether it was value for money in effect. And of  
course, there is a considerable expenditure in relation to this particular fair, for example the stand alone is  
£17,000 odd, and then there are obviously other expenses.

Is that analysis being made by his Ministry as to what the returns are, if any, that they are getting in  
relation to this? Is there a system, a mechanism in place in order to establish whether it is in fact worthwhile  
195 or not?

**Hon. N F Costa:** Well, Mr Speaker, I know that the hon. Gentleman is quite fond of reading my Press  
Releases, so he will know that the GTB (*Laughter*) has not attended – at least there is one person that is  
fond of reading them regularly – the GTB has not attended the ITB Berlin Fair since 1992, so we took the  
200 decision to start attending that fair again.

But he would also recall that during the course of this year, he asked me whether we had attended the  
London Boat Show and I said that we had not attended, so there was one saving there.

I have also told him today that we did not attend the Seatrade Convention, so there was another saving  
and we thought that that money could be diverted – I mean, not that money specifically, but because we  
205 were making savings in other areas which we did not think were producing any tangible results, we thought  
that we should now try to spend time in this particular market, to see whether there was any attraction in  
bringing over German and, as he rightly said before, northern European tourists to Gibraltar. So in other  
words, what we are saving in one way, we are able to spend in another.

**Hon. D J Bossino:** And presumably, Mr Speaker, his Ministry has not reached the conclusion as to  
210 whether the ITB Berlin Fair is worth it? In fact, in other words whether it will provide a return in  
investment, it is still early stages, is that correct?

**Hon. N F Costa:** Yes Mr Speaker, that is exactly correct. From the contacts that were made in ITB,  
215 there has already been a delegation that did come from, as a direct result of contacts and meetings being  
held in Germany. This was only held last month so like he rightly says, it is far too soon to be able to make  
a cogent analysis of whether we are obtaining any results from the attendants, but that would be something  
of course that we will be able to evaluate during the course of the year as matters progress.

**Hon. D J Bossino:** Mr Speaker, one final supplementary. In relation to the attendees, as far as I can see  
220 the Minister himself, the hon. Member did not attend. I know that he lays a lot of store in the fact that... in  
fact, he mentioned in the other Press Release which I have quoted this morning in relation to personal  
contacts – can he explain why he decided it was not worthwhile he himself attending this fair?

**Hon. N F Costa:** Well, because I had been in Miami the week before and I thought that my Gibraltar  
225 domestic affairs required some attention.

**Q233/2014**  
**Captain of the Port –**  
**Recruitment progress**

**Acting Clerk:** Question 233, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism state what progress, if any, has been made in  
230 connection with the recruitment of the Captain of the Port?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes  
235 Mr Speaker, I am pleased to report that advertisements for the Captain of the Port's position have appeared  
in two high-profile on-line marine-related recruitment sites.

240 The advertisements closed on 18th March and so far there have been 33 applications. I have a post it that says that actually since drafting the answer, there are now 36 applications received in total, a large proportion of them from applicants which satisfy the advertised personal specification requirements. The first tranche of interviews are scheduled to take place in London on 27th and 28th of this month.

245 **Hon. D J Bossino:** Mr Speaker, is the Minister able to shed any light as to whether there is any possibility of this position being filled by somebody currently locally? Is it possible? I am not sure because there may be qualification, I understand that maybe there is discomfort given his expression, but in other words, can he state objectively whether there is anybody who is currently locally employed in the Port Department who would be unable to apply because of – ? (*Interjections*) Sorry, I know he –

250 **Hon. D A Feetham:** Just sit down and wait until they finish.

**Hon. D J Bossino:** In other words, that there would be a bar because of qualifications is really my question that is really an objective question.

255 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman will recall that I think it was in 2012, we had discussions as to the qualifications required for Captain of the Port and Marine Officer, and the hon. Gentleman is correct in saying that there is a qualification necessary to become a Captain of the Port and that would be a Harbour Master. So in that respect, any person who wishes to become the Captain of the Gibraltar Port would be required to have that qualification and... Sorry, being a Master Mariner, not a Harbour Master, that is the title of the current Captain who was the Harbour Master of the lower Thames in London before he came to Gibraltar. He would have to be a qualified Master Mariner.

260 Currently the selection process is being conducted by the Captain of the Port and as such, given that it is being conducted by him, and until as he knows, I receive a recommendation on my desk as to the recommendation of the Board, I prefer not to make any comment. Save to say that there are minimum requirements that have to be met and clearly the Captain would sift out those who do not have them.

265 **Hon. D A Feetham:** As far as he knows, no?

**Hon. D J Bossino:** Mr Speaker, does he have the information available – if he does not, then that is fine but does he know – whether there is anybody locally who meets those requirements? Is he able to answer that question?

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may say so, with respect to the hon. Gentleman, we are here to answer questions in our capacity as Ministers, of what we know as Ministers. The hon. Gentleman's question as to what in your knowledge are the qualifications that individuals in Gibraltar may have, I say, with respect to him, is not one that he can reasonably expect us to answer. There may be somebody sitting at home somewhere that has never worked in the Port in Gibraltar who may have all the qualifications requested in the advertisement and more.

275 Mr Speaker, the Hon. Minister may be able to get up and say, 'Well, I do not know of anyone', or 'I do know of some', but that is to try to corral us into an answer which is not something that we are expected to know in our capacity as Minister.

280 So I put it to him that he should simply allow the process of the recruitment of the Captain of the Port to run its course. If he finds that there is something that he wishes to criticise at the end of that process, then so be it, he can bring it to this House and ask such questions as he may wish to in order to achieve that.

285 But to ask us generally that question is almost to ask us as if to say is there somebody in Gibraltar who has the qualifications to be Lord Chancellor of the United Kingdom? You know, there might be – there may be somebody who has retired to Gibraltar sitting in a sumptuous flat at Queensway Quay who has all those qualifications, but it may not be within our knowledge. If it is within our knowledge, what relevance is it if the person may or may not apply?

290 The process which Government is responsible for is the application process and he should simply allow that to run its course.

**Hon. D A Feetham:** Mr Speaker, I think a lot of what he said, with respect to him, is nonsensical. He has not been asked... He has not been asked a question with reference to the population at large. He has been asked the question in relation to whether there are applicants within the Port Department, who meet the requirements... *local* applicants within the Port Department that meet the requirements for this particular job. That is all he is asked.

295 Now, he has also prefixed the question by saying, 'Well, do you know? If you do not know of course, then you cannot answer the question', but surely if you... Well, it appears to me that if you have... He has



mentioned 27, I think – (**A Member:** Thirty-six.) 36, I beg your pardon. If he has 36 applicants, at the very  
300 least he should be able to say whether any of those 36 applicants are local and whether they meet the  
requirements within the advert.

He is shaking his head. Look, in fairness to him, I will wait for his answer. I do not want to make this  
controversial. It is just that the Chief Minister has made some sweeping statements which has forced me to  
stand up, because I just really cannot agree with the way that he has characterised the question of my hon.  
305 Friend, Mr Bossino.

**Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman might like to learn something from the  
Hon. the Chief Minister, namely that the Hon. the Chief Minister has said to his colleague, with respect...  
310 And he has got up trying not to make something controversial and started by saying that everything I have  
said is nonsense. Well, Mr Speaker, that is the sort of behaviour that brings Parliament down to the standard  
of Punch and Judy shows that people frankly feel alienated by and I will not pursue it further.

What we are saying Mr Speaker, is that there is an arm's length process ongoing where people are  
applying for jobs. The hon. Member has told Members opposite, and it appears that despite wanting to  
describe things as nonsense or otherwise, the hon. Gentleman does not actually listen to much, because he  
315 could not even get the figure right – the hon. Gentleman told us there were 36 applicants not 27, he has not  
told us whether any are from within the Department or not from within the Department, and I do not know  
whether his practice when he was a Minister was to be receiving applications as they came in, opening them  
up and start making up his mind for himself as to whether people were qualified or not.

That is not the practise of this Government, Mr Speaker, and therefore if we simply allow the process to  
320 run its course, we will have an objectively dealt with process that the people of this community can have  
faith in, and has been discharged in the appropriate way. (*Banging on desks*)

**Mr Speaker:** I would say that it is perfectly in order for the Minister to be asked whether there are any  
local applicants. Whether they meet the requirements of the advertisement might be much more difficult,  
325 because sometimes people apply and they have got qualifications even from different parts of the world and  
those qualifications have to be examined very, very carefully. With a closing date of 18th March, which  
was only two days ago, the Minister would not be in a position to be able to say categorically that all the  
applicants meet the requirements.

What is proper, however, and I think the Minister if he has the information would be expected to tell  
330 Parliament, is of those, how many are locals – not just Gibraltarians, but how many have applied from  
Gibraltar?

**Hon. N F Costa:** Mr Speaker, in terms of recruitment process, as I am sure that the House can imagine,  
is always a very sensitive issue. As a result of that, I have very robust systems in place, where the Principal  
335 Secretary or the Chief Executive of the Tourist Board, or in this case the Captain of the Port, deals with the  
selection process at arm's length, and they tell me who they will interview and when, and then I receive a  
page on my desk that tells me who the recommended person to be put in post will be.

Therefore, I really do try to stay as much on the margins of that process as I possibly can, unless a query  
is given to me for whatever reason. But my Principal Secretary came to me yesterday with a list of people  
340 that they are thinking about interviewing on the dates that I gave them in London. I cannot remember the  
number, I think there was a Gibraltarian living in London if I recall correctly, but as I say I will let them  
carry out the process and once they do make their selection, I will receive it in writing from them, from the  
entire Board.

**Hon. D A Feetham:** Well, Mr Speaker, thank you very much for that helpful answer. I have to say that  
345 Judy is not a name that particularly suits me very much and quite frankly, I would rather not be called  
Punch.

But Mr Speaker, may I ask the Hon. Minister whether he would be so kind – and I know that he is trying  
to keep the process at an arm's length, I am not asking him to make enquiries in relation to specific names –  
350 but would he be so kind as to go back to his officials and ask his officials, out of the 36 applicants, and out  
of those 36 that meet the requirements – because I understand it, he said as most of them, he did not say all  
of them he said most of them – how many of those are local applicants?

That is the information that quite frankly he has at his disposal and as Mr Speaker has pointed out, it is  
information that we quite properly ask, and would he be so kind as to provide that information by  
355 correspondence by to my hon. Friend Mr Bossino?

**Hon. N F Costa:** Mr Speaker, if I understood the request correctly, the hon. Gentleman is asking me for  
the number of applicants who are local. Yes, I will be able to provide that information.

360 **Mr Speaker:** Next question.

**Q234/2014**  
**Port and adjacent area –**  
**Holistic management plan**

**Acting Clerk:** Question 234, the Hon. J J Netto.

365

**Hon. J J Netto:** Mr Speaker, does the Government agree with the recent ESG – that is the Environmental Safety Group – statement that the Government needs a holistic management plan to cater for all the new industrial, leisure and housing developments in the Port and its adjacent area, and can the Government state whether they already have one or if they intend to create one?

370

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Her Majesty's Government of Gibraltar does agree that in an ideal world not only is a holistic management plan for the Port and the surrounding area desirable, it is essential.

375

The sad fact of life, however, is that the previous Administration committed vast areas of the Port estate to non-Port related activity, making a cohesive Port-relevant strategy for the entire area difficult to fulfil. We are of course seeking to ensure a more rational use of the area.

380

**Hon. J J Netto:** Mr Speaker, could I ask the Hon. Minister whether that means that they intend to provide a more holistic plan in relation to either the existing or future industrial activities in the Port area?

385

**Hon. N F Costa:** Mr Speaker, what I mean is that given the previous Administration carved up parts of the Port estate, it is impossible to provide a holistic plan because some parts of the Port estate are not used for Port-related activities.

**SPORTS, CULTURE, HERITAGE AND YOUTH**

**Q235/2014**  
**New fire station –**  
**Commencement of work and location**

**Acting Clerk:** Question 235, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with the responsibility for the City Fire Brigade state when the Government will be starting work on the new fire station and where it will be located?

390

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works for the new fire station will commence as soon as a suitable location is found. We are still in the process of deciding which location best suits the needs of the City Fire Brigade.

395

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister state which are the possible locations the Government is looking at?

400

**Hon. S E Linares:** Mr Speaker, there are about six or seven of them in different places, but we would not like to state which ones they are at this moment in time but we are looking at about six different places and it is to do with the consultation process that we are engaging with the City Fire Brigade itself because we might have six places, but out of the six there might be five that are not suitable.

405

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the new fire station be a new build or a refurbishment of an existing building?

410 **Hon. S E Linares:** Again, Mr Speaker, I would prefer a new build, because converting a building into a fire station would be very problematic – but I would not like to be held down to that. But I can say that a new build is definitely preferable.

**Q236/2014**  
**City Fire Brigade audit –**  
**Findings and publication**

**Acting Clerk:** Question 236, the Hon. Mrs I M Ellul-Hammond.

415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade, inform this House on the findings of the City Fire Brigade audit and when the report will be published?

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

420

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to this question remains as that of October's Parliament, Question 559/2013.

425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, yes in Question 559 the Hon. Minister said that the Government had not finished the strategy of implementation of the report's relevant recommendations. What stage is the Government at in relation to formulating this strategy in conjunction with the union? Is it nearly finished? Will we be hearing of the conclusions of the audit within a few weeks, within a few months because the audit was completed over a year ago?

430 **Hon. S E Linares:** Yes, Mr Speaker, and discussions are not only with the union; discussions for obvious reasons have to be with the management as well. Therefore the union and the management have got together and I am not going to be pressurising them as to the timescale in which they finish their strategy. It is up to the professionals and the union itself to decide and it is an ongoing thing. That means they sit down, there is a committee already sitting down together to discuss these issues and they are working at it and I meet them every one or two months if necessary, to see the progress. Therefore it is not  
435 to me or anyone, to ascertain a timescale as to when these are to be implemented.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Minister mentioned progress reports. So where is progress, are they nearly finished?

440

**Hon. S E Linares:** Mr Speaker, the hon. Lady is pressurising me as to say if it is nearly finished or not. I have just answered her that question, which is simply, I am not going to pressurise them into how long their implementation of different recommendations are going to be. Therefore there might, when I have ... It is not a progress report, it is actually meetings, I sit down with them and I ask them 'How are you getting on? Do you need any support?' It is a supportive and facilitating role that I am putting into the committee, so that is where we are at the present.

445

**Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, how are they getting on and what support are you providing them with?

450

**Hon. S E Linares:** Mr Speaker, I not only provide them with moral and encouraging support and all the other support that needs to be given, if they come to me (*Laughter*) and ask me 'Minister, this is going to need certain things', I will say 'Okay, if you need those things I will see how I can obtain those things for you.' I think it is pretty logical as to how I support them and how I am a facilitator to them in order for them  
455 to fulfil the recommendations.

**Q237/2014**

**John Mackintosh Hall caretaker and night receptionist –  
Advertising and filling posts**

**Acting Clerk:** Question 237, the Hon. E J Reyes.

460 **Hon. E J Reyes:** Mr Speaker, further to Question Nos. 135/2014 and 136/2014, is the Minister for Culture now able to say when the positions of caretaker and night receptionist at John Mackintosh Hall will be advertised and by when it is expected that these posts will be filled?

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

465 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to these questions remains as that of February's Parliament, Questions 135/2014 and 136/2014.

470 **Hon. E J Reyes:** Mr Speaker, in a previous answer, the Minister had informed me that he hoped that this might be tabled for the Board meeting of March or April and given that we are in the second half of March, can he confirm to me that it is going to be tabled in the meeting and when it will be held? Will it be either March or April?

**Hon. S E Linares:** Mr Speaker, the date for the Board meeting has not been ascertained yet, but I am hoping that it will be before the end of April.

**Q238/2014**

**Heritage sites –  
Works and costs**

475 **Acting Clerk:** Question 238, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Heritage provide details of all works together with respective costs undertaken at any Heritage related site since the answer to Question 138/2014, stating by whom these works were carried out?

480 **Acting 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 the answer to Question 138/2014, I now hand over to the hon. Member opposite, the information requested.

485 **Mr Speaker:** The schedule is fairly long. Would the Hon. Mr Reyes like to ask the next question, please?

**Answer to Question No 238**

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

- a) **Site:** South Port Gates/Charles V Wall  
**Works:** Erection of Heras Fencing, pedestrian protection, scaffold and continuous conservation works.  
**Contractor:** GJBS  
**Total Amount:** £ 18,184.17
- b) **Site:** South Port Gates/Charles V Wall  
**Works:** Skip Rental  
**Contractor:** Fill – A - Skip  
**Total Amount:** £ 60.00
- c) **Site:** Palace Gully  
**Works:** Cleaning of the Interior Chamber and fitting of metal gate covering with lock.  
**Contractor:** Environmental Support Services.  
**Total Amount:** £1,400.00
- d) **Site:** South Port Gates/Charles V Wall  
**Works:** Purchase of liquid materials for conservation works.  
**Contractor:** CTS España – Productos y Equipos para la Restauración  
**Total Amount:** EUROS 5553.07
- e) **Site:** South Port Gates/Charles V Wall  
**Works:** Purchase of sand bags  
**Contractor:** Gaggero Cemats  
**Total Amount:** £ 60.00
- f) **Site:** Giralda Gardens  
**Works:** Demolition of hard lime boulder wall, removal of flooring, hiring of equipment.  
**Contractor:** Construction and Maintenance Limited  
**Total Amount:** £ 1892.00

**Q239/2014**

**Europa Sports Grounds –  
Refurbishment for use by Gibraltar Cricket Association in 2014**

**Acting Clerk:** Question 239, the Hon. E J Reyes.

490

**Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 139/2014, can the Minister for Sports and Leisure provide details of what refurbishment works, inclusive of estimated cost, are planned to be carried out at Europa Sports Grounds in order for the Gibraltar Cricket Association to use this facility during their 2014 season?

495

**Acting 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, none. The Gibraltar Cricket Association will be using the same facilities as has been the case for as many years as I can recollect.

500

**Hon. E J Reyes:** Mr Speaker, I pose this question because last year the Minister provided this House with information on some works that had been done to help to make better... shall we call it, the actual pitch playing area and also the transfer of some left over artificial turf that they had from the stadium and so on.

505 Given that preparation for the season... Normally associations, and cricket being no exception, would probably ask the Sports and Leisure Authority, 'Can I have this maintenance carried out?' or whatever improvement. I think that the Minister might need to confirm, to avoid any doubt, that there will be no need to carry out any work whatsoever, in fact that the pitch is ready to start to play next week if need be.

510 **Hon. S E Linares:** Well, Mr Speaker, as the hon. Member rightly said, we did do some works there which included doing the crease and therefore there is no need now to do anything else. Not only that, the Cricket Association has not come to the Sports Authority to ask for any repairs or anything. They were quite keen for them to be able to use the pitch which is exactly what we are now saying that they can do. So there is no need for any refurbishment because it was already done.

515 **Hon. E J Reyes:** So Mr Speaker, the Cricket Association has not asked for anything to be carried out and so on. Can the Minister confirm that someone from the Sports and Leisure Authority has actually gone to check that the pitch still remains in a playable condition as at the close of last season, despite the non-use for a few months during the winter season?

520 **Hon. S E Linares:** Mr Speaker, as part of the responsibility of the Sports and Leisure Authority, I would presume and hope that they regularly go up there and have checks like they should do. But I am not privy to whether they have, how many times they have gone or anything like that. The fact is that the Cricket Association, who are the people who have been using it, they have got their pavilion there, they go there regularly and I am very sure that, should there have been any problem, they would have informed the Sports and Leisure Authority if they had not already gone up there to see.

525

**Q238/2014 continued**  
**Heritage sites –**  
**Works and Costs Supplementary questions**

**Mr Speaker:** Does the hon. Member have any supplementary arising from the schedule that was circulated to him before we go on to the next question?

530 **Hon. E J Reyes:** Yes, thank you, Mr Speaker, just a very quick one here. The Minister has provided me the list and the cost. I note that on point d), that particular amount paid is quoted in Euros as opposed to sterling. Probably there is a very logical explanation why, but can I have the reason why, Mr Speaker?

535 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as I see the item, I know what they used the item for, it was to do with special liquid materials for conservation works which is to do with the St Jago's Arch and therefore they have put it there in Euros. Somebody could have done the conversion but I am sure we got the invoice in Euros and the person who has put it down has put it in Euros. But that is liquid material, it was special material in order to conserve better and work at what is the St Jago's Arch.

540

**Hon. E J Reyes:** Yes, I saw from the site and so on, but my question was because in actually accounting for the estimates, it is all done in sterling and we hope that forever and ever it will always remain in sterling! Although the invoice may have come in Euros for the Treasury Department, I do not think they actually account for it in Euros. Euros must have been bought from sterling and it could make a difference if the exchange rate at the time was purchased at say 1.10 as opposed to 1.20, like we all do when we want to buy Euros for anywhere we may go on holiday in Europe. We take advantage when the rate is good. So perhaps if he does not have it now, at some stage he could sort of give us an approximate sterling conversion to help tally up all the figures.

550 **Hon. S E Linares:** I will do Mr Speaker.

**Q240/2014**  
**New power station –**  
**Four reports**

**Acting Clerk:** Question 240, the Hon. J J Netto.

555

**Hon. J J Netto:** Mr Speaker, further to the oral Question 573/2013, can the Minister with responsibility for Utilities please provide Parliament with copies of the four reports stated in his answer in relation to the new power station?

560

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the four reports which I mentioned in my answer to Question 573/2013 are part and parcel of the tender process which we are still engaged in.

565

**Hon. J J Netto:** Mr Speaker, could the Hon. Minister perhaps remind me when the tender process will finish. I think it finishes this month, I believe it is?

570

**Hon. S E Linares:** Towards the end of April.

**Mr Speaker:** Next question.

**Acting Clerk:** Question 241 –

575

**Hon. J J Netto:** May I ask another question?

**Mr Speaker:** A further supplementary? Yes.

580

**Hon. J J Netto:** Is there some particular reason in which one of the reports in relation to the Environmental Impact Assessment that needs to wait until the end of the tender process, or is it one particular report that does not have any impact shall we say, to the tender process itself and therefore the Hon. Minister could perhaps provide me with a copy?

585

**Hon. S E Linares:** The simple answer to that is no, Mr Speaker, because all these reports are part of the tender process and therefore we are not in a position... You are stating that it might be different. No, it is not different. They all go together.

590

**Hon. J J Netto:** Yes, I understand what the Hon. Minister is saying, that they are all together, but is there any particular reason why the Environmental Impact Assessment Report has to be tied in with the other reports, or is it one particular report that can be disentangled between the four and provided to Parliament?

If there is a good reason why it should not be given to Parliament, then fine, but I just do not understand the logic behind why this particular single report, among the four, cannot be provided to Parliament.

595

**Hon. S E Linares:** Well, Mr Speaker, an Environmental Impact Assessment is assessing what is the impact to the environment of the power station that we might be putting in place. Since we do not know which is the one that we are putting in place, pure logic says that we cannot at this stage assess what is the impact to the environment of whatever power station we are putting in place.

600

So trying to make an Environmental Impact Assessment on something that we do not really know yet what we are putting in place because it is going through the tender process, would be something that – I do not know, it is one of those things that the professionals would not advise.

605

**Hon. J J Netto:** So basically what the Hon. Minister is saying is that once a particular company has been successful for the tender, in accordance with the description of the works being carried out, the company will have an Environmental Impact Assessment in relation to the work that they are going to carry out.

Perhaps, Mr Speaker, I could drop it here, because the following question is a similar question but on a different tangent, and perhaps we can make progress in that particular way.

610

**Q241/2014**

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

**Acting Clerk:** Question 241, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the oral Question 574/2013, can the Hon. Minister with responsibility for Utilities please advise if commencement of the works for the reclaimed site for the new power station has taken place, and if so, when it is envisaged that such works will be finalised?  
615

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to this question remains the same as that of my answer to Question 574/2013.  
620

**Hon. J J Netto:** Mr Speaker, in the last answer that the Hon. Minister provided, basically what he said was that the work had not yet started. Is there a particular reason why the work has not started or does the Hon. Minister have a date in mind which he is aware of, when the work will commence?  
625

**Hon. S E Linares:** No, Mr Speaker.

**Hon. J J Netto:** Am I right in saying that the Hon. Minister does not know, has had no discussions with his officials, as to the particular time line of this particular project in which they would have made the Minister aware of when this particular aspect is going to start?  
630

**Hon. S E Linares:** Well, Mr Speaker, as to when it is going to start, it definitely has to start and finish before we procure the power station, or if the power station is going to be there. So I can tell him that officials have come to me giving me sort of like, not specific dates, but sort of a programme – it is not a time-line; it is ‘this has to come first, this goes second, this goes third’, in that manner.  
635

But a time-line is very difficult because it is a very, very big project and if officials committed themselves to a date, then it would be not only the hon. Member who would be pressurising me, but it would be me pressurising them to get on with the work. So I think it would be prudent to say... and that is why I said no, sir, because it would be prudent not to say in this case, how we are getting on because we would also impinge on what is the tender process.  
640

Companies might come and say, ‘we can deliver the power station in 18 months’, ‘we can deliver the power in 24 months’ or ‘we can deliver the power station in 36 months’, so we are not at that stage yet and therefore things are progressing, just all reliant maybe on the tender system.

**Hon. J J Netto:** Mr Speaker, the hon. Member seems to be worried too much about pressure. I think pressure is a good thing. It is good that the Opposition pressures the Government, and it is good that the Minister in turn pressurises officials to get what is indeed a very important project off the ground.  
645

Now the question remains... Whether you want to call it a programme or whether you want to call it a time-line, whatever route you choose to take has dates incorporated into every single milestone either in a programme or in a time-line. The question is, if at the end of the day the Government is going to continue with the reclaimed site, surely both he and the official know what the date is, even if it is an approximate date. What he cannot simply do is stand up here in Parliament and say he has no clue as to when they are going to start the reclamation. Either he does know, or he does not know. What is it?  
650

**Hon. S E Linares:** Mr Speaker, I did not say I did not have a clue – that is his words. If he looks at *Hansard*, I never said... I said no, sir, when he asked me whether there was a time-line. The fact is that the time-line will be once the tender has been awarded and that is the time-line. Therefore, once the tender is awarded, it will be up to the company to ascertain how long their machine, whether it is a machine or a generator or whatever it is, they will come to us and say, ‘Right, I am going to put you this type of engine and it will take so much time.’  
660

Therefore what I can say to the hon. Member is that the reclamation has to be ready before that, so this is the time-line that he is asking me. So if he wants a time-line or whatever he wants to call it, like he said, fine okay. It needs to be done right, before the power station, and there is a tender which I have just said that will end at the end of April and that is the time-line. That means, at the end of April, we will get the people and we will have assessed, or at least the technicians will have assessed – not myself, the technicians will have assessed – what type of generating, power generators we are going to put.  
665



At that time then, we will say ‘Okay, we need the reclamation – right, let’s get on with it.’ The reclamation, the type of reclamation is also in the pot. That means do we do so much reclamation, do we do more or less? That is where we are.

670 I am afraid the hon. Member, he can press me as much as he wants, but that is the reality of life, of the tender.

**Hon. J J Netto:** Mr Speaker, is it not a fact that regardless who the successful contractor is, at the end of the day there will still be a need to have a reclaimed site? Yes or no?

675 **Hon. S E Linares:** Yes, but it depends on the type.

**Hon. J J Netto:** Fine, let us leave type to one side. Given that I am only asking him a start date and not when or how, does he know when as to the start date?

680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might just assist the hon. Gentleman by reminding him of that Shakespearean phrase that there are many more things thought of in philosophies than some things in people’s imaginations.

685 The type of reclamation may differ based on the choice of tender. Therefore, one cannot start on a reclamation which may not be the reclamation relevant to the final choice made by the Board that is going to award the tender. Hence why there is no start date for a particular type of reclamation, because the particular type of reclamation is linked to the choice made by the Board.

I hope that assists him in not having to go round in circles anymore.

**Q242/2014**  
**New power station –**  
**Preliminary assessments**

**Acting Clerk:** Question 242, the Hon. J J Netto.

690 **Hon. J J Netto:** Mr Speaker, further to Oral Question 575/2013, can the Minister with responsibility for Utilities please provide Parliament with copies of preliminary assessments made by the Town Planner prior to the commencement of the EIA, and the detailed assessment carried out by the successful tenderer as stated by the Hon. Minister in his answer?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the EIA process has been initiated in respect of the proposal to carry out land reclamation to create the land mass on which it is intended to construct the power station.

700 In respect of the EIA for the land reclamation, the Town Planner has drafted a Scoping Opinion which identifies the matters that need to be assessed as part of the EIA.

705 **Hon. J J Netto:** Yes, Mr Speaker, obviously I agree with the terms of the answer given by the Hon. Minister in terms of what the scope of the Town Planner is. What I am asking him basically is: does Parliament get a copy of this Scoping report?

710 **Hon. S E Linares:** No, Minister... No, Mr Speaker, sorry! No, Mr Speaker, because this is an internal process that the Town Planner does. He is drafting all the things that need to be done within the EIA and that is his remit and we do not... It is not a copy that is a public document or anything like that. It is done within the Planning Department and therefore it is one of the things that is only appertaining to the Planning Department.

715 **Hon. J J Netto:** Yes, Mr Speaker, I agree. It is an internal departmental report and is part of the commencement of the process so that later on it can be developed further. Although it is not a public document *per se*, that does not mean necessarily that Parliament should not be aware of the report if a particular Member of Parliament, of the Opposition asks for it.

720 I just do not see why, despite the fact that it is a departmental report, despite the fact that it is an initial kind of scoping report, that does not preclude *per se* that Parliament should not have a copy of it if a Member of the Opposition asks for it.

**Hon. S E Linares:** No, that is not the case, because once it comes to Parliament, it is a public document and therefore I am not going to go and ask the Town Planner what is his draft Scoping Opinion. This is a professional thing that he does and neither I or anybody gets involved in that. This is the Town Planner's work and therefore I am not in a position to give a copy to anyone of what the Town Planner does.

725

**Hon. J J Netto:** Mr Speaker, this is not a draft; this is basically a Town Planner sitting in front of a particular application, a development which is a Government project – it is not a private sector project – in which he puts forward what are the parameters in which thereafter, following the scoping report, the tenderer has to provide a full EIA report.

730

In other words, so we have... not a draft, but setting out what are the parameters for the full EIA report later on. It is a Government project. Therefore, I do not just see why the Government needs to keep the Opposition un-informed of what is basically something of public interest basically.

735

**Hon. S E Linares:** Mr Speaker, the answer to that question is similar to the one I have been telling him previously. The Town Planner does not know yet which type of power station we are going to procure. What he is doing now is scoping, scoping an opinion –

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**Mr Speaker:** Will the Hon. Minister elucidate what is the meaning of the word 'scoping' in this context?

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**Hon. S E Linares:** Mr Speaker, as I understand, it is that what the Town Planner does: he lists all the issues that need to be looked at once the EIA assessment has to be done. So the way I understand it is that if a successful company says, 'This is the type of power generation that I am going to put in place', the Town Planner then passes...

750

Well, you have to fulfil all these requirements which he has already listed, which I am sure he looks at the law, the environment, looks at all planning aspects, all the aspects in order to see what impact the power station that is going to be put in place will have.

755

So like I said, it goes back to, because there are many tenderers out there, we do not know and all he is doing at this stage is doing a list, he is putting down a whole lot of list, a general list, probably covering the scope of all the tenders. So that is the process.

**Mr Speaker:** I am grateful for that.

755

**Hon. S E Linares:** Okay.

760

**Hon. J J Netto:** But Mr Speaker, my understanding – and if I am wrong, I am wrong – is precisely in part, not in whole, what the Hon. Minister has said, which is to set out the details or the requirement, be it for an environmental point of view, from a legal point of view, setting out to all the contractors what they have to, they themselves later provide for within their own bids. So that sets the basis and the parameters in which the contractors have to then develop their own full EIA report. This is why I am asking for the scoping report because I would like to know what is that the Town Planning Department sets out in terms of the basis, the details and the legality for contractors to be able to then develop that into their own proposals.

765

**Hon. S E Linares:** Mr Speaker, it is a very difficult thing for the Town Planner to look forward and think which is the power station, because there are loads of different permutations as to which type of power station you are going to put the generation, there are many types. So therefore it is not a question of me giving him a little list and say look, they have to fulfil this. He will now have to look at what are we talking about, where is it going to be, what type, but then on the basis of that, you have to look specifically at which is the power station.

770

On the basis of that, so I am not in a position to say to the Town Planner, 'Can you give me a list of your Scoping Opinion?' He will say, 'Well, hold on, all I am doing is just preparing a little list so that when it comes, I have already got a little list here but then I have to see which is the type of generating station that we are going to put.' On the basis of that, then he goes on and asks more questions in order for the EIA to be written.

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**Hon. J J Netto:** Mr Speaker, my understanding is that the Town Planner certainly does not get involved in telling prospective contractors what type of power stations they will subsequently put in their own proposals. That is much later on, something that the Town Planners do not get involved in. What they do get involved in, the Town Planners at the very initial commencement of the process, is to say, 'Here is a tender: whoever wants to apply for it, which is your prerogative, you have got to abide by all these, which are the requirements both from an environmental, from a legal, from a contractual.'

Whatever type of generator is nothing to do with the Town Planner; it is to do with the contractors. So he sets the scenes, then whoever is the successful contractor at the tender stage will then have to provide a full environmental impact assessment which is a different thing to what we are talking about now.

785 So therefore I think if I understood the Hon. Minister, he is confusing the issue about setting out, he is confusing the issue of setting out what are the legal requirements, the departmental requirements against what tenderers have to beforehand tell them what type of power generation it is going to be. A separate issue altogether, I am not even reaching that far. I am just staying right at the beginning which is the scoping report, not what he is saying; this is why I am insisting on that.

790

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just assist the hon. Gentleman, because there is confusion creeping in and I do not think it is in the answers, I think it is in the questions.

795 The scoping assessment will be different, based on the result of the tender, because the technology that is proposed may result in different things being – let me use the word so he understands what I mean – different things being in scope.

So, the Town Planners will look at what is proposed when it is proposed, and say with this type of proposal, your EIA... and he says there has to be a full EIA whatever happens. Well, of course there has to be an EIA, but it is the scope of the EIA that the scoping assessment determines.

800 So with a particular type of technology, the scope may lead in one direction and require certain things and with another type of technology, regardless of the fuel being the same perhaps, it may go in another direction. With a type of size, it may go in one direction and with another type of size it may go in another direction.

805 So of course, if you were to say to a Town Planner, ‘I am going to have a new power station. Simpliciter. Give me the scoping assessment for this, which will lead to an EIA’, the answer is very simple: a full EIA covering every possible type of fuel, every possible type of pollution that may be produced, and every possible permutation for the size of the facility. That I put it to him, Mr Speaker, would not be of any use to the community or to the Parliament.

810 Of course therefore what is happening, and I can now take him to a different type of language so that perhaps he understands it in this way, what is happening is a distillation of the requirements of the EIA once the technology, shape and size of the facility is determined by the Board that is choosing out of all of the tenderers.

815 So therefore, Mr Speaker, he would be in a much better position to ask us about the scoping, post a decision on what type of technology there will be. Then scoping assessment and EIA will be two things that follow very quickly, the scope of the EIA having been determined by that assessment to be done by the Town Planners, after the Board has made a determination of who is the successful tenderer and therefore what technology is to be employed and what shape it is proposed that the new facility will have.

**Mr Speaker:** Next question.

820

**Q243-258/2014**  
**Liquid natural gas (LNG) –**  
**Transportation and storage at Detached Mole; risks to surrounding area**

**Acting Clerk:** Question 243, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Port state how will the liquid natural gas (LNG) be transported to the Detached Mole?

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

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**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 244 to 258.

**Acting Clerk:** Question 244, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if the LNG is going to be stored in tanks at the Detached Mole, where will the LNG power generators to convert the liquid to gas be located?

**Acting Clerk:** Question 245, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state how will the LNG be transported from the storage area at the Detached Mole to the location of the new permanent power station?

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**Acting Clerk:** Question 246, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state how much will a pipeline across the North Entry of the Port, for the purpose of transporting the fuel from the Detached Mole to the new permanent Power station, cost?

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**Acting Clerk:** Question 247, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state what navigational hazards to the movement of cruise liners arising from the laying of a LNG pipeline across the north entry of the Port have been identified, and by whom?

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**Acting Clerk:** Question 248, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state what navigational hazards to the movement of vessels that are not cruise liners into and out of the Port, arising from the laying of an LNG pipeline across the north entry of the Port have been identified and by whom?

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**Acting Clerk:** Question 249, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state what, if any, financial impact will result from the anticipated new navigational controls to be introduced on vessels entering the Port of Gibraltar due to the laying of a pipeline from the Detached Mole to the new permanent Power Station and who will absorb such financial burden?

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**Acting Clerk:** Question 250, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state how often will the Storage Facility at the Detached Mole require replenishing of LNG due to the expected monthly consumption of the new permanent Power Station?

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**Acting Clerk:** Question 251, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state to whom it intends to contract a LNG tanker specifically to meet the needs of replenishing the Storage tanks at the Detached Mole for the needs of the new permanent power station?

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**Acting Clerk:** Question 252, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state what will be the 'all in rate' cost to the Government as a result of transporting the LNG to Gibraltar and its further transportation to the new power station, inclusive but not limited to, contract/s, fuel, shipping fees etc, both for the duration of the contract/s and on a monthly basis?

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**Acting Clerk:** Question 253, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state from where is the Government of Gibraltar intending to source the LNG requirements to power the new permanent power station?

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**Acting Clerk:** Question 254, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state how reliable is our source of LNG and is there a contingency plan if our primary source fails to deliver?

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**Acting Clerk:** Question 255, the Hon. J J Netto.

**Hon. J J Netto:** Can the Minister for the Port state whether any risk assessment has been conducted with respect to the impact of a pipeline across the north entry of the port, who conducted that risk

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assessment, what mitigations are required by the risk assessment, what impact such mitigation would have on Port operations and will the Hon. Minister provide Parliament with a copy of such report?

**Acting Clerk:** Question 256, the Hon. J J Netto.

**Hon. J J Netto:** Can the Government state which industrial entities it envisages operating in the Detached Mole in the next two years, specifying what type of industries they are and who the owners of such entities are?

**Acting Clerk:** Question 257, the Hon. J J Netto.

**Hon. J J Netto:** Can the Government say if any reports have been carried out to determine the potential risks to developments, housing estates and the Airport runway, due to the proposed new permanent power station and if so, could the Government provide Parliament with all documents in relation to this matter?

**Acting Clerk:** Question 258, the Hon. J J Netto.

**Hon. J J Netto:** Can the Government state what Environmental, Health and Safety and Fire Prevention measures are being put in place at the Detached Mole in order to guarantee that no accidents are likely to happen by the various industrial activities that currently operate within their own zone boundaries, or from any other activity likely to start in the next two years, and provide Parliament with all relevant reports in this matter?

**Acting 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, all the questions asked by the hon. Member are hypothetical and made as assumptions. Her Majesty's Government is at present in the process of a PIN, which is Priority Information Notice, which will determine how gas supply to the power station will be conducted.

**Hon. D A Feetham:** Mr Speaker, I do not understand how that could possibly be the case. May I refer the hon. Gentleman to Question 257? And the question, of course, the hon. Gentleman has bunched up about 20 questions, giving us the laconic answer that he has given. But Question 257 says 'can the Government say if any reports have been carried out to determine the potential risk to developments, housing estates and the Airport runway, due to the proposed new permanent power station?' That is not hypothetical; it is asking whether any reports have been carried out. Now, the answer must be either yes or no and then obviously, there might be an exchange as to whether it is disclosable or it is not disclosable.

**Mr Speaker:** Yes, I think it may have escaped the notice of the Minister that whilst the vast majority of all these questions deal with the LNG supply, Question 257 at first sight does not appear to be the case.

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, you are absolutely right, it does not, but it does deal with a power station which is at the moment not of determinable type and that is the issue. I think the hon. Gentleman is right to ask are there reports etc, but the answer is at the moment, they would be hypothetical reports based on a type of power station that is not yet determined. It is for that reason that I think the hon. Gentleman has given the answer.

**Hon. D A Feetham:** Mr Speaker, just in relation to that, obviously the Government must have an idea of the type of power station that it envisages will be constructed on this particular site and in relation to those, is there a report or is there not? I mean, we are not seeking to go further at this stage. Are there reports in relation to the safety issues that my hon. Friend Mr Netto has highlighted or are there no reports?

**Hon. Chief Minister:** Mr Speaker, there are of course a number of reports and the hon. Gentleman will know that there are reports even from the time that they were in office, but not in relation to – and this is the key – the proposed new permanent power station. At the moment, Mr Speaker, the type of power station is not determined and therefore it cannot be about the proposed power station. It can be about many other aspects of siting a power station there that there might be a report, but not about the proposed power station, because at present the power station that will be sited there has not yet been determined, as we have ventilated frequently this morning.

960 **Hon. D A Feetham:** But Mr Speaker, so early in the morning, I really do not want there to be  
controversy on something where there ought not to be controversy. But he is not answering, he is really not  
answering with a straight bat, with respect to the Hon. the Chief Minister, because even if you take what he  
says at its logical conclusion and also at face value, the Government has not yet determined what type,  
100% determined what type of power station it is going to build, but it must have an idea of the types of  
965 power station that it proposes to build. And in relation to the types, one would have expected a prudent  
Government to have conducted reports of this type and it is in relation to the types of proposed power  
stations, even giving him the latitude that I am prepared to give so late in the lifespan of this particular  
project it has to be said, are there reports dealing with these particular issues that my hon. Friend Mr Netto  
highlights?

970 **Hon. Chief Minister:** Ah Mr Speaker, so he now changes his question. He has understood my answer  
and of course he has understood my answer but he has to clothe everything that he says in aggressive terms  
and suggests that I am not answering with a straight bat. Mr Speaker, he says he does not like to be called  
Judy, he does not like to be called Punch, but he keeps shadow boxing. The problem is that he never hits the  
target. *(Laughter)*

975 The thing is, Mr Speaker, that the question as changed now is capable of a different answer, but we are  
dealing with the question as it was on the Order Paper. Of the types of power stations that there might be  
generally as to fuel types etc, are there reports? Well, Mr Speaker, the answer would have been different.  
The answer that has been given and is correct is about the proposed power station because there is not a  
proposed power station yet. There will be as soon as the tender is achieved and that is why the answer that  
980 the hon. Gentleman gave was correct.

**Hon. D A Feetham:** He has not answered the question. Are there reports – ?

985 **Mr Speaker:** I wonder if for the future, when Ministers are answering questions and grouping a number  
of them together, to exercise great care because this particular one, Question 257 could have been answered  
by the Minister together with the previous ones that he has dealt with this morning on the power station. It  
might have been more appropriate to have done that. So perhaps they would keep that point in mind and  
take extra care within the time limitations that they have when grouping answers together.

990 **Hon. S E Linares:** Mr Speaker, may I just say that he has already asked the question and it was in  
Question 240 where he said ‘further to oral Question 573, can the Minister with responsibility for Utilities  
please provide the Parliament with copies of the four reports’, so there is already indication that there are  
four reports. So that is why I put them altogether because the question was answered.

995 **Hon. Chief Minister:** Mr Speaker, thank you. I think that illustrates... I think the point that the Hon. the  
Minister has made now actually confirms the point you have made and that this question might have been  
better grouped with 240.

1000 **Hon. Sir P R Caruana:** Mr Speaker, understanding that the hon. Members opposite have not yet  
decided the type of power station that they wish to commission, nevertheless in their deliberations as policy  
makers and people that have to make this decision in due course, can the hon. Member say whether – I  
direct the question at the Hon. Minister, can the Hon. Minister say whether – he or the Government or its  
technical advisors have expressed any concern about – and therefore whether they have or have considered  
but rejected – the need to have any concern about choosing a gas fired power station on the grounds that, in  
1005 a small enclosed area like Gibraltar, gas may be a more potentially dangerous fuel to store than diesel?

Now the answer to that question may be that is Luddite scientifically, there is no reason to believe that  
gas is more dangerous than diesel or yes, it has been considered and we think it can be safely  
accommodated, notwithstanding those dangers. My question is: is somebody addressing the question  
whether gas is intrinsically unsuitable for a small enclosed locality like Gibraltar or not?

1010 **Hon. Chief Minister:** Mr Speaker, if I may say so, that is a very sensible question and of course it is  
right that there has to be an analysis of those issues and there have been analyses of those issues – not just  
in relation to North Mole but to other areas as well, because of the volatility of any fuel, and the hon.  
Gentleman uses the word ‘Luddite’. I think all of us, Luddite or not, have concerns about gas. It is the sort  
1015 of product that one can imagine being explosive in certain circumstances and what are the consequences of  
that?

Therefore the Government, before embarking on the process of tender, analysed whether or not it was  
possible to have gas in Gibraltar – and the hon. Member will not recall, he is not old enough and neither am

1020 I, but gas was present in Gibraltar in the past as a fuel used in kitchens and for heating, before we were able to rely on electricity as reliably as it is now possible to rely on electricity.

1025 The Government is satisfied that it is possible to have a gas fired station in Gibraltar, but there are – and this is why type or types is an issue – there are different types of technology that burn gas. You have dual fired engines that can also burn diesel and if you ever burn diesel in those engines then you have got different types of emission concerns and you need different types of flues and chimneys of different heights, which might not be appropriate close to an airport and you have got some that just burn gas and you have got different types of gas burners. He will recall from his time as Chief Minister, that these things required something called HAZOPs – this type of issue requires something called HAZOPs – and the Government has had HAZOPs about the possibilities of using gas and it is satisfied that we can progress down this road.

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**Hon. J J Netto:** Mr Speaker, if I may come back to the answer given by the Hon. Minister, I think I understood right that they are doing some kind of a PIN report, which he actually went on to describe what the initials stand for, and he then went on to say that report will determine how the gas is transported or how the gas will be implemented or how it will be transported. Can he perhaps elaborate on the kind of report that he was talking about?

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**Hon. S E Linares:** Mr Speaker, it is not a report. What it is, is that it is called a Priority Information Notice and what it does, it puts out a notice to all out there who are in the gas business, to put in their proposals. That means that you ask all the companies who supply gas, ‘We need gas and therefore can you please tell us how, where and all these issues, can you supply gas to us?’ so that is called a PIN, which is Priority Information Notice. It is not a report.

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**Hon. J J Netto:** But am I right in saying at the end of the day, whatever method is selected as a result of this particular notice, it can only either be transported through the land frontier or through a tanker, there is no other alternative way. Is that correct?

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**Hon. Chief Minister:** Mr Speaker, can I just clarify for the hon. Gentleman, the PIN does not necessarily lead to a selection, right? There may be an intervening process between the PIN and the selection which may be a tender. So he should not jump to that conclusion.

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**Hon. J J Netto:** Fine, I am grateful to the Hon. Chief Minister, but what I am trying to get at is that we are proceeding on the basis that gas, whether it is in liquid form or in gas form, natural gas will be imported into Gibraltar which can either be through a LNG tanker or through the land frontier. Is that correct?

1055 **Hon. Chief Minister:** Mr Speaker, without getting in to what will happen, the hon. Gentleman is asking, I dare say hypothetically but for reasons which I can understand, how could it happen. I think it could happen in a number of different ways. It could come in as liquefied natural gas in a bowser by road; it could come in as liquefied natural gas in a tanker by sea; or could come in by pipeline. The pipeline could come from Spain or it could come from North Africa. That is in terms of possibility.

1060 Now in terms of economically viable mechanism, I make no comment until we have received PIN and had an opportunity to consider; but in terms of possibility, those are the possibilities.

1065 And dare I say, Mr Speaker, just for the sake of the record, if we are talking about possibilities, as I was saying earlier, I understand that there is natural gas under the dockyard and therefore it could also be sourced in Gibraltar, but obviously the Government is not looking at fracking in the area of the South District.

**Hon. J J Netto:** Mr Speaker, could I ask either the Minister or the Chief Minister as to when is it expected that this particular notice will terminate, in order so that the Government could then assess the different bits being supplied to the Government?

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**Hon. S E Linares:** Mr Speaker, the Priority Information Notice is to do with... I think it has got to be by a certain date, 30, 50 days which they give companies to apply in and then after that date they just put in an interest, so it does not need to be all specific details on how and where it is coming from or whatever.

1075 What they do is they say, ‘Hold on, I can bring you gas. I will put my name down’, and then the process from then starts. So it is not... Like the Hon. the Chief Minister has just said, this is like an information notice, let us see out there who can bring gas. Then on the basis of who and how we are going to bring it, there could well be a tender process after that. There could well be.

1080 **Hon. J J Netto:** It does not follow then that there will be a tender process. In other words, if the bids by a number of suppliers provide something which is attractive to the Government in terms of the service, in terms of the cost, etc, does it mean that the Government can then award a particular contractor on the basis of that information?

1085 **Hon. Chief Minister:** Mr Speaker, to a great extent, the PINs are in the air now because the power station is not yet selected. So many will be saying, 'Well, we could offer this type, or this type of contract', but of course until we know what you are going to select, we are not able to firm up what we are going to offer you. Electricity is an area where European rules give an element of leeway to Governments, not to go to tenders, even if the usual EU thresholds are met. But a competitor process is one that usually produces a better result in terms of pricing. So if you go to competition, even if you do not have to go to competition, you may get a better price, unless what you are offered directly is so attractive that you wish to take it, and you are within the leeways that are allowed by EU rules, given that this is for the purposes of generating electricity.

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1095 And there are a lot of permutations here, so it is not impossible to see that somebody could put a hugely attractive offer but there are many considerations when making a choice in relation to gas, not just price and there is also the possibility if not necessarily the requirement, subject to advice on EU law, of wanting to or having to go to tender. So it is not an area which is as straightforward as others, where you simply say, 'Well, the contract is going to award us so much.' You have got to go to tender.

## HEALTH AND THE ENVIRONMENT

Q259-261/2014

### Conservation areas – Clearance of vegetation; importation of Partridges

**Acting Clerk:** Question 259, the Hon. J J Netto.

1100 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please provide a statement to Parliament stating all the areas both in the Upper Rock Nature Reserve, and in all designated European Special Areas of conservations in Gibraltar which, since December 2011, have been subjected to clearance of vegetation, shrubs and bushes which are endemic in this region, providing the dates and places throughout?

1105 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 260 and 261.

1110 **Acting Clerk:** Question 260, the Hon. J J Netto.

1115 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state whether all areas subjected to clearance of vegetation, shrubs and bushes, since December 2011 were, prior to such clearance, the object of an assessment as to the environmental impact such exercise would cause and if so, will the Hon. Minister provide Parliament with all relevant reports?

**Acting Clerk:** Question 261, the Hon. J J Netto.

1120 **Hon. J J Netto:** Can the Minister for the Environment please provide Parliament with all relevant environmental reports in relation to the designated area for the incoming importation of Partridges from Morocco?

1125 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Hon. Dr J E Cortes:** Mr Speaker, no areas containing endemic species have been cleared.

The 2005 Upper Rock Nature Reserve Management and Action Plan, together with the 2006 Biodiversity Action Plan, accurately mapped and assessed the vegetation of the Upper Rock and other sites of European importance in Gibraltar.



1130 These reports, which were not heeded by the former Administration, made recommendations for the management of different habitats which included among other measures that are currently being implemented, some clearing and thinning of habitats dominated by maquis. The objectives of clearing areas of maquis are to improve floral diversity and also to provide more open spaces for species such as the Barbary Macaque, the Barbary Partridge and the European Rabbit. The clearance of maquis has been a gradual exercise. It should be noted that maquis habitat is not endemic to the region and therefore there has  
1135 been no removal of endemic habitats in Gibraltar.

To date, clearances carried out after December 2011 have been done so in close consultation with local botanical experts who have carefully assessed the ecological condition of each site prior to any clearance works. All of the cleared areas are potential sites for the release of imported Barbary Partridge, although no  
1140 specific sites have been designated for this purpose to date.

Sites where habitat clearance activities have taken place include Lower and Upper Queen's Road, Governor's Lookout, Bruce's Farm, including the fire break, Jacob's Ladder, the City under Siege area, Hayes Level and Windmill Hill.

1145 **Hon. J J Netto:** I am grateful, Mr Speaker, to the Hon. Minister. I think he said that he had consulted, or at least the Department had consulted with experts in the Botanical Gardens, but can I ask him whether this discussion has also taken place in the Nature Conservancy Council as well?

**Hon. Dr J E Cortes:** Mr Speaker, I said botanical experts; I did not say the Botanical Gardens. All matters in relation to vegetation and the management of natural areas are discussed with the Nature  
1150 Conservancy Council, either at formal meetings in formal discussions, or in exchange of correspondence, and that includes this, yes.

**Q262/2014**  
**Commonwealth Park –**  
**Costs of creation**

**Acting Clerk:** Question 262, the Hon. J J Netto.

1155 **Hon. J J Netto:** Mr Speaker, can the Minister for Environment state what is the current cost of expenditure for the creation of the Commonwealth Park and what will be the expected cost once the park is finished?

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

1160 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the expenditure at Commonwealth Park will, as we have heard before, be made public on completion of the project.

**Hon. J J Netto:** Is there any particular reason why the Government cannot give what is the actual cost now. Is it a particular administrative problem in being able to ask the officials say, 'Well, so far, on the date  
1165 of today, we have spent so much money'? Is that a problem?

**Hon. Dr J E Cortes:** Mr Speaker, the issue has been discussed *ad nauseam* in previous meetings of Parliament. I have nothing further to add to the various explanations that were given by the Chief Minister  
1170 at the time.

**Hon. S M Figueras:** Mr Speaker, what has been discussed *ad nauseam* in this House was the hon. Member's refusal to provide us with estimates and not ongoing cost. You see, a few months ago, I asked a question in this House in relation to ongoing costs as at the date of that particular question and I had the  
1175 answer given to me.

A couple of months ago I asked a written question because I was not going to be present in the House and the question was further to the original one, what the ongoing costs were as at that date. It was a written question and I had no opportunity to pose a supplementary, but the hon. Member's reply was, 'We will give you all the figures at the end of the process.'

1180 So that is what has been discussed *ad nauseam* – the estimates, not the ongoing costs. There is not, to our minds certainly, any valid reason why the Government cannot provide us with an ongoing tally of the costs being incurred. The only reason we suspect is because they are quite embarrassed how expensive it is going to turn out.

1185 However, that being the case, could the hon. Member please tell this House, why it is, because we have not visited this point yet, why it is that he is not giving us a current tally of the costs of Commonwealth Park?

**Hon. Dr J E Cortes:** Mr Speaker, I think the two different aspects are actually quite closely related and I think they were discussed at the time.

1190 The information that was given was that in fact, the question related to estimates – I am using my memory now, but the information given was that the costs would be given at the time of completion of the project. At the time of completion of the project they could no longer be estimates. So I think that the two subjects are related.

1195 There is no embarrassment, Mr Speaker, as to the costs of this marvellous project and there will be no embarrassment once the costs are revealed. There are aspects which include the amount of funds that would be provided by a number of bodies which are not Government bodies, which will have a bearing on the final costs and that has not as yet been determined.

1200 **Hon. S M Figueras:** With respect to the Hon. Minister, my recollection tells me that we had the debate in relation to... the discussion rather, in Question Time, in relation to the estimates and the hon. Member's position was that they would not provide us with any estimates.

The month following that, I asked about the ongoing costs and received an answer, Mr Speaker. It was only in a subsequent written question, in a subsequent session, that I was then told that I would be given all the costs at the end of the process. They are two distinct issues.

1205 In relation to the ongoing costs, I acknowledge and recognise that there will be contributions from third parties to the cost of the park, but with respect I suspect my hon. Friend, Mr Netto has asked in the original question is for the ongoing cost of producing the park, not the ongoing cost to the taxpayer once we deduct whatever contributions these third parties may make. Now on that basis, can the Hon. Minister for the Environment tell us what the current cost so far of this project is?

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**Hon. Dr J E Cortes:** Mr Speaker, the expenditure of Commonwealth Park will be made public on completion of the project.

1215 **Hon. J J Netto:** Can I just ask one more question? Does the Hon. Minister not recognise that what the Opposition is asking is something which can very reasonably be provided by the administration of his Department, if he were to allow them to answer the question?

1220 In other words, you are only not providing us because it is a political decision that you do not want Parliament or the Opposition to know what the current cost is. But it is not on the basis that the administration department cannot produce the figure, because they can. It is just that the Minister has politically told them 'We will not inform the Opposition of what the current cost is.' Is that not true?

1225 **Hon. Dr J E Cortes:** Mr Speaker, clearly if a project is ongoing, the civil servants have figures available. I am not denying that, Mr Speaker, what I am saying is that I am not... What I said in my original answer, the costs will be made public on completion of the project and perhaps at that time, the people who will be embarrassed for having asked so repeatedly will in fact be the Opposition and not the Government.

**A Member:** Hear, hear.

**Mr Speaker:** Next question.

**Q263-264/2014**  
**New Harbour Views Bathing Pavilion –**  
**Water quality**

1230 **Acting Clerk:** Question 263, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the quality of the water around the new Harbour Views Bathing Pavilion to be constructed is adequate for bathing and if not, why not?

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**Acting 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 would have said in jest, not right now because it is probably too cold, but I will refrain from that.

1240 I will answer this question together with Question 264.

**Acting Clerk:** Question 264, the Hon. J J Netto.

1245 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the water around the new Harbour Views Bathing Pavilion to be constructed meets the quality Mandatory Values as set out by the Environment (Quality of Bathing Water) Regulations 2009?

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

1250 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Environmental Agency has been monitoring the bathing water quality around the proposed Harbour Views Bathing Pavilion since January 2012. The water has been found adequate for bathing under the Public Health (Quality of Bathing Water) Rules 1992 and the Environment (Quality of Bathing Water) Regulations.

1255 The bathing water quality meets both the mandatory and the stricter guide values cited under the Public Health (Quality of Bathing Water) Rules 1992 and the Annexe of Directive 76/160 concerning the quality of bathing water.

1260 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister confirm whether it is right for us to assume that the waters have complied with all that list of requirements consistently and without fail, for the whole period during which they have been under survey?

**Hon. Dr J E Cortes:** Mr Speaker, I have no information to the contrary. The information that has been provided to me is that they meet the conditions of the Directive and of local legislation, so I have no reason to doubt that at all.

1265 And we have been monitoring since January 2012 predicting the Government's intention of making it a bathing area, so that we had the information before we committed to so doing. We have been monitoring for two years and we would not have gone down that avenue – it would have been irresponsible for us to go down that avenue – if the water had not been of the correct quality, and therefore we have been monitoring for two years before we opened the bathing pavilion.

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**Hon. J J Netto:** Mr Speaker, could I ask the Hon. Minister a question, because what I understood from him was that the mandatory values have been met under the conditions of the European Directive. Now, my understanding is that the mandatory values as set out by the Directive have changed very recently, probably in the last couple of months, and could I therefore ask the Minister whether, when he said that we have met the mandatory values, he is speaking in relation to the existing one as seen in our legislation here in Gibraltar, or is he saying the new European mandatory values which perhaps may not have been incorporated within our own local legislation?

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**Hon. Dr J E Cortes:** Yes, Mr Speaker.

1280 The present waters meet the current regulations which are based on the European Directive and meet both the mandatory and the guide, so they meet both, they tick both boxes. But we have analysed that in relation to how the regulations are going to change for next year, for 2015 and using the figures that we have, they would qualify as 'good', and therefore they do meet the future requirements of the European legislation.

**Q265/2014  
Trees in Gibraltar –  
Number cut or uprooted since December 2011**

1285 **Acting Clerk:** Question 265, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state the number of trees cut or uprooted throughout Gibraltar since December 2011 on a monthly basis, stating both the place and the type of trees?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, other than dead trees, mainly palms affected by the red palm weevil and trees replaced due, for example, to danger caused, a total of 16 trees have been removed. All were properly assessed by experts prior to removal.

1295 During the same period, a total of 303 trees have been planted, not including approximately 140 at Commonwealth Park, making a total of approximately 443 trees planted since December 2011. This represents a net gain, excluding palm trees, of 427 more trees in Gibraltar since December 2011.

Details are provided in the schedule which I now hand over. *(Applause and banging on desks)*

1300 Mr Speaker, the schedule provides I think quite a lot of information which I am sure the Members opposite will find of interest. It lists those trees and it gives a reason for which they have been removed, be they dead or be they had been vandalised, another one was dangerous and so on. So I think it gives quite a lot of information which I am sure the Members opposite will find interesting.

**Answer to Question 265**

This list of cut and uprooted trees has been compiled from work carried out on behalf of the Department of the Environment from December 2011 onwards.

DATE	LOCATION AND TYPE OF TREE(S)	Column1	Column2	Column3
Jan-12	Removal of Eucalyptus Tree at Governors Parade			
Jan-12	Removal of dead Palm Tree adjacent to Admiral's Place entrance gate			
Feb-12	Removal of dead Palm Tree at 12 Scud Hill			
Mar-12	Removal of dead Palm Tree at Bruces Farm			
Apr-12	Removal of dead Palm Tree at Youth Club (What Club?)			
Feb-13	Palm Tree in planter next to No6 Guard House felled by MOD due to infestation of the Red Palm Weevil			
Mar-13	Schinus molle damaged by Vehicle was uprooted and replaced by tree of same species			
Mar-13	Citrus aurantiacum which was vandalized at Main Street was uprooted and replaced by a tree of the same species			
Mar-13	2 Platanus orientalis lost through fungus at Main Street were removed and replaced by trees of the same species			
Mar-13	9 dead Cupressocyparis leylandi at Glacis Estate removed and replaced by trees of the same species			
Mar-13	3 Metrosideros broken by a storm at Eastern Beach were replaced by trees of the same species			
Apr-13	8 dead Canary Palms felled within The Mount gardens			
Apr-13	Dead Canary Palm felled at Paradise Ramp			
Apr-13	Dead Canary Palm felled at Transport Lane			
May-13	Dead Canary Palm felled at Mother Goose Nursery, Queensway Rd			
May-13	Lagunaria in St Paul's School internal patio felled			
Jun-13	Eucalyptus Tree at Landport Ditch felled due to danger of collapsing			
Jul-13	Felling of 2 dead Canary Palms at The Mount			
Sep-13	Removal of 10 small infected Canary Palms at Waterport Terraces promenade which were replaced by shrubs			
Sep-13	Olive tree at The Mount felled as found hazardous. Semi mature Quercus planted			
Oct-13	4 dead Robinia Trees in green area adjacent to Harrington Building removed. 4 Quercus planted			
Nov-13	damaged citrus aurantium at Main Street removed and replaced with same species			
Dec-13	Dead Canary Palm at Central Hall parking area removed			
Feb-14	2 Ceiba speciosa and 1 Arecastrum Palm removed from GASA planter and replanted at Mid Harbours Estate due to works			
Feb-14	2 dead Canary Palms at Sacred Heart School removed			
Feb-14	4 Yuccas, 4 Pepper trees, 1 Ficus Elastica removed at the Coach Park			
Jan/Feb-14	4 pepper trees at No 6 Convent Place felled			

1305 **Mr Speaker:** I suggest we go on with the next question and we will come back to the schedule if the hon. Member feels it necessary?

**Hon. J J Netto:** May I ask a question?

1310 **Mr Speaker:** Yes, by all means.

1315 **Hon. J J Netto:** Notwithstanding obviously that I look forward to look at the schedule which will certainly be of interest to me, can I ask in relation to the 16 trees removed, without necessarily looking at the schedule, do those include the ones cut in Jacob's Ladder?

1320 **Hon. Dr J E Cortes:** No, Mr Speaker, we cannot confuse the removal of trees in urban areas for which there is a process which is now enshrined in the Environmental Protection (Trees) Act, which we passed at the last sitting of Parliament, **(A Member: Hear, hear.)** *(Banging on desks)* and the clearing of vegetation as legitimate management, in order to improve biodiversity.

The fact is that there was no clear distinction between the two formerly, but not being happy with that, this is why the Environmental Protection (Trees) Act now provides for removal of trees within the Nature Reserve and within the Botanic Gardens, provided it is done with the authority of the Government which is an authority that has been vested with the managers of those areas.

1325 Therefore, it is a completely different principle: one thing is specific trees in a largely urban setting and the other one is the management of vegetation which, sadly, because of the lack of management in years gone by, the vegetation of Gibraltar has developed into very thick *matorral* or maquis which has led to the drop in population which so concerns the Members opposite of the Barbary Partridge – so concerns them now, so I am sure that they are very pleased that we have been able to separate the two so that the

1330 management of urban trees in one setting is determined by one set of rules and the management of habitat, so we can improve it for nature, as I know they will welcome, is in another set of rules.

So it does not include those because it is not relevant, Mr Speaker.

1335 **Hon. J J Netto:** Mr Speaker, going back to my question, my question does not separate urban or rural. My question says 'in Gibraltar'. In other words, can I therefore ask whether the actual information answers the question or is he drawing an inference which is not drawn from by the original question?

1340 **Hon. Dr J E Cortes:** No, Mr Speaker, I am sorry, the Member opposite does not seem to understand the basic principles that I am referring to. If you are managing a wild site in a nature reserve anywhere in the world and you have an onset of scrub vegetation which are not generally trees of a large size, they could be but we are talking about shrubs, and you remove them as part of management, you do not go round counting how many shrubs or small trees you have removed, because you have (a) the scientific basis to do it; (b) the permission to do it and therefore you are actually treating it as one whole area of habitat.

1345 The implication in what the Member opposite is saying is that somehow the Department of the Environment has done wrong in clearing vegetation in order to improve the habitat for the Barbary Partridge. That is the implication in what he is saying.

1350 **Hon. D A Feetham:** Mr Speaker, may I read the question to the hon. Gentleman because it is not the question. He said, the question is: 'Can the Minister state the number of trees cut or uprooted throughout Gibraltar since December 2011?' That is the question. You have gone off at a tangent in relation to the Upper Rock and shrubs and shrubbery and what not, but that is not the question. Now, does he have the information to answer that question?

1355 **Hon. Dr J E Cortes:** Mr Speaker, I am sorry, the Opposition is showing – and if this word is one I cannot use in Parliament, put it down to my relative inexperience, although I have already sat in Parliament many more times than if I had been in four terms in another Administration – (**Several Members:** Hear, hear.) (*Banging on desks*)

1360 What the Opposition is demonstrating is an absolute ignorance, I do not know whether I can use that term, of the principles of managing natural habitat. If you clear an area of maquis, you do not go round counting how many constituent trees or shrubs and decide whether if it is this high, (*Interjection*) whether it is a shrub and that high, whether it is a tree. You do not do that. Mr Speaker, you cannot tell! You cannot tell! You cannot tell (*Interjection*) how many shrubs there are in an area of *matorral* – Mr Speaker – (*Interjection*) No, sorry, Mr Speaker, the natural progression, the logical progression (*Interjection*) – of the Members opposite – I am not giving way, Mr Speaker –

1365 **Mr Speaker:** Yes, will the Hon. Minister –

**Hon. D A Feetham:** A point or order.

1370 **Mr Speaker:** Now, what is the Standing Order that you are referring to?

**Hon. D A Feetham:** Mr Speaker, I am referring to the Standing Order that says that Government Ministers ought to answer the question that is asked, not a different question. Now that must be within the rules of Parliament – otherwise, Mr Speaker, there would not be any point in questions and answers.

1375 The question relates to – and there may be a confusion here, it does not relate to shrubbery, it does not relate to management of the Upper Rock, or anything of the sort. Look, the question is very clear, 'Can the Minister state the number of trees cut or uprooted throughout Gibraltar, since December 2011, on a monthly basis, stating the place and type of trees?'

1380 **Mr Speaker:** You have got the schedule: the information is contained in the schedule. (**Hon. J J Netto:** No –) It is not in the schedule?

**Hon. J J Netto:** No, Mr Speaker, I have asked. (*Interjections*) I asked the Hon. Minister in a supplementary question –

1385 **Mr Speaker:** One at a time –

**Hon. J J Netto:** Sorry?

1390 **Mr Speaker:** The Minister had the floor when –

1395 **Hon. Dr J E Cortes:** Mr Speaker, on the Point of Order, the question has been answered. The Opposition has not understood the answer or my explanation given in regard to the supplementary (*Interjection*) and by pressing that point, all they are showing is their absolute lack of knowledge on the management of natural habitats and I am absolutely, absolutely scared, just to realise that there are people who were Ministers of the Environment, who do not understand the basic difference between urban trees and the criteria one uses to manage urban trees, which is the answer I have given and the management of habitat, an area of vegetation where you do not go round counting the number of trees deciding whether one is a tree or a shrub because it is a bit bigger or a bit wider.

1400 Mr Speaker, if you were to take what they are saying to the logical extent, you would require, before you cleared any area for their now beloved Barbary Partridge, to go round counting every single shrub or tree, determining whether it was this high, this high or that high, is this a tree or not a tree, well, by the time you get that done, those alleged seven Barbary Partridges, which clearly there are more, would be gone, done and dusted.

1405 Mr Speaker, it is a ridiculous line of argument, absolutely ridiculous with no scientific basis and it is terrifying to see the calibre of environmental knowledge the Opposition has. (*Banging on desks*)

**Mr Speaker:** The Hon. Mr Netto. (*Interjections*) The Hon. Mr Netto had the floor and he wanted to ask a supplementary – may I?

1410 **Hon. J J Netto:** Mr Speaker, I will allow the hon. –

**Mr Speaker:** Very well.

**Hon. Sir P R Caruana:** Mr Speaker, I wonder if the Hon. Minister will just humour me for a while.

1415 I have no difficulty, there is no need for him to accuse me of being ignorant about the management of urban and that, because I plead, I admit it openly it is not something that I have ever dedicated myself to.

1420 But does the hon. Member not accept from me that – the question was ‘the number of trees that have been cut down in Gibraltar’ – somebody might be interested in knowing that, regardless of the fact that he was completely ignorant about the difference between the criteria that should properly be applied in chopping down trees in an urban environment and the quite different criteria which he is now alluding to, that would inform exactly the same practice in the management of the environmental vegetation, the flora in the upper town ridge? I have no difficulty accepting that.

1425 All of this, it seems to me, if the hon. Member does not mind me asking him, derives from the fact that the supplementary that my learned friend Mr Netto asked him was, given that the distinction that he was pointing out to the House about the difference in criteria – which I have no doubt is very sensible – between the criteria to be applied in chopping down a tree in Main Street or even in the back yard of No. 6 Convent Place, and the criteria to be applied in chopping down a tree in the Upper Rock, whether in giving a list of the trees that had been cut down in Gibraltar, which is set out in the schedule, that includes trees both in the Upper Town in the urban environment and in the non-urban environment, regardless of the fact that both those things may well be driven by different criteria.

1430 The answer is no, the trees in the Upper Rock are not included there because they are driven by another criteria, or yes despite the fact that they are driven by another criteria, the list does contain the Upper Rock. I mean, it is evident from the list that there are no trees in the Upper Rock, they are all in the urban environment, but of course that still leaves open the possibility that no trees may have been cut in the Upper Rock.

1440 **Hon. Dr J E Cortes:** I am grateful to the hon. Member for those comments and in fact for referring to those rotten trees in No. 6 which he will recall he had made several requests during his time as Chief Minister to have them removed and they were only removed very recently. So thank you for giving me that opportunity to point that out.

The trees within the nature reserve are not specifically counted because it is very hard to determine whether we are talking about trees or shrubs and it is not relevant whether they are or not.

1445 **Hon. Sir P R Caruana:** So, that is clear now then. There may be trees that have been cut down, there may or may not be trees that have been cut down in the Upper Rock, but they are not counted in this list, or anywhere else, because they are difficult to distinguish from shrubs.

1450 **Hon. Dr J E Cortes:** And Mr Speaker, the argument is not relevant in the context that a tree in an urban area is.

**Mr Speaker:** Next question.

**Q266-269/2014**

**Barbary Macaques –**

**Number confined prior to export; number of packs; noise makers**

**Acting Clerk:** Question 266, the Hon. J J Netto.

1455 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many Barbary Macaques have now been held in confinement prior to being exported to another country?

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

1460 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 267, 268 and 269.

**Acting Clerk:** Question 267, the Hon. J J Netto.

1465 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which country will receive the Barbary Macaques which are being held in confinement and when this is scheduled to happen?

**Acting Clerk:** Question 268, the Hon. J J Netto.

1470 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many packs of Barbary Macaque exist at the moment, stating the numbers per pack and location of their habitats?

**Acting Clerk:** Question 269, the Hon. J J Netto.

1475 **Hon. J J Netto:** Mr Speaker, can the Hon. the Minister for the Environment provide a definitive answer in relation to the noise makers bought in Spain, for the purpose of frightening the Barbary Macaques up to the Nature Reserve, as to whether they abide by European Legislation?

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

1480 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no Barbary Macaques are being held in confinement for purposes of exportation. There is an agreement with the receiving organisation that their identity will not be revealed until the receiving facilities are completed. A date has not yet been set.

Details with reference to Question 268 are provided in the schedule that I now hand over.

1485 Approximate numbers are given in the schedule provided. These are now being reviewed on a continuous basis, in order to obtain more accurate figures. It is always difficult to estimate the population of wild animals, especially when they frequent inaccessible areas, so that there is a margin of error which may be – and I am not committing to this number exactly – 25.

1490 Additional human resources now mean that more accurate figures will be collected in the future. It is planned to have the first full census in many years, this summer with the support of researchers from Notre Dame University.

1495 Regarding the fire crackers, I wrote to the hon. Member opposite on 18th February 2014 on this matter. The suppliers have informed the Department of the Environment that the noise makers which were bought from an authorised pyrotechnic vendor conform to EU standards and, as I explained in the letter, we are seeking independent verification.

**ANSWER TO QUESTION 269**

**Answer to Question 268**

There are five source groups of Barbary Macaques some of which are subdivided with more or less contact with the original site.

Approx Number of Barbary Macaques in each pack	Locations
1. 35	1 Royal Anglian Way – St Michaels, Jew's Gate, Mount Area, Loreto School, Short Horn, Europa Advance.
2. 67	2 Prince Philip's Arch, Cable Car.
3. 54	3 Middle Hill, MOD Rock Gun area, Galleries, Caleta village, Devils Tower Road, Laguna Estate, the jungle, Casemates, Emil's Hostel, Line Wall Road, Regal House, Turnbull's Lane & Moorish Castle Estate.
4. 35	4 Apes' Den, Devil's Gap, Trafalgar & Southern Main Street.
5. 12	5 Farrington's, Tower of Homage & Moorish Castle.

1500 **Hon. J J Netto:** Mr Speaker, in relation to the first answer provided by the Hon. Minister, Question 265... No, sorry, I beg your pardon Question 266, perhaps the word 'confinement' may have led the Minister to respond in his answer to say there is no confinement. Now I understood from this particular issue, from a statement made by the Hon. Minister in the past in Parliament, that a group of Macaques were going to be sort of placed in some kind of... I do not know, caged or words to that effect, so perhaps the word 'confined' may have... the use of that word may have drafted an answer. So perhaps if he could explain to the House whether there is in fact some particular Macaques who are already in cages or whatever.

1510 **Hon. Dr J E Cortes:** No Mr Speaker, I took it in the spirit that it was meant and I have answered without hiding anything. There are no Macaques that are currently being held in any way in captivity which are due to go to an external location. We have to start doing it with enough time before the exportation, but not with too much time, so we are still playing with exact dates. But at the moment, there are none in captivity for that purpose.

1515 **Hon. J J Netto:** Mr Speaker, in terms of exportation, I know the Minister does not want to get into the details of the particular country, that is fine we can leave it to one side, but can I ask the Hon. Minister whether the agreement that surely the Department will be signing on with the relevant authorities in that particular country, does it take it so far as to having a settlement programme for the Macaques in that particular country long after the leaving of the Macaques in that particular region?

1520 **Hon. Dr J E Cortes:** The Macaques will pass into the responsibility of the receiving organisation once they are handed over on their home ground, but members of the Department of the Environment will be travelling to the site both before and after, in order to ensure that all is well.

1525 **Hon. J J Netto:** Mr Speaker, moving on to the last answer provided by the Hon. Minister, which is Question 269, it is correct that he did write to me to state that the supplier of the fire crackers have stated that they do conform to the EU legislation. However, as he rightly pointed out now, the Department is seeking independent verification. Is that independent verification based on advice from the AG's Chamber?

1530 **Hon. Dr J E Cortes:** Mr Speaker, we are seeking legal advice to ensure that the noise makers, as specified by the supplier, do in fact conform with our initial information which I gave when I was asked previously was that it did but the question was raised and we sought more details from the supplier, and we are now seeking independent legal verification that it is correct.

In the meantime Mr Speaker, we are not currently using those noise makers.



1535 **Hon. J J Netto:** Would it be possible... Can I ask the Minister, will it be possible to share that information with the Opposition?

**Hon. Dr J E Cortes:** Mr Speaker, I have no problem whatsoever with that.

1540 **Hon. E J Reyes:** May I, Mr Speaker, ask the Minister – he might be able to enlighten me – in the schedule he has given in respect of the answer to Question 268, I have been trying to see... I declare a vested interest, Mr Speaker, I have had very close family members being personally attacked by the Macaques along Gardener's Road, especially when it comes to my granddaughters who have had the shock of their lives, having had simple items they were carrying in their hands and so on, snatched out of them. I  
1545 I am trying to find out from this schedule where those apes, or those Macaques probably come from and I am divided whether they pertain to those under number 1, because it seems they could either come down from the Shorthorn area or are they those from number 4, the Trafalgar and Southern End, because the Rock Hotel and Gardiner's Road is a well-known area for these Macaques, especially, they have got some young ones now and at times it is quite scary. I have personally been sat in that car for over half an hour, trying to  
1550 see if they will go away and without much assistance from the authorities when I have tried to contact someone to help me get home with my granddaughters.

**Hon. Dr J E Cortes:** Mr Speaker, I am grateful for the opportunity once again being given to me by the Opposition and I know that the hon. Member opposite has a long history of being accosted by Macaques, because I remember he used to call me years ago when he was accessing his office in the Ministry for  
1555 Culture, telling me that there were monkeys there and this was well before I ever even dreamt of becoming a Minister, so clearly it is a long-standing problem. I remember clearly.

I am glad to say that we have now put more resources and that we now have more people on the ground to be able to respond to calls. We have an extra five people dedicated full-time to tracking the Macaques  
1560 and to keeping them away from urban areas. We are trying hard.

But to answer the actual supplementary, the group that he is referring to, obviously we have not put in every single sheet but they are number four. They are the ones from Apes' Den who, on their way to Trafalgar and Southern Main Street, would chance by Gardiner's Road.

1565 **Hon. J J Netto:** Mr Speaker, if I may ask one final supplementary question in relation to the schedule, to the answer to Question 268. According to the information here, we have five packs and then we have the approximate numbers within each particular pack. Are we saying that those are the only existing packs?

**Hon. Dr J E Cortes:** Mr Speaker, as I explained in the two lines above the schedule, there are five source groups, some of which are sub-divided with more or less contact with the original site. When you have a group of Macaques and they are starting to fission you get certain smaller sub-groups normally led  
1570 by an adult female, who starts to move away and will come back to the source group with more or less frequency.

Therefore for example, if I can use the example of the number four, the Apes' Den group, where you can have numbers, the source group is still the Apes' Den, but if you get a group that is frequenting the Trafalgar Cemetery and there is plenty of food in that area, then they might not go back every day and eventually, they will lose a link and then they will become a different group, for want of a better word.  
1575

So there are five source groups which feed these different areas. This is different from what happens for example in the Laguna and Caleta area, in that it is one group that is moving around and we know that from GPS tracking. So there are five source groups, from them there will be sub-groups that will use different areas with more or less frequency.  
1580

But the thing is, that this is a dynamic thing and it keeps on changing all the time, so if I say, five plus three is eight, then tomorrow or the day after, there might be seven or there might be nine and it really depends. In nature it is always in a state of flux.

1585 So it is more accurate to refer to the source groups which they all originated from. Many years ago there were two, but if I go into the history, I would keep you here forever.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment confirm or deny the story which seems to have gone on in Facebook in the last couple of days, where Macaques have been culled by the  
1590 usage of a BB gun?

**Hon. Dr J E Cortes:** Mr Speaker, clearly not a legitimate supplementary. We can talk about monkeys, we can then talk about biodiversity and next time I tell you I will bring a power point presentation because I am sure we would all enjoy, but I can deny, there are no Macaques that have been shot by BB guns.

1595 Absolutely not. Well, Mr Speaker, certainly not legally by the Government – (*Laughter*) Other people, you know, I cannot respond. (*Laughter*)

**Mr Speaker:** Next question.

**Q270/2014**

**Gibraltar Nature Conservancy Council –  
Legal advice re request for minutes**

**Acting Clerk:** Question 270, the Hon. J J Netto.

1600

**Hon. J J Netto:** Mr Speaker, further to the answer to Written Question 91/2013, can the Government provide an answer in the terms set out by the Hon. Speaker in line 980 of the Question 460/2013 which states:

‘They will provide the basis of what the legal advice is, but the actual legal advice cannot be made available, it is a confidential document.’,

as this is not provided in answer to Written Question 91/2013?

1605

**Acting 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 basis of the legal advice is that the request involved the disclosure of internal communications, which is one of the conditions by which such information may be withheld.

1610

**Hon. J J Netto:** Mr Speaker, I was not asking for the actual report itself. Could I ask who provided such a report to the Minister?

1615

**Hon. Dr J E Cortes:** Mr Speaker, the Government’s legal advisers.

**Hon. J J Netto:** The AG’s Chamber, no?

1620

**Hon. Dr J E Cortes:** I am not going to name the individual concerned, but it was within the Government’s legal advisers.

**Q271/2014**

**Cancer nurses –  
Administrative support**

**Acting Clerk:** Question 271, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise if the Cancer Nurse specialists are receiving their own administrative support and if not, when will this happen?

1625

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, when this service was introduced, no provision was made for administrative support. However, administrative support is now provided from nurse management’s administrative pool.

1630

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this the same administrative support that was in place a year and a half ago?

1635

**Hon. Dr J E Cortes:** Mr Speaker, I cannot answer that question. I know that there is... The information provided to me by the relevant members of staff is that there is administrative support provided from the nursing pool. Whether it has been in place for a year and a half more or less, I would need to go back and

1640 find out. What I do know is that if there are any particular pressures, then as it is a pooled resource, then the support can be increased in number of hours and so on, but I do not really have the information tuned so finely.

1645 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the reason I ask is because last year, about a year and a half ago I asked this same question because a concern was raised by the Director of Nursing at a GHA Board meeting and the answer the Hon. Minister gave at the time was that administrative support for the Cancer Nurse specialist is being considered in the context of the overall need to boost specialist services.

So I am just asking if that exercise has been completed and what has been the outcome and if, as a result, the need for more administrative support has been identified, as was raised by the Director for Nursing at the time.

1650 **Hon. Dr J E Cortes:** Mr Speaker, I thank the Member opposite for reminding me of that question. I did not recall now when she asked the supplementary. I can only assume and for me it is very gratifying to know that I say things in Parliament and then the staff take it on board and provide the things that I have done. So I can only assume then that it is as a result of that process but in any case, I will certainly find out, out of my own personal interest if nothing else.

1655 **Hon. Mrs I M Ellul-Hammond:** And just, finally Mr Speaker, would the Hon. Minister inform me if that is the case by e-mail?

1660 **Hon. Dr J E Cortes:** No problem, Mr Speaker. Perhaps the hon. Member may wish to remind me if she has not received it within a reasonable period of time.

**Mr Speaker:** Next question.

1665

**Q272/2014  
Diabetes Strategy –  
Implementation**

**Acting Clerk:** Question 272, the Hon. Mrs I M Ellul-Hammond.

1670 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what the new Diabetes Strategy is and when it will be fully implemented as laid out in the Government's manifesto?

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

1675 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Government has a GHA Team with key professionals developing the strategy. The work is currently ongoing.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say when a full-time diabetes consultant will be employed and whether he is considering free prescriptions for insulin and other diabetic equipment?

1680 **Hon. Dr J E Cortes:** Mr Speaker, all these will be considerations that will be included in the strategy that is being developed.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so the Hon. Minister does not have a road map for this yet?

1685 **Hon. Dr J E Cortes:** No, Mr Speaker.

**Q273/2014  
A&E Department –  
New doctor**

**Acting Clerk:** Question 273, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the new doctor for the A&E Department will be employed and whether it will be a consultant or an NCHD?

1690

**Acting 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 recruitment process is about to commence and that is imminent – it may even have commenced since this was drafted – for an Associate Specialist in A&E.

1695

**Q274/2014**

**St Bernard's Hospital –  
Creating single-sex wards**

**Acting Clerk:** Question 274, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when will the wards at St Bernard's Hospital become male or female only, as per the Government's manifesto?

1700

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this is planned but there is no date set yet.

1705

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if this will happen after the new Elderly Care and Alzheimer/Dementia facilities are opened?

1710

**Hon. Dr J E Cortes:** Yes Mr Speaker, the joint use of wards by different sexes, although we try to manage it with cubicles and so on, is difficult with the kind of pressure that St Bernard's Hospital has been under for quite a number of years now.

As we roll out the facilities for the elderly elsewhere, this we are very hopeful will provide us with the ability to be able to divide the wards up as we propose to do. So I am looking forward to that happening so that we can actually take this additional step.

**Q275/2014**

**St Bernard's Hospital –  
New Stroke Unit**

1715

**Acting Clerk:** Question 275 the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the Stroke Unit will be set up at St Bernard's Hospital, as per the Government's manifesto?

1720

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, once again a working group of key professionals has been set up and is looking at the commissioning of the Stroke Unit at St Bernard's Hospital.

1725

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in October of last year, the Minister said in Parliament that an expert in stroke management was visiting the GHA, in fact that very same month. Can the Minister say whether the timetable for the implementation of the Stroke Unit has been prepared as per the recommendations of this expert?

1730

**Hon. Dr J E Cortes:** Mr Speaker, the expert came and we are still in communication with him on a regular basis. He will be back, I think it is in June – it may be July, but I think it is in June – and in the meantime, the group is now looking at how the GHA can carry out his recommendations in advance of the

1735 next visit, which will include some training of the key professionals. So it is ongoing but we are moving along as recommended by this expert, yes.

**Q276/2014**  
**GHA Review –**  
**Publication of document**

**Acting Clerk:** Question 276, the Hon. Mrs I M Ellul-Hammond.

1740 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say, seeing that the new GHA management structure is in place, when the GHA Review document will be published?

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

1745 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the new GHA management structure is not fully in place, as a selection for some of the posts has not yet been completed. As I have stated before, the Review document will be published once the process is complete.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, once the new management structure process is complete, or are there any other issues that need to be tackled before it is published?

1750 **Hon. Dr J E Cortes:** The report requires a lot of aspects to be tackled, but the commitment I believe I gave to Parliament is once the management structure is complete and that is the intention.

1755 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when the management structure, the new management structure implementation, will be complete?

**Hon. Dr J E Cortes:** We expect this to be quite soon. There is one particular post whose filling has been delayed due to health matters in relation to one of the applicants and we are just hanging on a little bit more but this should not take very long now.

**Q277/2014**  
**Medical Advisory Committee –**  
**Setting up**

1760 **Acting Clerk:** Question 277, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the Medical Advisory Committee, as per the Medical (Gibraltar Health Authority) Act 1987, will be set up?

1765 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this has already been set up. The first meeting was held some weeks ago and the terms of reference are being determined.

1770 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who forms part of the Medical Advisory Committee? Are all the doctors eligible to form part of this?

1775 **Hon. Dr J E Cortes:** Yes Mr Speaker, all doctors and dentists employed by the Gibraltar Health Authority are eligible and in fact, will be members of the Medical Advisory Committee. They are getting together terms of reference and the constitution and getting their committee organised. But yes, it is open to membership to all medical and dental members of the GHA.

**Q278/2014**  
**GHA Annual Reports –**  
**Publication for last three years**

**Acting Clerk:** Question 278, the Hon. Mrs I M Ellul-Hammond.

1780 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the 2011-12, 2012-13 and the 2013-14 Annual Reports of the GHA will be published?

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

1785 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the annual report covering 2011 has already been published. A report covering the period 2012 to 2013 is at present being prepared and will be published in autumn 2014.

**Mr Speaker:** Next question.

**Q279/2014**  
**Personal chemotherapy infusions –**  
**Removal by GHA health professionals**

1790 **Acting Clerk:** Question 279 the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if personal chemotherapy infusions can be removed at the GHA by GHA health professionals, whether they are being removed by them, and if not, why not?

1795 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the removal of personal chemotherapy infusions is not an established service. They have been removed on a few occasions when there has been a problem with the patient travelling back to Spain for this service.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister have plans to ensure that this does become an established service within the GHA?

1805 **Hon. Dr J E Cortes:** Mr Speaker, this has never been a service provided. It is normally provided by the clinic where the patient has the chemotherapy. We are looking at the possibility of bringing to Gibraltar a lot of the processes that are now done externally and this is one of the ones that is being considered as a possibility for the future.

**Q280/2014**  
**GHA statistical data –**  
**Website updates**

**Acting Clerk:** Question 280, the Hon. Mrs I M Ellul-Hammond.

1810 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why the GHA statistical data on the Government website has not been updated regularly and provide:

- 1815 (a) an update of document GHA 16 which has not been updated since June 2012;  
(b) an update of document GHA 11 which has not been updated since October 2012;  
(c) an update of documents GHA 1, 5, 6, 8, 14, 15, 25, 26, 27, 28, 29, 30 which have not been updated since June 2013;  
(d) an update of document GHA 23 which has not been updated since July 2013;  
(e) an update of documents GHA 12 and 13 which have not been updated since September 2013;  
(f) an update of documents GHA 2, 3, 4, 9, 10, 18, 19, 21, 22, 24 which have not been updated since December 2013; and

1820 (g) why the figures for ‘Children placed on the GHA dental waiting list’, document GHA 17, is not available?

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

1825 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the website had not been updated due to administrative delays. It is now up to date with the exception of the figures for children on the dental waiting list, as there is no longer a waiting list for this. The hon. Lady will no doubt wish to congratulate the Government for being able to maintain this.

1830 **Several Members:** Hear, hear. (*Banging on desks*)

## EQUALITY, SOCIAL SERVICES AND THE ELDERLY

### Q281/2014

#### Care Agency independent review – Progress update

**Acting Clerk:** Question 281, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services update this House on progress of the Government’s manifesto commitment to conduct:

‘a complete and independent review of the workings of the Care Agency’?

1835 **Acting 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, a review is ongoing. This is not a timed manifesto commitment and will be delivered during the course of this Parliament.

1840

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say which is the independent body that is conducting the review as highlighted in their manifesto commitment?

1845 **Hon. Miss S J Sacramento:** Mr Speaker, I have said that a review is ongoing; the independent review has not yet commenced. The way that we have decided to do it is first of all to review the service and then once that review is completed, we will undertake a further review independently.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain why a review of a review?

1850 **Hon. Miss S J Sacramento:** Okay, I shall explain, Mr Speaker.

When I first started, Mr Speaker, in the first week in my office, I sat down with the Head of Social Services and I suggested that we engage the services of an independent review in the UK. The answer, Mr Speaker, was, ‘Please, Minister, do not do that because it is so bad, *so bad*, that the morale of Social Services would be very low when the outcome of the independent review would be so disastrous.’

1855 That is the reason why we are doing it in a two-pronged manner, Mr Speaker. First of all, the reason, Mr Speaker, is because the people within Social Services know what was wrong with Social Services, and I am working very closely with the team leaders in each department, in order to bring it up to speed as it should be – as they think it should be, as they thought it should not be as it was before.

Mr Speaker, once that is complete, then we will go externally.

1860

**Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, if Social Services was so wrong and a review is being conducted and it will be fixed, then what is the need for spending money on an independent external review?

1865 **Hon. Miss S J Sacramento:** Mr Speaker, it may be that at that stage an independent review is not necessary. Because it is a commitment, we will consider it at the appropriate time.

**Chief Minister (Hon. F R Picardo):** If we have done such an excellent job by then [*inaudible*].

1870 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and the key here is how closely I personally am working with each individual team leader of each team within Social Services.

Anyway, Mr Speaker, in any event, this is a manifesto commitment which is not timed and something which we still have another two years to do, but I am pleased to say of the progress that has been made in Social Services.

1875 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Minister says that there is a possibility that she will be going back on the manifesto commitment of an independent review.

1880 **Hon. Chief Minister:** Mr Speaker, the manifesto commitments that we are delivering on, whether in relation to Social Services or elsewhere, are in the view of this party exactly that: commitments. Something which I commend to Members opposite they should understand, because their record of observing the commitments that they entered into in their manifesto is not so great.

1885 Now what the Hon. Minister has said is that once we have done our own internal review, it may be that there is not such a great need for an independent review. But Mr Speaker, the Cabinet will very likely insist that there is an independent review, given that we have already got a manifesto commitment in that respect. Even if the independent review then simply tells us that our own audit and changes in the Care Agency now deliver a service that is at last fit for purpose.

1890 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, for the sake of clarification, who is conducting the internal review? Is it the Chief Secretary or is it the members of staff within Social Services?

**Hon. Miss S J Sacramento:** Mr Speaker, I fail to see why the Chief Secretary would have any involvement whatsoever with the Care Agency which is an independent statutory body. The internal review is undertaken internally by management.

1895

**Q282/2014**  
**Care Agency –**  
**Plans for caseload database and paperless system**

**Acting Clerk:** Question 282, the Hon. Mrs I M Ellul-Hammond.

1900 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when a database for caseloads and a paperless system will be introduced to the Care Agency?

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

1905 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, Social Services already has a database for caseloads and are not planning to introduce a paperless system.

**Q283/2014**  
**Care Agency –**  
**Social worker caseloads**

**Acting Clerk:** Question 283, the Hon. Mrs I M Ellul-Hammond.

1910 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what the present caseload per social worker is, broken down by Team – that is, Adult and the Children & Families?

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

1915 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the caseload is as follows: Children and Families Team – Senior Social Worker, 23 and by Social Workers it is as follows: 17, 13, 15, 13, 6, 23 and 25.

In the Adult Team, the Team Leader has 25, the Senior Social Worker 28 and the Social Workers have 16, 28, 30 and 34.



**Q284, Q288, Q290, Q297/2014**  
**Social workers –**  
**Vacancies and recruitment**

**Acting Clerk:** Question 284, the Hon. Mrs I M Ellul-Hammond.

1920 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many Care Agency vacancies there are for Social Workers, broken down by grade and Team (Adult and Children & Families) and say how such vacancies arose from the previous post-holders, be it through resignation, retirement or transfer?

1925 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this together with Questions 285 to 288, 290 and 297.

1930 **Acting Clerk:** Question 285, the Hon. Mrs I M Ellul-Hammond.

1935 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacant Children and Families Team positions will be filled, where they will be recruited from, how much locum cover has already been paid since April 2013 and how much will this expenditure accrue for locum cover for social workers on a monthly basis, until outstanding vacancies are filled?

**Acting Clerk:** Question 286, the Hon. Mrs I M Ellul-Hammond.

1940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say, as quoted in the Government Press Release 84/2014, which is the dedicated recruitment agency the Care Agency has engaged, in order for it:

‘to work alongside the vacancies advertised locally’?

**Acting Clerk:** Question 287, the Hon. Mrs I M Ellul-Hammond.

1945 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if, when recruiting social workers from outside Gibraltar to fill any shortfall of skills in Gibraltar, the policy to live outside of Gibraltar will be relaxed?

**Acting Clerk:** Question 288, the Hon. Mrs I M Ellul-Hammond.

1950 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say whether the Residential Teacher Services is still on offer at Tangier Views and if not, when did this service stop and what has replaced it?

1955 **Acting Clerk:** Question 290, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many social workers are working in the Court Welfare Team?

1960 **Acting Clerk:** Question 297, the Hon. Mrs I M Ellul-Hammond.

1965 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what vetting and criminal records checks are made of supply and locum workers hired by the Care Agency from private care providers, who undertake temporary cover work for staff within the Care Agency, but who are not Gibraltarian and have lived or live outside of Gibraltar?

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

1970 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, there is currently one vacancy for the Team Leader for the Children and Families, a team which is being covered by substitution. The previous Team Leader resigned.

Additionally there is a vacancy for Team Leader in the Disability Service, but this position is under review since it has been identified that it does not necessarily need to be held by a social worker. This position is currently being covered by substitution and the previous Team Leader retired.

1975 There is also a vacancy for a new Social Worker that has been temporarily upgraded to Senior Social Worker, in order to carry out specific tasks in the Adult Team.

I can confirm that vacant Children and Families Team positions have already have been filled, save for the Team Leader post, which is being covered by substitution. These have been recruited through a UK-based recruitment company which specialises in social care professionals and qualified social workers, called Caritas Limited. Social Services does not use locum workers to undertake temporary cover.

1980 The requirement that social workers recruited from outside be required to live in Gibraltar was already relaxed by the previous administration, as many social workers lived in Spain prior to December 2011.

I can confirm that the post of teacher in Residential Services is a complement post, albeit the possibility of revising the position to make best use of this resource is being considered.

There is one social worker in the Court Welfare Team.

1985 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, and the response to Question 297, I believe that was asked.

1990 **Hon. Miss S J Sacramento:** Yes Mr Speaker, sorry. In relation to the first part, we do not use locum workers but in relation to supply staff that may be engaged, I can confirm that following vetting and criminal record checks are carried out for all private care providers who may undertake any temporary work in the Care Agency. What we do is we request a *Certificado Penal* if they come from Spain, or CRB or DBS checks in the UK or elsewhere.

1995 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to Question 290, the Hon. Minister said there was one social worker working in the Court Welfare Team. Is this enough to satisfy the Government's manifesto commitment of ensuring that the Social Services Court Team are sufficiently resourced to be able to work within the framework of the Children Act?

2000 **Hon. Miss S J Sacramento:** Mr Speaker, there are times when perhaps the overload of requests from court for Court Welfare Reports increase and it varies from time to time. In cases where we may perhaps get more referrals in a particular month, what we do is other social workers may assist the social worker who is currently working in the Court Welfare Team preparing those reports or there are circumstances where this is covered by overtime.

2005 But in any event, if at any particular circumstances, there would be a particular increase in caseload as a result of the Children Act and the requirement that came into the Children Act, then that would be dealt with accordingly.

2010 I remind the hon. Lady that the Children Act came into force in 2011 but there was no increase in complement in Social Services to be able to deal with this, but we have actually increased the complement of social workers in order to alleviate the statutory requirements within the Act.

2015 **Hon. Mrs I M Ellul-Hammond:** So the Minister is happy that – because I believe this person is employed on a part-time basis – that despite it having been introduced in 2011, that it is enough to cover this service. And, if I may as I am on my feet, we understand this person will be retiring soon: is someone already being trained to replace the person in this role?

2020 **Hon. Miss S J Sacramento:** First of all, Mr Speaker, while the person works part-time as I have just said, as and when necessary this person works full-time and at present she is working full-time. Now the fact that this person, whether this person is retiring or not is, Mr Speaker, quite frankly news to me. Clearly the hon. Lady has more information than I have. I do not know whether it is direct or whether this is speculation, (**A Member:** Or it is accurate.) or whether it is accurate at all, Mr Speaker. I certainly have had no indication and it surprises me, Mr Speaker, because I have quite a close working relationship with my staff and I do have regular management meetings with my staff and this has never been raised.

2025 Having said that, Mr Speaker, I am sure that if this were to be the case, it would be raised at the relevant time and if it were, then of course we would have planning progression in place, as we already do, which is something that we have very recently introduced in Social Services.

**Mr Speaker:** Next question.

2030 **Acting Clerk:** Question 289

**Mr Speaker:** Do you have a supplementary?

2035 **Hon. Mrs I M Ellul-Hammond:** Yes Mr Speaker, in relation to the teaching post at Tangier Views, how long has Tangier Views been without this teacher?

2040 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have that information before me but the person who previously held this post resigned but this post has been covered by another person within the Care Agency who did have a teaching qualification, so that person was acting in that post and in addition, we have been receiving a lot of assistance from the Department of Education, because we have had retired teachers assisting as well. So there has actually not been any impact since the person who was in this substantive post left.

2045 **Acting Clerk:** Question 289, the Hon. Mrs I M Ellul-Hammond.

**Hon. Miss S J Sacramento:** Mr Speaker, I am loathe to interrupt but I have just had a message from my staff, that I am told by management that the Court Welfare Officer has no intention of retiring. I just thought I would bring it to the attention of this House. (*Laughter and banging on desks*)  
2050 Perhaps the hon. Lady should not listen to all the gossip that she hears and all the rumours. Perhaps that would be a more responsible way before she starts scaremongering.

**Q289/2014**  
**Care Agency –**  
**Legal work**

**Acting Clerk:** Question 289, the Hon. Mrs I M Ellul-Hammond.

2055 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I do not think it is scaremongering that I should raise concerns, very serious concerns that have been brought to me and issues that people want me to raise, as it is my duty to ask questions in this House. (*Interjection*)

Mr Speaker, can the Minister for Social Services say who is undertaking the legal work on behalf of the Care Agency, broken down by the firm and how much has been paid during this 2013-14 financial year so far?

2060 **Acting 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 majority of the Care Agency's legal work is undertaken by the Attorney General's Chambers. However, there are occasions where external counsel is sought.

2065 Legal work on behalf of the Care Agency during 2013 and 2014 have been carried out as follows: Hassans £39,931.15; Stowe Family Law £13,691.25; and Isolas £1,500.

**Q291/2014**  
**Adoption and Fostering Service –**  
**Review**

**Acting Clerk:** Question 291, the Hon. Mrs I M Ellul-Hammond.

2070 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if the Adoption and Fostering Service will be reviewed and if so, when?

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

2075 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Adoption and Fostering Service is already under review.

**Q292/2014**  
**Child Protection Team –**  
**Resourcing to protect vulnerable children**

**Acting Clerk:** Question 292, the Hon. Mrs I M Ellul-Hammond.

2080 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when Government will be fulfilling its manifesto commitment to ensure the Child Protection Team will be sufficiently resourced to effectively protect vulnerable children and that there is a proper follow-up system to ensure long-term protection?

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

2085 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, Government commenced its manifesto commitment to ensure the Child Protection team will be sufficiently resourced to effectively protect vulnerable children, and that there is a follow-up system to ensure long-term protection, since we commenced this term of office.

2090 Already there have been a number of growth posts and additional staff to the Children and Families team so as to ensure this. These are listed as follows: two social worker growth posts; one assistant social worker; four administrative workers; and two newly qualified social workers engaged under the GRAD scheme.

2095 There is now an established reviewing system whereby a Reviewing Officer reviews children on Child Protection Plans as well as 'Looked After Children'.

**Q293-294/2014**  
**Hogar Betania, La Linea –**  
**Homeless shelter care for Gibraltar men**

**Acting Clerk:** Question 293, the Hon. Mrs I M Ellul-Hammond.

2100 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if there are any local men being looked after at the homeless shelter in La Linea, Hogar Betania and if so, are there plans for the Care Agency to provide halfway accommodation for them in Gibraltar?

2105 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this together with Question 294.

2110 **Acting Clerk:** Question 294, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if she has met with the Management of Hogar Betania in La Linea and if so, provide Parliament with the number of times and dates of such meetings?

2115 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Hon. Miss S J Sacramento:** Mr Speaker, the Government of Gibraltar or the Care Agency do not run or operate the homeless shelter in La Linea and as such, I am not aware who uses it or not. In fact the Care Agency does not run the homeless shelter in Gibraltar either.

2120 The Care Agency is not aware of any person currently being looked after in La Linea. No referral has been made to Adult Services or the Care Agency in respect of any person who is staying in a shelter, needing accommodation in Gibraltar.

I have not met, nor have I nor the Care Agency, ever been contacted by management in Hogar Betania.

2125 **Mr Speaker:** Next question.

**Q295-296/2014**

**Alzheimer's and dementia care –  
New facility and Dementia Day Care Centre**

**Acting Clerk:** Question 295, the Hon. Mrs I M Ellul-Hammond.

2130 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the new Alzheimer and Dementia facility and the Dementia Day Care Centre, both at the former RNH site, will open?

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

2135 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with 296.

**Acting Clerk:** Question 296, the Hon. Mrs I M Ellul-Hammond.

2140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacancies for the new Alzheimer and Dementia Facility workforce at the former RNH site will be advertised and what will be the composition and skill mix?

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

2145 **Hon. Miss S J Sacramento:** Mr Speaker, the Alzheimer and Dementia Residential Facility and the Dementia Day Centre at the former RNH site, are envisaged for completion in July 2014.

Staff vacancies in relation to the residential facility will be advertised when ready to do so, in conjunction with the planned opening.

2150 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, last October the Minister said in Parliament that the residential facility would open at the beginning of this year. Why the delay to July of this year?

2155 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately we are only as good as the deadlines that are given to us by the contractors, and while of course the Government imposes deadlines, sometimes there are reasons why the contractors cannot keep to them. As far as I am concerned, this should have been ready earlier and if I could, Mr Speaker, I would get a roller and the paint and do it myself if that meant it would make it quicker. But there is nothing further that I can do, Mr Speaker, other than ask the contractors to ensure that the deadlines are kept to.

2160 It is important for this administration to make sure that both these facilities, which are very essential facilities to the community, be completed as soon as possible. Having said that, Mr Speaker, in the meantime we have to be mindful of course that this Government has increased the budget in relation to domiciliary care made available to people at home and this has a very significant impact on people who are sufferers from dementia.

2165 So while we are conscious on the one hand that the facility has not been opened in the timescale that the Government desires it to be, we are addressing it on the other hand by offering domiciliary care to people at home.

2170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, has the decision not yet been taken on the composition and skill mix for the workforce for the facility seeing that the facility is imminent to open within four months' time. A recruitment process will need to take place and potential employees perhaps to give notice elsewhere. So where is the Care Agency in relation to a decision on the composition and the skill mix for this new facility?

2175 **Hon. Miss S J Sacramento:** Mr Speaker, I have answered this question before in relation to composition and skill mix and as I have explained to the hon. Member in the past, it is pretty much a formulaic decision and it is a ratio of staff to the number of beds that we have.

But that is not the issue, Mr Speaker. The issue is to ensure that we have competent and qualified workforce available in Gibraltar and not to fall into the same trap that unfortunately the GSD did when it expanded the elderly residential beds in Mount Alvernia, where they found that there was no skilled workforce in Gibraltar.

2180 So let me tell the hon. Lady what we are doing. Because we know that we are opening these facilities, and because we know that we will need staff and because we know that historically people do not

necessarily have experience in working in elderly care, we have through the Employment Service started providing courses for people who wish to work in elderly care, thereby giving them, assisting them to acquire requisite skills and experience to work in this field. Because we are doing exactly what we need to do; we are forward planning and making sure that we have the workforce available and ready for when this place is ready to open, Mr Speaker. (*Banging on desks*)

2185  
2190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give more information as to these courses. How long the courses are, who the accrediting body is, what the qualification is that they will receive?

2195 **Hon. Miss S J Sacramento:** Mr Speaker, it is an induction course into elderly care. I think that the course takes about five weeks. It is run pretty much by people from the Care Agency, there are some people who may be sub-contracted for particular modules but it is pretty much... it mirrors the induction training that someone would receive when starting work at the Care Agency.

2200 So what we are doing is we are training people head on. So instead of waiting to open the facility and train everybody at the same time when we open, what we are doing is that we are running this course every month, or almost every month, so that we can start training people and start to make sure that they have the skill mix. Of course, these people can also be available should vacancies arise elsewhere before the facilities are open. We have been running these courses, we have run a couple of these courses already so we have already started training people.

**Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, what is the qualification?

2205 **Hon. Miss S J Sacramento:** It is not a qualification as such, Mr Speaker; it is a certificate, and it is an accreditation by the Care Agency that people have undergone training into elderly care. People at the end of it will get certificates if....

2210 Let us say, for example, part of this course will require people to undertake a course in first aid. At the end of the first aid course, they will have a certificate confirming that they have attended the course in first aid. If they then undertake a course in manual handling, then they will have some kind of accreditation that they have been through that. They will get a generic sort of certificate from the ETB confirming every single module that they have undertaken. But because some modules are sub-contracted, I think that the first aid course is one of them, and then the provider will provide a confirmation of certification of the successful completion of that module.

2215 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, is the Minister saying that up until these courses started, none of the people working within the Elderly Care Agency were qualified?

2220 **Hon. Miss S J Sacramento:** No, Mr Speaker. Perhaps if the hon. Lady were to listen to what I am saying, she would have said that I have just said the contrary to what she has just said.

2225 What I am saying is, when people start working for the Care Agency, before they start working, they undertake the generic core training. That is something that we do now and that is something that was undertaken before. People do not apply for a job and if you have got no experience, off you go in Mount Alvernia and do what you like. You know, you go and you have your training.

Our generic core training that is delivered in Mount Alvernia now is different to what it was before because we have enhanced it some more and that is just a sort of a general review of the service and the progress.

2230 What I am saying is that training, that is delivered to people who work for the Care Agency – i.e. there is a vacancy in the Care Agency, you apply for a job, you do the training and you go and work if you are successful in the completion of the training – is being offered before the other facility is open. So that by the time that the other facility is open, we do not have to worry about starting the training again for everybody, we will have people who have already done the training and people who are ready to go in. Maybe at the time what we will do is we may have to have a refresher or something like that, but at least the bulk of the training will be there.

2235 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, then can the Minister confirm that all the existing care workers that worked with the elderly, were they trained and are they properly trained? Not new ones coming in to the system, but all the existing ones that were inherited from the time when my hon. Friend was the Minister for Social Services.

2240 **Hon. Miss S J Sacramento:** Mr Speaker, honestly, talk about own goals! I can for sure confirm that every single entrant into the Care Agency after December 2011 have undergone Care Agency core training.

2245 I would sincerely hope that everybody had undergone the core training before they started in Mount Alvernia when the hon. Gentleman was the Chairman of the Care Agency. I have no reason to doubt that he would not have insisted on these standards in the same way that I do now.

2250 But, Mr Speaker, because I always had that little bit of a fear that maybe everybody had not gone through the core training, I asked my training team to go through every single member of staff, to ensure that they had undertaken the core training and lo and behold, there were people who had not undertaken the core training before December 2011. So what the hon. Gentleman missed, gladly I have picked up and that failure has been addressed. So I am grateful to the hon. Lady opposite for pointing that out.

I am sure it was not intentional on the part of the hon. Gentleman, but I can certainly confirm that everybody who today works in the Care Agency is properly and sufficiently trained – not only in the generic core training, which of course is essential, but of course we do take other training over and above.

2255 **A Member:** Hear, hear. (*Banging on desks*)

2260 **Hon. J J Netto:** Mr Speaker, with your indulgence, would it be possible if I could go back to Question 294, this is the one that relates to the management of Hogar Betania, because if I understood the hon. Lady, she gave a categorical statement to the effect that she has never had any meetings whatsoever with Hogar Betania.

2265 Given that my understanding is that she did have a meeting which was over a year ago and she had a meeting with the Director of Hogar Betania, the lady Mrs Begonia Araña, but given that this was a year ago, will she not try and cast her mind over a year ago, to confirm or deny that she has had, or had not had a meeting with this lady?

2270 **Hon. Miss S J Sacramento:** Mr Speaker, I actually pride myself in having a very good memory. I think that if I had had a meeting with someone from a homeless shelter a year ago, I would remember. I confess that of course I may be mistaken, but I certainly do not recall having ever met anybody from a homeless shelter in La Linea ever.

2275 The hon. Gentleman has just mentioned a name, the name does not sound familiar to me at all. It may be that I have spoken to someone from La Linea, that person from La Linea but if that person did not tell me that they were management of the homeless shelter, then I am none the wiser.

Mr Speaker, it is not my intention to mislead this Parliament at all –

2280 **Hon. F R Picardo:** But why would you deny it?

2285 **Hon. Miss S J Sacramento:** But why would I deny it? Mr Speaker, I have never had a meeting, whether formal or informal, with anyone from a homeless shelter in La Linea in their capacity as management from the homeless shelter in La Linea, to my knowledge. Maybe that... I go to many places, I meet many people on social occasions. That person may have come to me and said hello – and may just have said hello and goodbye, without me knowing who that person was. (*Laughter and interjections*) I genuinely do not recall ever having met that person nor is there any record of me meeting anybody in my office. But maybe the hon. Gentleman and I can have a chat later on and he can enlighten me, because there may be, you know –

2290 **Hon. Dr J E Cortes:** No, he will tweet it now! (*Laughter*)

**Mr Speaker:** Next question.

**Q298/2014**  
**Monument to women of Gibraltar –**  
**Details of sculpting and erection**

2295 **Acting Clerk:** Question 298 the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say when the winning design of Ruth Macias Greenburg, selected in March 2013 for a monument to the women of Gibraltar, will be sculpted and erected in a prominent place in Gibraltar and where it will be erected?

2300 **Acting 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, Government is in the process of identifying a suitable location. Once the location is identified, we will then commission for the sculpting and erection of the monument.

2300

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when the monument will be sculpted and erected? Is it within months or within a year?

2305

**Hon. Miss S J Sacramento:** Mr Speaker, as I said when we find the suitable location, because it will all depend on the location.

**Mr Speaker:** Next question.

**Q299/2014**  
**Domestic Violence Forum –**  
**Meetings and strategic plan**

**Acting Clerk:** Question 299, the Hon. Mrs I M Ellul-Hammond.

2310

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say if the new Domestic Violence Forum as outlined in Question 790/2013 has officially met, giving the date or dates of meetings and what strategic plan to eliminate domestic violence in Gibraltar has been decided on?

2315

**Acting 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 parties have not met formally as a forum, but I continue to work with individual parties in the meantime.

2320

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, last December in Parliament, the Hon. Minister said the forum would formally meet in the New Year. Can the Minister say when will that be?

2325

**Hon. Miss S J Sacramento:** Mr Speaker, the forum will meet when the forum is ready to meet. This is something, Mr Speaker, that is – the hon. Lady can laugh, you know, but the hon. Lady may want to recast her mind back to prior to December 2011, when there was never an intention to have a Domestic Violence Strategy so actually, the hon. Lady should be grateful of the initiatives that we are now having, to make sure that we have strategies and policies in place – things that happen all over the world, but we were operating in a vacuum in Gibraltar.

2330

This is certainly a very, very important policy and because I recognise the importance of this policy, I am working very closely with all the parties involved. Let me explain, for example, Mr Speaker, we have got the halfway house and the homeless shelter for women which is primarily funded by Government, but there was never even any instrument regulating how that works. That is one of the things that I have had to deal with. There are so many things, so many gaps, so many holes there, so many things that I have to deal with, that my strategy is that, before we all meet as a forum, to make sure that every single party who is going to form part of the forum have their own ducks in order.

2335

But Mr Speaker, the hon. Lady can rest assured that this is a strategy that is very important to me and a strategy that will succeed. (*Banging on desks*)

2340

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I only asked the question because she did say last December that they would formally meet in the new year and we are already nearly four months into the new year. Mr Speaker, the Minister mentioned that there was no instrument regulating the Women In Need shelter in place. Can she then say what the instrument that has been devised by the Minister, what instrument has been put in place by her?

2345

**Hon. Miss S J Sacramento:** Well, the Minister and her office are in the process of devising an instrument. Mr Speaker, yes, because I think it is very important when a substantial amount of taxpayers' money is passed over to this organisation, which of course is an important and a valuable organisation and it fits into the puzzle of dealing with domestic violence, I think it is very important that we need to have a *modus operandi* in order so that... you know, things need to be regulated and things need to be above board.



**Q300/2014**  
**Women in the workplace –**  
**Collection of data**

2350 **Acting Clerk:** Question 300, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Minister for Equality's statement in the *Chronicle* on International Women's Day, can the Minister give further details on the statistics that are being collected on women in the workplace in different sectors of the economy by (a) who is collecting the data; (b) how is the data being collected; (c) how large is the sampling frame, i.e. number of women and number of workplaces surveyed; (d) which sectors of the economy are being surveyed; (e) who will be analysing the data to highlight any trends in earnings; and (f) when the data will be ready for inspection?

2360 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this is a study that is in process. A preliminary collation of information is being undertaken by researchers employed by the Graduate Research and Development Company.

2365 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say whether this pilot study has been completed by the graduates?

**Hon. Miss S J Sacramento:** No Mr Speaker. It was started some months ago and it is still, as I have said in my first answer, it is in the process of...

2370 **Hon. Mrs I M Ellul-Hammond:** And Mr Speaker, does the Minister have any idea after this pilot study has been looked at, how it will be rolled out to the wider economy?

**Hon. Miss S J Sacramento:** Not until I know what the study says. I will consider it at that stage.

**Q301/2014**  
**Empowering women and girls –**  
**Further details**

2375 **Acting Clerk:** Question 301, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Minister for Equality's statement in the *Chronicle* on International Women's Day, can the Minister give further details on how, through Social Services, 'young girls and women will be empowered'?

2380 **Acting 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 article actually states:

'Through Social Services we are looking at empowering young girls and women in different ways.'

2385 Therefore what I mean is exactly that, that we are looking at initiatives that we can draw on so as to empower young women. As these initiatives are undertaken, they will be announced as and when appropriate.

2390 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say what initiatives are being looked at?

**Hon. Miss S J Sacramento:** Mr Speaker, Social Services are looking through a wide range of services that can be made available, for example to girls through the Department of Education. One of the things that we are looking at, for example, at the moment is to do with eating disorders. As I said, this is a work in progress. Again, going back to the similar answer to my Domestic Violence Strategy, it is about having strategies – strategies that never existed, strategies that were never there and it is strategies that we are starting from the drawing board.

2400 Now because we are starting from scratch, these are things that we are looking at, we are looking to see what the needs are and that is then when we will look and see how we will prioritise the different initiatives that we are doing. We have identified a couple of initiatives that we need and what we are doing is now we are in the process of... well, we already have met with the Department of Education and the Health Authority to see how together, where necessary and where appropriate, we deliver these strategies.

**Q302/2014**

**Convention of the Elimination of all Forms of Discrimination Against Women –  
Extension to Gibraltar**

**Acting Clerk:** Question 302, the Hon. Mrs I M Ellul-Hammond.

2405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Minister for Equality's statement in the *Chronicle* on International Women's Day, can the Minister give further details on the practical applications of the Government's formal request for extension of the Convention of the Elimination of all Forms of Discrimination Against Women to Gibraltar?

2410 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2415 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Convention Against All Forms of Discrimination Against Women (CEDAW) has been described as an international bill of rights for women, as it defines what constitutes discrimination against women and it sets up an agenda for national action to end such discrimination.

By requesting the extension of the UK's ratification of the Convention to Gibraltar, Her Majesty's Government commit themselves to undertaking a series of measures to end discrimination against women in all forms.

2420 The aim of the Convention is to provide equality between men and women through ensuring women's equal access to and equal opportunities in political and public life and education, health and employment – sorry, Mr Speaker, I think I am reading from the wrong paper. Sorry yes, under the Convention, national reports are required to be submitted on measures that State Parties have to take to comply with their treaty obligations. Reports are submitted at least every four years and Her Majesty's Government shall on extension have a reporting obligation.

2425 Sufficient laws and policies are in place in Gibraltar for the purposes of implementing and complying with the Convention obligations.

2430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister clarify what exactly the Government will be reporting on?

**Hon. Miss S J Sacramento:** Mr Speaker, as I said the report is in relation to compliance with Treaty obligations.

2435 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, which are exactly what?

**Hon. Miss S J Sacramento:** Mr Speaker, the Treaty obligations are all outlined in the Convention. The hon. Lady is free to read them at her leisure. It is a public document, Mr Speaker.

**Q303/2014**

**Dr Giraldi inquiry –  
Costs so far**

**Acting Clerk:** Question 303, the Hon. D A Feetham.

2440 **Hon. D A Feetham:** Mr Speaker, can the Government please state what has been the cost to the Taxpayer so far of the Dr Giraldi enquiry?

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

2445 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, given that the inquiry remains ongoing, the Government does not feel it appropriate to comment on anything in relation to the inquiry at this stage.

2450 **Hon. D A Feetham:** Mr Speaker, I am not asking the hon. Lady or the Government to comment on the substance of the inquiry or anything that could possibly impact on the inquiry or that could possibly cause any kind of prejudice to the inquiry. I am just simply asking what the cost to the taxpayer has been so far of the Dr Giraldi inquiry. Now, is there a reason in principle why you ought not to provide that information which cannot possibly impact on the inquiry?

2455 **Hon. Miss S J Sacramento:** Mr Speaker, my answer was very clear. This forms part of the inquiry. The inquiry is not over and the position of the Government is that the information will not be provided until the inquiry is over.

2460 Quite frankly, Mr Speaker, I am surprised at the inconsistent approach taken by the Opposition, because this is the third time that this question has been asked, but on the two previous occasions when I gave the same explanation as to why I did not think it appropriate that the information be given at this stage, the question was withdrawn.

The same question was put to me last month and only last month it was withdrawn. There have been no changes from last month to this month; therefore I do not understand this question.

2465 Furthermore Mr Speaker, the answer to this question will not change at the end of the inquiry. This answer can perfectly be provided when the inquiry finishes, Mr Speaker.

2470 **Hon. D A Feetham:** Well, Mr Speaker, whether a colleague of mine has decided to ask and then withdraw this question on the basis of some conversation that he has had or she has had with the hon. Lady, is, I think, neither here nor there. I have made the decision that I believe that this is an appropriate question at this stage and I am asking it.

2475 With respect to the hon. Lady, she is not answering my question. Why does the cost...? Why does the cost or the Government providing me with the cost so far of the inquiry have any impact at all on the inquiry, prejudice the inquiry? What reason in principle is there for the Government not to provide this information, other than the Government says well, I am not providing it to you now, I am going to provide it to you at the end?

2480 **Hon. G H Licudi:** Mr Speaker, the answer has clearly been given and it is reflected in the last comment by the hon. Member. The information will be given at the end of the inquiry. This is an inquiry which is ongoing. It has not finished. It is not appropriate to engage in public debate or discussion on any matter concerning the inquiry, either on the floor of this House or through the media or outside or anywhere. It is in the hands of the Chairman who has been appointed. He still has to give a decision. Nothing has changed since last month when the same question was asked and withdrawn quite properly.

2485 The fact that the hon. Member does not speak to other Members and does not know apparently that another question was asked and withdrawn, the same question asked and withdrawn, the hon. Member says is neither here nor there. Well, it is very relevant because the hon. Member to his side recognised last month that it was appropriate to withdraw and nothing has happened at all since last month because we are still awaiting the Chairman's report.

2490 So for those reasons it is entirely inappropriate to engage in any kind of public discussion or debate on any aspect of the inquiry and for those reasons the costs which exist today and which may exist next month, will be given at the end of the inquiry and not now.

2495 **Hon. D A Feetham:** Well, Mr Speaker, I have spoken to my hon. Friend. He took a decision last month to withdraw this particular question after a conversation, I cannot remember whether he said it was with the hon. Gentleman or with the hon. Lady, I think it was the hon. Gentleman. I have since reviewed the situation. I do not believe there is any substance at all in the argument that providing me or the Opposition with the cost to the taxpayer of what this inquiry is costing, that that can possibly prejudice, have any impact at all on the inquiry or that it impacts or infringes the *sub judice* rule and clearly, what the Government are doing is not in relation to this case only, it is in relation to other areas where we have asked questions of a similar nature, is using and abusing the *sub judice* rule in order to prevent the Opposition from obtaining information to which the Opposition is perfectly entitled.

2500 So really the answer in a nutshell, Mr Speaker, is and I ask the hon. Gentleman, is that the Government just simply does not... there is no really cogent reason why this ought not to be provided and the Government just simply says no to the Opposition, 'we will provide it to you at the very end of this inquiry'. That is the long and short of it, is it not?

2505

**Hon. G H Licudi:** Well, Mr Speaker, the hon. Member has either not heard or understood the answer that I have given and he says that the answer I have given has no substance, there is no basis for it. Well, the hon. Member to his right accepted that there was substance in that answer last month and withdrew the question (*Interjection*) on two occasions and now the same question is asked.

2510 All I can do is repeat what I have already said, that we consider it is entirely inappropriate to engage in any public discussion or debate on any aspect –

**Hon. D A Feetham:** I am not asking you to –

2515 **Hon. G H Licudi:** On any aspect, including the issue of cost, on any aspect of the inquiry until the inquiry is over. And it is not as if the costs are going to be hidden anywhere or going to disappear. The costs which exist today are going to be the same costs as of today that will be given to the hon. Member and to the public at large, whenever the inquiry comes to an end. That is the decision that the Government has taken. It is the right decision and it is entirely appropriate. The hon. Member may not be satisfied but that  
2520 does not mean that he has not been given an answer or the reason (*Interjection*) or that there is any abuse. What is the question of abuse, the Government considers it inappropriate, it is our view. We are the Government, we have taken that view, but the information will be given. So it is not a question of the Government refusing to give information; the information will be given at the appropriate time.

2525 **Hon. S M Figueras:** Mr Speaker, if I may just by way of clarification, I spoke to the Hon. Minister at the time when I had filed the question and during that conversation it was one single conversation over the telephone and I certainly I gave the Minister the benefit of the time to discuss the matter. My initial view at the time was indeed that it was not entirely inappropriate for me to withdraw the question in the  
2530 circumstances but, following further discussions with my Hon. and Learned Friend, the Leader of the Opposition, that view has changed, Mr Speaker, and I just thought it was necessary to make that position clear.

**Mr Speaker:** Next question.

## TRAFFIC, HOUSING AND TECHNICAL SERVICES

### Q304/2014

#### Government rental homes – Unpaid rents written off 2013-14

**Acting Clerk:** Question 304, the Hon. E J Reyes.

2535

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of how much has been written off in respect of unpaid rents pertaining to Government rental homes during the financial year 2013-14?

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**Acting 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, during the financial year 2013-14, a total of £41,708.46 has been written off.

2545

**Hon. E J Reyes:** Mr Speaker, does the Minister have any details available? Have they been written off because of time expired debts or is it due to other reasons that perhaps he can furnish us with the information?

2550

**Hon. P J Balban:** Mr Speaker, there are a number of write-offs and just to give by way of example, in one case there was a tenant who, due to unhygienic conditions of the tenant living directly above that person, a complaint was lodged that there was damage created to his flat due to the amount of animals living upstairs. Hence this gentleman refused to pay his rent, he was moved out, he was decanted from his flat and the Financial Secretary saw that this was a legitimate claim. That is one of the examples.

2555

Another example dates back to the times of the prefabs, and certain individuals who refused to pay rent due to the conditions which they felt were practically uninhabitable. There are other cases as well of other persons who have suffered things like water ingress and severe dampness who refused and these were all taken up and their cases agreed.

2560 There is also, the vast majority of this money comes from tenants who were admitted to places like the Elderly Care Agency, Jewish Home or King George and then the rent was unrecoverable because family members decided that they were not liable to the Council. There are a number of reasons for the amount that has been written off.

2565 **Hon. E J Reyes:** Yes, Mr Speaker, I can start to understand that there are a variety of reasons and therefore not a simple clear cut answer. Given that I believe that the House will not be meeting next month, can I, in a gentleman's understanding, leave it in the hands of the Minister perhaps when he can forward me like a little schedule with some sort of breakdown similar to what he has now been trying to explain? Or Mr Speaker, if he so wishes, would he rather that I pose it into a formal question, perhaps even as a written question next time round? Whichever he prefers, so that it is not just information one wants now but rather something that we can monitor and work together in the future. He knows that at the end of the day, we  
2570 both have the same vested interests and so on. So can I have some indication from him how he would rather work this one.

I know I am placing a workload on him and his Ministry, but let us be co-operative so I get the information and make the task as easy as possible for him and therefore more efficient for my reception.

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might just be of assistance, I think it is absolutely right that this information should be public and I think what we can do is put this information on the website also, anonymised. For example, the hon. Gentleman actually has the names of the individuals he is dealing with, but it would be inappropriate to share them. It should be on the website. There is another question on the Order Paper about the exercise in respect of the historic arrears to the Government. This is not that type of write-off that we are looking at. These are almost, if the hon. Gentleman will share my view  
2580 of how this has been done, it is as a landlord dealing with arrears and there are many good reasons why tenants may sometimes, under the contract, have a good reason to say, 'Look, you are not keeping to your side of the bargain, there is this problem and I am withholding rent for a particular purpose.' That is an area of the law which is very defined, it has to be just the right sort of claim. There are some times when individuals have claims against the Government and they think that they can set off their rent in respect of those claims and their claims have nothing to do with tenancies, for example. Therefore, it is inappropriate and you have to take a completely different attitude to those.  
2585

But I am quite happy that we should all, as a community, see what is going on in respect of these issues and therefore I am quite happy to ask the hon. Gentleman to ensure that these things are put up on the website and that the hon. Member should have notice of when they are going up in an anonymised form, in other words in 'a tenant' form, rather than with the name or address provided.  
2590

**Hon. E J Reyes:** Yes, Mr Speaker, in fact I take the opportunity, I thank the Chief Minister. He did commit himself in the previous parliamentary session that the question of unpaid outstanding rent would actually be put up on the website and with the assistance of the Clerk, we found it, so I did not need to pose that question.  
2595

What I want the Chief Minister, and the Minister for Housing as well, to understand is that as an amateur, one can look at statistics and say, 'Ah well, compared to the previous month, there has been an addition of £50,000 more in outstanding unpaid rents.' But that figure £50,000 is only conditional. You have got to add into that how much has been written off or not. So in order to get a more complete and accurate picture, I think the Chief Minister is starting to understand why we need to have these figures, so that together we can both work and make sure that those tenants who for unjustified reasons are withholding payments of rent, that they pay up, because it is only fair on those law abiding citizens that everyone be treated equally.  
2600

2605 So I look forward to co-operating with the Minister for Housing in the future in that respect.

**Hon. Chief Minister:** Yes, Mr Speaker, I could not agree more. I could not agree more and I am not going to get into the political ding-dong of how the arrears have risen in the time that they were in administration. We had that ding-dong last time. But I want him to understand that the figure fluctuates for many reasons and I cannot recall if the hon. Gentleman has ever held the portfolio of Housing but just so he understands, given that he indicates that he did not, the figure fluctuates both in terms of this sort of write-off, and these are not common write-offs – in other words, he has asked for the year 2013-14, I think there are four individual cases and then the rump relate to cases involving, as the hon. Gentleman has told him, admissions to Mount Alvernia and admissions to KGV. Really, we are talking about difficult cases in those instances.  
2610

2615 So it is not that he is going to have to be reconciling monthly this type of write-off. This is an infrequent type of write-off. The management list of the arrears in relation to rent works in different ways. For example, you may have some people – I confess I do not know what has been put on the website and how

2620 the calculation has been done – but there are some people who pay quarterly, there are some people who  
pay monthly, the amounts go up weekly in some estates, they go monthly in other estates, so the list is  
sometimes not moving in terms of debt as it is in terms of credit. So you have got to look at almost each  
individual account in order to be able to do a reasonably accurate reconciliation.

2625 So what he will have to understand from what is going to be published, he will be able to see a trend,  
right, but he may not be able to reconcile one against the other in some instances.

**Mr Speaker:** Next question.

2630 **Hon. E J Reyes:** Yes Mr Speaker, I am very grateful for that, I will be able to see the trend and then if  
need be, one can then home in with the Minister for any particular clarification. I think we are both singing  
now from the same hymn sheet.

**Mr Speaker:** Next question.

**Q305-306/2014**  
**Mid-Harbour Estate –**  
**Update on works to be completed**

2635 **Clerk:** Question 305, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer to Question 170/2014, 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?

2640 **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 306.

2645 **Clerk:** Question 306, the Hon. E J Reyes.

2650 **Hon. E J Reyes:** Further to the answer to Question 171/2014, can the Minister for Housing provide  
details of what further actions are being considered in order to curtail non-compliance of house rules at  
Mid-Harbour Estate?

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

2655 **Hon. P J Balban:** Mr Speaker, further to the answer given to Question 170/2014, it is envisaged that  
infrastructure works to allow installation of the remaining cameras on the podium and promenade levels are  
expected to be completed by the end of this month.

The integration of podium and promenade level cameras to the existing public CCTV system and RGP  
control room at New Mole House are expected to be completed shortly, after which the system will be  
tested and commissioned.

2660 As previously advised, it is expected that with the measures being taken, the incidents relating to anti-  
social behaviour will minimise. We will continue liaising closely with the RGP as we take incidents of anti-  
social behaviour very seriously.

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

2665 So the Minister has given me an update of what he has mentioned before about the cameras, the  
completion and so on. More specifically in Question 306, I was re-asking because I think I have asked in  
the past, does he have any further actions planned? Because although I accept that certain things he may not  
be able to finalise until the cameras are in operation and so on, I believe he has had meetings with the  
Tenants' Association or whatever from the Estate and they may have put ideas forward.

2670 So is he in a position to be able to enlighten us in sort of saying which ones are being considered? I use  
the words 'being considered' rather than a firm commitment. Is there anything in particular that is being  
considered and that way we even help to have a more cross floor approach to resolving this problem which  
again is something that both sides seem to be sharing as a grave concern?

2675 **Hon. P J Balban:** Mr Speaker, I have had meetings and continue to have meetings with the Tenants Association of Mid-Harbours and their concerns have been taken on board and we will obviously, we do believe that with the installation of CCTV cameras, a lot of the anti-social behaviour that they complain about will actually be targeted.

**Mr Speaker:** Next question.

**Q307/2014**  
**Making empty homes suitable for reallocation –**  
**Update details**

2680

**Clerk:** Question 307 the Hon. E J Reyes.

2685 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of all expenditure incurred since the answer to Question 172/2014 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?

2690 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

**Answer to Question 307**

Contractors	No. of Properties	Cost
CEPRANO LTD	1	£3,000.00
CIAP CONSTRUCTION	1	£8,860.00
RIBEIRO	1	£3,565.00
AVANTI	1	£2,500.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS  
NONE WERE FOR CLEANING

2695

**Mr Speaker:** This is a short schedule, I will allow the hon. Member to have a quick look at it and if he does not have any supplementaries, perhaps if the Leader of the House is happy, this might be a convenient point at which to recess to this afternoon at 3.00 p.m.

2700 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker. Thank you.

2705 **Hon. E J Reyes:** Mr Speaker, the only one I think I normally ask every month: there is a full list of companies referring to four properties. Can I double check that these are four completely separate properties and not that two companies worked on the same one property? Am I correct in that assumption again?

2710 **Hon. P J Balban:** Mr Speaker, yes there are four separate properties and the other thing which I forgot to mention is that all services contracted were for repairs and none were for cleaning, as per every other month.

**Hon. E J Reyes:** Yes, thank you, Mr Speaker. Although the Minister may not have said it verbally it is written in the schedule that they were all for repairs, so I am grateful for the updated information Mr Speaker.

2715 **Mr Speaker:** The House will now recess to this afternoon at 3.00 p.m., when we shall be dealing with Chief Minister's Questions.

*The House recessed at 1.00 p.m. and resumed its sitting at 3.05 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 7.06 p.m.

Gibraltar, Thursday, 20th March 2014

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# The Gibraltar Parliament

*The Parliament met at 3.05 p.m.*

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

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

## **Welcome by the Chief Minister to HMS Astute and her crew**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, before we launch into this afternoon's session of Question Time –

5

**Mr Speaker:** 'Launch' is the appropriate word.

10

**Hon. Chief Minister:** – 'launch' being the appropriate word, given what I am about to say – may I just ask the House to join me in welcoming to the Naval Base, *HMS Astute* and her crew. As hon. Members may know, *HMS Astute* is the first of the eponymously named Astute Class Submarines of Her Majesty's Royal Navy, and she is visiting Gibraltar on what is her maiden operational deployment, and Gibraltar is her first port of call, as I understand it, outside the United Kingdom. I shall be aboard *Astute* later today, Mr Speaker, and I will extend a warm welcome on behalf of the people of Gibraltar. (*Banging on desks*)

## Questions for Oral Answer

### CHIEF MINISTER

**Q337-338/2014**

#### **Private consultants/independent contractors – Numbers engaged by Government; details**

15

**Acting Clerk:** Answers to Oral Questions continued.  
Question 336, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to Question No. 706/2013, that was answered in writing – (*Interjection*) Sorry?

20

**Acting Clerk:** My mistake, sir.  
Question 337.

25

**Hon. J J Netto:** Mr Speaker, can the Government state the number of private consultants engaged by Government during the financial year 2013/14, specifying the name of each consultant, their respective areas of work and the cost to Government for the provision of such services?

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

30

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer together with Question 338.

**Acting Clerk:** Question 338, the Hon. D A Feetham.

35 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a schedule setting out the legal drafting work done by every independent contractor engaged by the Government, including the amounts paid to that individual, his company or firm?

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

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the cost of private consultants and legal drafting is already online. The process of preparing the additional breakdown, which has been requested, is now ongoing. Online data will change when ready to reflect the information requested by hon. Members.

In relation to legal drafting, Question 338 has been formulated with no time limit, so I have caused that it be answered as from 2008.

45 **Hon. D A Feetham:** Mr Speaker, does he have a schedule there of any of those costs? But of course, there cannot be any doubt that I am asking about the present Government's term in office, because surely they are only responsible for their own term in office in relation to legal drafting work, but it makes no difference to me. Does he have the information at all with him or does he intend to just simply post that on the website, as and when it becomes available?

50 **Hon. Chief Minister:** Mr Speaker, I have some information with me, but I cannot tell him that it is the completed information. It is being completed and will be put on the website when completed. I do not think it is going to take very long to be put up, and it will be put up in that way from now on too.

55 So in relation to his question, it is going to mean that the data already available is going to be added, going back to 2008, and going forward with this further information, and in relation to the hon. Gentleman's question for the period that he requested, it may already be online.

60 **Hon. J J Netto:** It is just that I am not quite clear, because it seems to me that the Hon. Chief Minister is concentrating his answer in relation to my hon. Friend, the Leader of the Opposition's question, but I am not quite sure as to my question. When is that information going to be given?

**Hon. Chief Minister:** In relation to his question, Mr Speaker, I think the information is already online.

65 **Hon. D A Feetham:** Can I, Mr Speaker, ask him to provide me with whatever information he has, that I may have it with me? Of course, if there is anything else that may arise from the information that he has posted on the website, then I will ask in two months' time when we are next here in Parliament.

70 **Hon. Chief Minister:** Mr Speaker, I am not confident that the information that I have with me is complete and that it is directly what he is requesting, so I am not going to give it to him; but the information, which is the answer to his question, is either already or will be about to be online.

I know that further work was being done on the information to ensure it was complete at the time that I was given these schedules before I finalised the text of my answers, so I do not know that this is correct and final. Therefore I would rather he obtain the information when it is certified as correct and final by those who provide me with the information.

#### Q339/2014

#### British Gibraltar Territorial Waters— Number of Spanish fishing vessels entering

75 **Acting Clerk:** Question 339, the Hon. D A Feetham.

80 **Hon. D A Feetham:** Mr Speaker, excluding innocent passage, can the Chief Minister please provide a breakdown on a monthly basis of how many Spanish vessels, fishing vessels, have entered into British Gibraltar Territorial Waters in the last six months (a) accompanied by Spanish State vessels; and (b) unaccompanied by Spanish State vessels?

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

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

**ANSWER TO QUESTION 339**

Month	Unaccompanied	Accompanied
September 2013	58	0
October 2013	49	0
November 2013	9	0
December 2013	4	0
January 2014	7	0
February 2014	17	0
March 2014	2	0

**Hon. D A Feetham:** Mr Speaker, I happened to hear an interview with the Patron of the *Cofradia* of La Linea a week and a half ago on Canal Sur Radio, where he said that he was quite happy with the way that things were going. That the situation, as far as Spanish fishermen was concerned, had reached normality to the situation it was prior to 2012.

90 Indeed, I have received representations as well from members of the public here in Gibraltar, who are interested in fishing, telling me that there are Spanish fishermen that are coming into British Gibraltar Territorial Waters unchallenged and are fishing as if there were no legislation in place to actually restrain them from doing so. Are these the reports that the Hon. the Chief Minister is also receiving in relation to this?

95

**Hon. Chief Minister:** Mr Speaker, I do not tend to listen to Canal Sur Radio and therefore I am afraid I cannot say that I have had that report. Neither have I had similar reports to the ones the hon. Gentleman is saying he has received from local people, but the schedule does not suggest that, as he will see.

100

**Hon. D A Feetham:** Mr Speaker, when does the Hon. the Chief Minister envisage that the Government will be in a position to formalise the law in relation to this area, because he made an announcement last year that he was going to be changing the law in order to allow fishing, with regulated fishing with EU-compliant nets? The law was... the principal legislation was then amended to allow for regulations to be introduced and that was, as I understand it, in November/December of last year. So we are talking about three or four months from when the principal Act was amended and it does appear to be more than enough time for the Government to have at the very least come to a policy decision in relation to this. I just wonder whether the Chief Minister is now in a position to advance the matter further, in terms of information provided to this House and to the public?

105

110

**Hon. Chief Minister:** Mr Speaker, we will be ready when the Minister signs the regulations into law and there is no question of us procrastinating when that can happen. This is a complex area in order to get right. As soon as it is ready, the Minister will be signing the regulations into law and they will then be published as is the normal way.

115

I cannot imagine that the hon. Gentlemen would believe that we are in any way trying to delay something which the Government is working on. It is just sometimes in order to get things right you have to do them properly and that takes a bit of time.

120

**Hon. D A Feetham:** And can he confirm that the Cabinet is united in relation to the Government's approach in this area?

125

**Hon. Chief Minister:** Mr Speaker, the Cabinet behaves in a collegiate fashion. That means that it is entirely united in all the decisions it takes. I refer him to the Westland case and Mr Michael Heseltine's departure from the Cabinet in the United Kingdom, as to what it is that Cabinet responsibility, *joint* Cabinet responsibility means.

So therefore, he can take it that if a piece of legislation is signed on behalf of the Government, it is signed on the basis of that which we on this side consider to be a collegiate and Cabinet style of Government. I do not know whether he had any experience of that in the four years he was in office.

130 **Hon. D A Feetham:** Well, Mr Speaker, I do not obviously need a lesson from the hon. Gentleman in relation to constitutional law. I perfectly understand that Cabinet decisions, once reached, are the decisions of the Cabinet and that therefore any dissenting voices within that Cabinet, if they feel strongly about it, they leave; and if they do not feel that that is a resignation matter, they have got to defend the policy.

What I am asking is whether the Cabinet has actually come to a decision? Is the Cabinet, before it has come to a decision, united in relation to its approach in this area?

135 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman says he does not need constitutional advice from me, and yet he asks a question which flies in the face of what is the constitutional model of Cabinet that I understand is in place. If a piece of legislation is signed and a Minister does not resign, it must be that the whole Cabinet is united on the subject. But, I do not see what it is he is trying to get at. What tittle-tattle has he heard that he is trying to turn into a question?

140

**Mr Speaker:** I think that hon. Members must be careful not to get carried away.

We have started with a question, which is a purely statistical. The answer is purely statistical regarding the number of monthly visits, shall I say, by Spanish fishing vessels into British Gibraltar Territorial Waters, and now we are going in to the deep fundamental principles of collective responsibility. I think it has got nothing to do with the original subject.

145

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

150 Mr Speaker, in relation to the decision as to whether to allow Spanish fishermen to fish in Gibraltar Waters with EU-compliant nets and whether that will involve some form of application to be licensed here in Gibraltar, can he at the very least tell me whether in principle that is what the Government has agreed to do and that is what the...? He does not have to go into much more detail than that. Can he confirm that is the decision that has been reached, either unanimously by the Cabinet or with dissenting voices?

155 **Hon. Chief Minister:** Mr Speaker, I have read a lot of the comics that he puts about to people, including the nonsense that he sends to his alleged Members every month (*Laughter*) where he suggests that he knows the answer to this question. He has said on a number of occasions, in interviews on television, in interviews elsewhere and in communications, that he understands that Spanish fishermen are not going to have to apply for licences to fish in British Gibraltar Territorial Waters.

160 Well, if that is what he understands, I do not want to contradict him – perish the thought. I will leave it to the Hon. the Minister for the Environment, who is the Minister responsible, when he signs the legislation, when it is ready, to put us all out of our misery and let us see what it is that the new rules require.

165 **Hon. D A Feetham:** Mr Speaker, I am trying to be very restrained in the way that I ask the questions and the way that I am engaging the Hon. the Chief Minister, but he really has to be consistent.

This morning, he decried the Punch and Judy show, but that is precisely what the Hon. the Chief Minister is now leading this House into through the answers that he has given me.

Can he at least confirm to this House that the legislation has been drafted? That all it needs is a signature from the Minister for the Environment?

170 **Hon. Chief Minister:** Mr Speaker, he does not like to be called Judy, he said this morning, and he does not like to throw a punch. So he does not like the idea of a Punch and Judy show, when having said that something was nonsense, I accused him of drawing the House down into a Punch and Judy show. He obviously thought that the word ‘nonsense’ should not relate to such Parliamentary ding-dongs, as might be described as leading to a Punch and Judy show. When I use it, he feels perfectly free to say that one is engaging in a Punch and Judy show. Well, one is getting used to the sort of political hypocrisy that we see emanating from them, even in relation to these issues.

175

I am not going to give him either a blow-by-blow account of which section has been drafted and which has not been drafted, and whether the legislation is just sitting on somebody’s desk to be signed or whether it is with a draftsman who needs to tidy up numbering. Mr Speaker, he will know that the legislation is published when he sees it in the *Gazette* and then he will know that it is finished. I am not going to give him a management account of the process of regulations.

180

**Hon. D A Feetham:** Mr Speaker, is the reason why the Government is procrastinating, in relation to this issue, because it remains deeply divided over this issue?

185 **Hon. Chief Minister:** No.

**Mr Speaker:** I am not going to allow that question. It does not arise from the original.

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

**Mr Speaker:** We move on to the next question.  
I am very sorry for the Leader of the Opposition, but really he is straying a bit too far.

**Q340/2014**

**Government rent arrears –  
Amounts to be written off**

**Acting Clerk:** Question 340, the Hon. D A Feetham.

195 **Hon. D A Feetham:** Mr Speaker, has the Government completed the exercise allowing it to make a decision as to how much Government arrears it is to write off, on the grounds that recovery of such amounts is statute barred?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the work of doing this analysis is still ongoing as a large number of accounts need to be analysed individually. Already it would appear that a figure in the region of £1 million is likely to be entirely unrecoverable as a result of failure to pursue debtors within the six-year limitation period, that number may increase or decrease as the analysis continues.

205 Steps are already underway to recover debt that is recoverable, something that should have been ongoing.

**Hon. D A Feetham:** Well, Mr Speaker, I am glad that it is £1 million. Large as £1 million is – and I have to say that it is a very large amount – the last time round he, of course, indicated that it might have been £3 million. Mr Speaker, may I perhaps invite the Hon. the Chief Minister to reverse his intended policy of writing off this amount? I will explain why and ask him whether he agrees with this or he does not.

210 I quite understand that if a debt is statute barred the Government will not be able to sue for that debt, but it does not prevent the Government from saying to, for example, a tenant, even if the debt is statute barred, 'Well, look, we are taking into account the fact that you owe x amount... statute barred, but it is x amount'. When that person then turns round to Government and says, 'Well, I want' for example 'an upgrade from a two bedroom to a three bedroom', then in my view it would be a perfectly reasonable decision by a public authority to say, 'Unless you enter into an agreement to pay what you owe, statute barred as that may be', and of course the legal effect of that is that the debt is acknowledged and then the limitation period would begin to run all over again. That, at the very least, it would allow some leverage, in my view, *proper* leverage in relation to the recovery of these debts in the future from people who have not paid.

220 **Hon. Chief Minister:** Well, Mr Speaker, it may still be £3 million. It may still be £3 million, but with the analysis done to date, it is up to £1 million. But I have told him that we have to analyse each account individually, because in some instances, although the figure may be high and it may go back more than six years, there may have been agreements done at different times, and therefore time may start to run again. But it does not seem that they were very proactive when in Government in pursuing this, other than in respect of the people who moved to Mid Harbour and there, there were some such agreements.

230 The Government's thinking today is much like their thinking in relation to those issues. If somebody owes an amount of money and they want something out of the Government, then there may be a price to pay and that may include amounts which are beyond the six-year period; but only when somebody wants something out of the Government.

235 You see, Mr Speaker, what has happened is that under them there has been an *a mi me pertenece* culture gone wild like never before. (**Hon. Miss S J Sacramento:** Yes.) They have not been pursuing people for liabilities to the Government. They have been presiding over a regime where hard-working people paid their dues and people with *cara dura* got away without paying. They started 13 claims for recovery in 16 years. They disbanded a central arrears unit that took up these issues (*Interjections*) and now they want us to wipe up after them.

240 Well, Mr Speaker, a very good job we will do too. (**Several Members:** Hear, hear.) (*Banging on desks*)

**Hon. D A Feetham:** Mr Speaker, I am so very, very glad that he mentions the *a mi me pertenece* culture in such a wound-up way that he has. (*Laughter*) I now know that really I am on the right track. (*Interjections*) I am on the right track in making it a central feature of GSD policy, just simply from the hon. Member's reaction today. But, Mr Speaker, I do not want to look back. What I want to do  
245 (*Interjections*) is get to a situation – (*Interjections*) yes, absolutely – get to a situation that the correct decisions are made for Gibraltar.

I am just simply alarmed that the Government is considering just simply writing off £1 million to £3 million, just like that – in other words, rewarding the people, who do not pay... rewarding them by writing off. That is wrong. It is wrong in relation to hardworking people in Gibraltar, of which there are many, and that is why, in the spirit of constructiveness, I am asking the Hon. the Chief Minister to consider and reverse the policy that he announced last time round of writing off this money, which appears to me to just simply be a policy devised in order to embarrass this side of the House and keep that debt on the books. Not to write it off and to basically keep it on the books, and then say to people, 'If you want anything from Government in the future, you have got to enter into agreements to repay what you owe', that is different  
255 from writing off the money on statute limitation grounds.

**Hon. Chief Minister:** The hon. Gentleman, Mr Speaker, does not know what he is talking about, and I am very sorry to say it, because he likes to describe himself as a senior partner of a firm that I have very close to my heart. This is not an issue of policy, Mr Speaker. This is an issue of law.

The statute of limitation... the Limitation Act provides that debts due more than six years after they accrued are not recoverable. Now, of course, Mr Speaker, one can, as a matter of policy – and he did not pick it up when I told him before – say to people, 'Although I am not legally entitled to recover this from you, you want this from me and therefore this is the price for it', and I have said that there is mileage in that and it is something that we will pursue; but not everybody wants something from the Government.

Or is it that the hon. Gentleman is saying that because of *his* Government's failure to recover debt when it was within the limitation period of the Limitation Act, I should tell a youngster, who goes to have an appointment with the doctor or goes to the dentist, 'Mummy and daddy did not pay rent 10 years ago. The GSD did not follow them up for it, you are not having your teeth looked at' or 'you are not having your health provided'? Surely that he cannot say is right for me to have to visit on innocents *their* negligence, *their* failure to follow up, *their* clear electoral politics. Their electoral politics was, 'I side with *el cara dura que no paga* in order not to turn him against me... I side with the hard faced individuals, who do not pay, in order not to turn them against me'.

Well, Mr Speaker, we will do it the right way. We will pursue debt within the limitation period and we will seek to recover that which is outside the limitation period; but that which is not recoverable outside the limitation period, he should know we have no recourse to law for, and keeping that amount on our accounts is simply to create a false account of what may be recoverable to hide *their* failure and to spare *their* blushes. We will not do it, Mr Speaker.

We will behave properly. We will behave honourably. We will clean up after them as much as we can, but there is some mess they have made that is just indelible. (*Banging on desks*)

**Hon. D A Feetham:** Mr Speaker, the hon. Gentleman really has this wonderful quality, I have to say, and I have to compliment him about it, when the sky falls on his head, he takes refuge in absolute waffle, and that is what he has given us now in the answer that he has –

**Mr Speaker:** The hon. Members are now beginning to debate. They are beginning to throw across the floor of the House fancy sounding phrases, which really have got nothing to do with what is on the Agenda, so I am giving them notice that I shall be bringing these exchanges to a close before very long.

**Hon. D A Feetham:** Mr Speaker, I am very grateful for Mr Speaker's intervention, but does he not understand that there is a distinction? It is a distinction that even a junior lawyer would understand, let alone a senior lawyer, and I have never described myself as a senior partner in Hassans (*Interjection*) No, I have not.

But it would be understandable, even by a junior lawyer, that if you write off something you cannot revive it, and that is what I am saying. If you write something off, it is zero; whereas the technical legal position in relation to debts is that you may not be able... indeed, you may be able to sue and the defence is an absolute one, which is the limitation period has expired, but it does not render the debt null and void *ab initio*. It is a defence and what I am saying is do not write it off. It would not be in the Government's interest. Keep it on the books, because in the future it may well be that within reasonable circumstances that the Government may be able to say to somebody, 'If you want something from the Government', for

300 example, an upgrade in Government housing, ‘you are going to have to enter into an agreement with the Government to repay what you owe historically’.

**Hon. Chief Minister:** Mr Speaker, I do not think he wanted to hear what I said the first time or the second time about that aspect of what he is saying.

305 I am very clear in what the position is legally. I did not need him to explain it to me. All of this, Mr Speaker, that we are seeing is the usual dissembling in order to hide the huge embarrassment that hon. Members opposite must feel, because under them, *under them*, debt to the Government went up from £600,000 to close on £4 million under them. That huge embarrassment which they have, siding with those who are on the *a mi me pertenece* side of the balance sheet, against those who work hard and pay their debts. That, Mr Speaker, is the huge embarrassment that they have to deal with today and this is what we are seeing. All this dissembling has to do simply with trying to hide that.

**Hon. Sir P R Caruana:** Mr Speaker, I wonder if the Hon. Chief Minister could help me with this.

315 I have heard criticism expressed of the fact that – not here, I mean in the street by others – the previous Government, that is us, were insufficiently selective in who we allocated houses to in the new housing estate in Mid Harbour and that too many people were put there because they were at the right place in the waiting list who the Government should have known may have had difficulty keeping up with the rents. Of course, leaving to one side the debate that he has just had with the Hon. the Leader of the Opposition about statute barred or not statute barred Government debt, there is no doubt, I suspect, that there is particularly in respect of the Mid Harbour Estate, although others as well, an increasing problem of rent arrears accumulation.

320 Would the hon. Member consider, in terms of the opportunities that the Government has to oblige people to pay their rent, particularly in the more desirable estates like the newer ones of which the latest is Mid Harbour, exercising the rights that I believe the Government’s tenancy agreements give the Government to rehouse people from the more desirable estates to the less desirable estates, if they fall into arrears of their rent?

325 Now that, it seems to me, if the Government wants to avoid the same trap as he thinks that we fell into of shameful allowing of arrears of rent... I mean if they spend long enough in Government, it may happen to them if they do not come up with some mechanism to prevent people from accumulating rent arrears on the new estates as well. Would the Hon. Chief Minister consider using the power to rehouse, contained in all Government tenancy agreements?

330 **Hon. Chief Minister:** Mr Speaker, if I may say so, the hon. Gentleman, when he dealt with the Mid Harbour Estate, created, perhaps inevitably, some issues in that estate because of the people who were moved into there having certain rights under the Housing List. But, again, in having this debate, Mid Harbour Estate actually is helpful to the current Government because one of the criteria for moving was that people should sign arrears agreements that recognise their liability for that rent arrear; therefore, time has started to run again in respect of those rent arrears. The amount of rent arrears that is associated with the Mid Harbour Estate, which is £371,000 when I last looked at it last month, does not actually represent in very great measure rent due from tenancies in that Estate, but rent carried over and brought by tenants into that Estate.

340 There is, for example, one account that sticks in my mind which is £17,000. If I may say so, with respect to the hon. Gentleman, I think that is the sort of case that enabled him to do what he is proposing to me now, which I think is laudable, namely the £17,000 represents rent due for more than six years, but there has had to be an acknowledgement by the person who has moved of that amount and therefore the six years run again because that person wanted the advantage of moving. That is not to say that one would have been able to sue for the whole of that £17,000, without that person wanting something from the Government, and hence why... What the Hon. Gentleman does not appear to have wanted to hear from me was my agreement that if somebody wants something from the Government, we would be able to revive those arrears, but it is otherwise not sensible to carry those arrears as live debts to the Government, which is what it appears to be today in the books of the Government and what the Principal Auditor is saying is really quite unacceptable.

345 But there are also, if I may say so, other mechanisms that allow the Government to act in relation, for example, to some of the people at Mid Harbour Estate, who have let him and Gibraltar down, because they have moved, signed an arrears agreement, and then stopped paying again – that is not everyone, there are some who signed an arrears agreement and honourably have been discharging their arrears agreement and their current rent. There are good people and less honourable people in every estate in Gibraltar.

350 There are other tools that Government can use, which do not just involve saying to somebody, ‘Well, you are moving back to a particular area’. Something which is moving somebody out of a home is not easy to do and it would require all sorts of bailiffs and forcing people etc, and that is very hard to do. There are other mechanisms that Government can use, given the services that are provided in any estate, such as Mid



Harbour, which can make it very unattractive for people not to have paid their arrears, and those are the things that the Government is looking at very carefully.

365 If I may say so, Mr Speaker, given that the hon. Members opposite are now given to talking about how things have changed, he will excuse me for having decried the practice in the past 16 years that gave rise to this increase in arrears. Mid Harbour was actually a shining example of managing them, in some respect, because it is not just me that decries what used to happen 16 years ago. Even on the hon. Member's Twitter account at GSD Gibraltar I saw a couple of days ago, two years in Opposition transformed GSD. Sixteen years in opposition, same old GSLP. Even they are not proud of his legacy, and I am very sorry. He did some very good things for Gibraltar.

370

**Mr Speaker:** Next question.

**Q341/2014**  
**Bullying at work –**  
**Extent of abuse**

**Acting Clerk:** Question 341, the Hon. D A Feetham.

375 **Hon. D A Feetham:** Yes, can I remind the Hon. Mr Selwyn Figueras that he has not retweeted. Out of all the MPs, he has not retweeted that particular tweet from the GSD. *(Interjections and laughter)*

Does the Chief Minister agree that bullying at work is a form of abuse of those who are at the receiving end of such bullying and that the extent of that abuse is a question of fact and degree?

380

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, after this House passed the Employment (Bullying at Work) Act 2014, the hon. Member's question is really asking for legal advice. I can refer him to a good lawyer if he wishes. *(Laughter)*

385

**Mr Speaker:** Next question.

**Q342/2014**  
**No. 6 Convent Place –**  
**Refurbishment; cost to taxpayer**

**Acting Clerk:** Question 342, the Hon. D A Feetham.

390 **Hon. D A Feetham:** Mr Speaker, what has been the cost to the taxpayer of the recent refurbishment at No. 6 Convent Place?

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

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the cost of the refurbishment to the entrance to No. 6 Convent Place has not been costed as a separate part of the ongoing works of refurbishment and extension of No. 6 Convent Place.

**Hon. D A Feetham:** Mr Speaker, it may be costed separately, but does he have the cost there at hand so that he can provide me with the figures?

400

**Hon. Chief Minister:** No, I do not, Mr Speaker, but it is something that we will be looking at, I am sure, during the course of the appropriation debate.

405 **Hon. D A Feetham:** Mr Speaker, the reason why I have asked this question is because the Government keep on – as indeed they have done today, in relation to Dr Giraldi, and they have done today as well in relation to Commonwealth Park – seem to be drawing the distinction between providing costs when a project is ongoing and providing costs when the project is finished. The Government's position in relation to the two examples, that I have just outlined or just mentioned, is that they will provide the cost at the end.

410 This appears to have concluded... this refurbishment. What is the problem of providing me with the information now so that I do not have to wait until the Appropriation Bill, other than that it is the answer that he just simply wants to give me on a whim?

415 **Hon. Chief Minister:** Not at all, Mr Speaker. The refurbishment of the entrance has not yet finished in fact. There are parts of it which are still ongoing and parts of it which are connected very much to the wider refurbishment of Convent Place, and therefore I do not want to fall into trap of giving him a figure, which he then says is not actually the figure of the entrance and I should have given him something else, and then face one of these whimsical allegations that he makes once in a while, when he gets out of the wrong side of bed, that I have misled Parliament. So I would much rather give him the full set of figures when they are ready and he can then choose and determine for himself which part he calls the entrance, and which part he does not call the entrance. If he says it is just the façade, then it is just the façade. If it is the façade and the security guard, then it is the façade and the security guard. There is the area behind, which is the new waiting room, the corridor, the two offices on the side and the connection just behind.

420 What is the entrance, Mr Speaker? Is it the fixing of the old side entrance to No. 6? All of those issues, Mr Speaker, could be determined to be the entrance to No. 6, and I do not want to give a figure which misleads the House. I will give him the figure for the whole of the works at No. 6 and then he can look at the breakdown and decide what it is that he wants.

425 He is right, Mr Speaker. I am resisting giving him a management account of the works. I will give him all the account of the works.

430 **Hon. D A Feetham:** Mr Speaker, no, I am not being whimsical, either on this particular occasion or on previous occasions. When I actually accuse the hon. Gentleman of misleading the House, it is because he has actually misled the House, and that there are real whoppers of misleading the House that he has uttered.

435 **Hon. Chief Minister:** A Point of Order, Mr Speaker.  
That is an accusation, Mr Speaker, in the clearest terms, that I have misled the House, and the hon. Gentleman has a mechanism in order to do that, and it is to bring a motion. I invite him to do so. I will demonstrate to him in the motion, Mr Speaker, that he is not just whimsical when he makes these allegations, he is wrong. When I do that, I expect he will want to give me an apology.

440 **Hon. D A Feetham:** Mr Speaker, yes.  
Mr Speaker, when I make allegations of this nature I am very careful in making them, and I make them when I have got grounds. Every single time I have said to the Hon. the Chief Minister that he has misled the Parliament it is because I believe that I am correct in doing so. And indeed, on the one occasion – because it is one occasion that I have done so – most of the people of Gibraltar, in my view, also agree with me.

445 But if I have offended, Mr Speaker, the procedure of this House by saying to him that he has misled the House without bringing a motion, I apologise to Mr Speaker.

450 **Hon. Chief Minister:** With respect, Mr Speaker, and I would ask that you rule on this. The hon. Member has got away, in that phraseology before now, of saying the words that he seems so keen to say, that I have misled the House.

Well, look, Mr Speaker, if we are going to play it that way, I will be putting to him constantly that he repeatedly misleads the House and the people of Gibraltar, but that I just do not have time to bring motions to demonstrate the number of occasions when he does so. That is not what Parliament is and what the Parliamentary Rules are about.

455 If you are going to make a statement, you have to follow it up with a motion. I throw down the glove and the cudgel to him. Bring the motion and I will show you how wrong you are. You have not done so before, Mr Speaker, I put it to him before, because he knows the minute he brings the motion I will wipe the floor with him. (*Interjections*)

460 **Mr Speaker:** As hon. Members are aware, I have ruled that I have no power to investigate any allegations of misleading... Parliament being misled and that therefore the only avenue is for Parliament itself, by debating and voting on a motion, to decide the issue.

465 So, in so far as that is concerned, I have no power to impose anything, but allegations, such as those, if hon. Members ask that such allegations be withdrawn on an honourable basis, that is a matter really for them. I cannot interfere directly, but I would wish that hon. Members were able to overcome such problems themselves.

**Hon. Chief Minister:** Mr Speaker –

470 **Hon. D A Feetham:** Mr Speaker –

**Hon. Chief Minister:** – it is out of order to put –

**Hon. D A Feetham:** Mr Speaker, I am on my feet –

475 **Hon. Chief Minister:** So am I.

**Hon. D A Feetham:** – and I have the microphone. (*Interjections*) I figure that I have the advantage because I have got the microphone – (*Laughter*)

480 **Hon. Chief Minister:** That is technology. It has got nothing to do with the Rules of this House. I was up first –

**Hon. D A Feetham:** I will give way. I will give way –

485 **Mr Speaker:** Very well.

**Hon. D A Feetham:** – to the Hon. the Chief Minister.

490 **Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, thank you.

I do not recognise that the hon. Gentleman has given way to me. (*Laughter*) I am speaking because I have asked to speak (*Laughter*) and they can laugh as much as they like, Mr Speaker, but the Procedures and Rules of this House are essential for the workings of our democracy and they are not to make a mockery of them.

495 One should not put... in fact the Rules say one must not say that another individual is misleading the House, other than upon motion, and therefore it is out of order for the hon. Gentleman to have said that of me or of any other Member, other than upon motion. He should not be allowed, Mr Speaker, to say, ‘and I am not going to bring a motion to say it’. This Rule is essential to the working of every Parliament, which is governed by the Westminster principle, and I ask, Mr Speaker, that you rule on that.

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

500 Mr Speaker, the only reason why I have not brought a motion is a reason of principle. I have not brought a motion because I believe that it is fundamentally wrong in a modern democracy for a Member of Parliament to... there is an allegation that the Member of Parliament has lied and there is no independent adjudication of that allegation, but that it has to be dealt with by way of a motion in relation to which it will always get defeated by the Government, because the Government has an inherent majority.

510 And I equally throw down the gauntlet to the Hon. the Chief Minister. Go to independent adjudication in relation to whether he lied or did not lie in relation to Credit Finance. But what I am not going to do is bring a motion to this House, which he knows that he will defeat because he has a majority and that is not... in my view that serves no purpose at all in a modern democracy (*Banging on desks*)

**Mr Speaker:** May I say that having mentioned that the only recourse that hon. Members have is to bring a motion, that of course immediately raises a question that it is very much in the nature of things that any motion which the Opposition bring can be defeated by a Government majority. That happens in all Parliaments, but that is not the purpose, surely. (*Interjection*) It is not entirely the purpose of bringing a motion. They very rarely succeed.

520 In the House of Commons there has been one instance of an allegation of a Member misleading the House, and that was the late John Profumo, and there has been one instance in the last, what... 15 years, of an Opposition motion of confidence succeeding and that was when Mrs Thatcher defeated the then Government, other than that, it just does not happen. But surely, that is not the purpose. The purpose is this is a debating Chamber and whether a motion is carried or is not, it gives an opportunity for Members to air public issues. This is what I have been encouraging them to do, and I am not being entirely successful.

525 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has made other allegations. He has said that I have lied. He has said it now in relation to Credit Finance.

I am going to say categorically and clearly to this Parliament. I have never misled it and I have never lied to it. I have too much respect for the mace, for the Speaker and for everyone in this Chamber, including Members opposite, ever to utter an untruth from this Chair or from when I was sitting over there. If the hon.

530 Gentleman wants to taint my character, he should have the courage to have the debate with me which allows him to make those statements. He knows he cannot. He knows, Mr Speaker, he is the liar.

**Mr Speaker:** Next question.

**Q343/2014**

**Long-term resident British citizens –  
Review of Gibraltar Status Act**

535 **Acting Clerk:** Question 343, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, what does the Government intend to do about the situation facing long-term British citizens, who live in Gibraltar, love this country, consider themselves to be Gibraltarian and in some instances even represent this country in international competitions, but are not considered Gibraltarian for the purpose of the Gibraltarian Status Act?

540 This question crossed over with a press release that the Hon. the Chief Minister or the Deputy Chief Minister issued on this particular topic.

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

545 **Chief Minister (Hon. F R Picardo):** Mr Speaker, long-term resident British citizens, who are not Gibraltarians under the existing and outdated statutory definition, are in this Government's view very much Gibraltarians, as they are here because they have Gibraltar in their hearts as much as any registered Gibraltarians do.

550 Mr Speaker, if 25 years was a long time in the 1950s, it is an extraordinarily long time in the digital world of 24-hour news, and instant communication. Today, most people can move and live where they wish in the European Union or elsewhere in the world and a 10-year commitment to Gibraltar means as much as a 25-year commitment all those years ago.

555 For that reason, Mr Speaker, and as we committed ourselves to do at the election, late last year this Government commenced the process of reviewing the Gibraltarian Status Act with a view to (a) enabling such long-term British citizens who lived in Gibraltar for more than 10 years to register as Gibraltarians at an earlier time; and (b) equalising the relationship between both parents of illegitimate children.

With this in mind, sections 3 and 9 of the Gibraltarian Status Act have been reviewed by the pertinent Department and draft amendments are being considered, which will be brought to this House in due course.

560 **Hon. D A Feetham:** Mr Speaker, as I said publicly, I welcome that the Government has taken this decision. It is only just and proper in our view that British citizens, who have lived for a considerable period of time – and 10 years is a considerable period of time – ought to be able to qualify, under the Gibraltar Status Act, as Gibraltarians. There are many, many people living in Gibraltar of British citizenship who consider themselves being Gibraltarian by choice, and I think that it would be very welcome indeed by those people also.

565 But, Mr Speaker, there has been an element of confusion in my view and conflating of the term 'Gibraltarian', for the purpose of the Gibraltarian Status Act, and the qualifying criteria for the purposes of somebody going on to a Government Housing List. Does the Chief Minister agree with me that in fact one is not necessarily connected to the other, and that somebody who is British, that has lived here in Gibraltar for 10 years or over, will also be able to qualify for Government housing and then obviously qualify to purchase the Government's affordable homes?

**Hon. Chief Minister:** Mr Speaker, I do.

575 I think the position is extraordinarily clear. The form, which has to be filled in, contains both the criteria, as disjunctive criteria, namely... are you a registered Gibraltarian or a British citizen resident in Gibraltar for more than 10 years.

580 It is so clear, Mr Speaker, that there are hundreds of the... I will happily disclose this afternoon, Mr Speaker, hundreds of the 3,000, almost, applications received which relate to just such people, and therefore it is very clear that the Rule has been interpreted properly by those who wish to apply. Given that there are 854 flats, Mr Speaker, and given that there are 3,000-odd applications, it would appear that this has not prejudiced anyone who read the form.

**Q344/2014**  
**European Single Sky legislation –**  
**Gibraltar's exclusion by European Parliament**

**Acting Clerk:** Question 344, the Hon. D A Feetham.

585 **Hon. D A Feetham:** Mr Speaker, what representations has the UK Government made to the Gibraltar Government as to what it intends to do following the exclusion of Gibraltar from the new European Single Sky legislation by the European Parliament on Thursday 12th March?

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

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will not be providing a detailed account of the representations that the UK Government has made to the Gibraltar Government as to what it intends to do on this or on any other matter, save that the hon. Member can assume that this is an area of constant communication between both Governments. In fact the exclusion referred to, Mr Speaker, was not to a new European Single Sky piece of legislation, but to a draft regulation which amended or sought to improve upon an existing measure. The Gibraltar exclusion clause was included by the European Commission in this draft Regulation because it was also included in the regulation that it so seeks to amend.

595 The Córdoba Agreement commits Spain to cease to seek the suspension of Gibraltar Airport from any EU Aviation measure not yet adopted. However, the Single European Sky is not a new measure.

600 The commitment contained in the Córdoba Agreement that covers existing measures, as opposed to new ones, is a different clause. This provides that not later than six months from the date of its signing, Spain would join the UK in procuring the formal lifting of Gibraltar's Airport's suspension from the application of all EU Aviation measures.

605 It is regrettable that the formal lifting of Gibraltar's Airport's suspension from all EU Aviation measures did not materialise between March 2007, i.e. six months after the signing of the Córdoba Accords in September 2006, when the procuring was sought, and November 2011, when the *Partido Popular* was elected into Government. Indeed Mr Speaker, if the suspension clause had been lifted from past aviation measures, as the Córdoba Agreement envisaged, it could not have been put forward by the EU Commission in this one.

610 Finally, Mr Speaker, the question incorrectly refers to the vote of the European Parliament as of Thursday 12th March. For the record, the correct date is Wednesday 12th March.

615 **Hon. D A Feetham:** Mr Speaker, he says he is not going to provide what representations the United Kingdom Government has made to the Gibraltar Government as to what it intends to do, and that the communication is fluid between the two Governments. Is he satisfied that the United Kingdom Government will do everything that it can do, that is within its power, in order to ensure that this is not repeated when the legislation goes before the European Council?

620 **Hon. Chief Minister:** Mr Speaker, I am satisfied that that is the intention evinced to us, but I will not be satisfied until this matter has been dealt with. As I told the Foreign Affairs Committee, who came to take evidence from me in Gibraltar two weeks ago at the Garrison Library, I believe that we should really judge these issues on the basis of results, and if we continue to be excluded, then in my view not enough has been done.

625 **Hon. D A Feetham:** But, Mr Speaker, has he... so that I can assess how far the Government is itself satisfied on some objective basis, has he been told, 'We are going to be doing everything that we can' or has he been told, 'Look, we are going to be doing x, y and z. This is what we are going to be doing. We believe this is enough and the Government of Gibraltar agrees with that'? I mean what is... which of the two?

630 **Hon. Chief Minister:** Mr Speaker, I am not going to get into what I consider to be confidential diplomatic communications between the Government of Gibraltar and the Government of the United Kingdom, but I will say that we know in detail what is being done and we are involved in that detail. We are not just being told, 'We will do lots to try and help you'. We are actually involved in determining what can be done and how the process will be followed through to ensure that each of those opportunities is taken to do something about this.

635 **Hon. D A Feetham:** Mr Speaker, thank you very much.

640 So given that the Government is involved in essentially that road map as to what the United Kingdom is  
to be doing in order to hopefully ensure that this is not repeated in relation to Gibraltar within the  
European Council, is he satisfied that that road map is a sufficiently robust road map to reach the goal that  
he and I both obviously want for Gibraltar?

645 **Hon. Chief Minister:** Mr Speaker, this is European politics. The hon. the now backbencher described  
European politics – I think when he was leader of the Opposition – as essentially, at European Council  
stage, a horse trading table, where unfortunately one particular state might not be able to get its way even if  
it wanted to, especially when measures rely on qualified majority voting to be finally adopted, given the  
new procedures of the EU.

650 So, Mr Speaker, I am not going to shift from my own view as I have expressed to the Foreign Affairs  
Committee and I have expressed to this House a few moments ago, that until the exclusions are lifted the  
Government of Gibraltar will not be satisfied.

**Hon. Sir P R Caruana:** Mr Speaker, would the Hon. Chief Minister agree with me that it is disgraceful  
and lamentable that the result of the vote in the European Parliament, to which this question relates, was  
brought about, in part, with the support of British Members of the European Parliament?

655 Indeed, of a party that formed the Government of the United Kingdom at the time of the Córdoba  
Agreements with whom Spain agreed not to do this, and whose Foreign Secretary sat with me accepting  
Spain's undertaking and agreement not to do so, and if the hon. Member agrees with me that it is  
lamentable that British Labour and other parties and MEPs have contributed to this outcome for Gibraltar,  
is there anything that he believes that Gibraltar should do to mobilise in the context of the forthcoming  
660 European Parliamentary elections in the United Kingdom to point out to constituents of those MEPs that  
have perpetrated this perfidy of British interests, that this is the apparent duplicity to which their Members  
have... yes, Mr Speaker, because this is not even inter-party UK politics. It was a British Prime Minister  
and a British Foreign Secretary that did this agreement with us and that they had clearly violated and voted  
in favour of Spain, violating the agreement that their own party did with Spain when they formed the  
665 Government of the United Kingdom. I am astonished that this aspect has not...

**Hon. Chief Minister:** Mr Speaker, I am grateful for that intervention from the hon. Gentleman, but I  
am afraid I do not recognise that what he is saying is entirely correct.

670 The information that the Government has is not that British Labour MEPs voted against Gibraltar's  
interest. It may be that Members of the PES, the Party of European Socialists, which includes Irish  
Members, who have names which might appear to be British, may have voted in some respects against  
Gibraltar, but the information the Government has is that there are no British Labour Party MEPs that voted  
against the measure.

675 The hon. Gentleman may wish to bear with me as I tell him that the way the vote went was not exactly  
as anticipated. (*Interjection*) Right, in fact the Hon. the Deputy Chief Minister confirms to me, if you will  
just bear with me, that the information available to the Government is that all United Kingdom MEPs of all  
parties, apart from two Members of the Green Party, voted for Gibraltar. And, if he will bear with me, it  
appears that there was some confusion involving one particular group in the Parliament because an  
680 amendment was moved which was favourable to Gibraltar. Therefore voting down the Spanish amendments  
required a whip that said to all Brits and those supportive groups, 'Vote against amendments'; but yet, some  
well-meaning knight in shining armour turned up with a pro Gibraltar amendment and that may have upset  
the applecart in some ways.

685 Some people might have thought they were supporting Gibraltar by supporting an amendment, which  
they had been told to turn up to do... you know, vote in respect of an amendment relating to Gibraltar. The  
vote had to be no to all amendments, except that it was this pro-Gibraltar amendment that crept up and may  
have made some people think that they had to vote in favour of all amendments to be in favour of Gibraltar,  
because only one of them mentioned it. So this is the difficulty. So, if he will allow me, the information the  
Government has in relation to British MEPs is that, and I would ask him not to press me further as to what  
690 might happen next.

**Hon. Sir P R Caruana:** Well, I will not. But, Mr Speaker, that is not how it has been reported, and it is  
important that if the facts that he is now laying before the House are true, that that information hopefully  
will be spread.

695 I, for my part, on the basis that what he is now saying to the House is true, which I have no reason to  
doubt, I of course withdraw my own observations on the matter, but I suspect that public opinion in  
Gibraltar does not understand this because of the way the matter has been reported here.

700 **Hon. Chief Minister:** If I may say so, with respect to the hon. Gentleman, Mr Speaker, I had not picked that up from any of the reporting I had seen. I actually thought it had been accurately reported and that is why I was so surprised to see him really mount his white charger in the way he had.

He can rest assured that if it had come to my attention that any Member of the British Labour Party had voted against Gibraltar, I would already have done very much about it, not least because, as he rightly points out, they were in Government at the time that the Córdoba Agreements were entered into.

705 He will know, Mr Speaker, from his time occupying the post I now occupy, that the Chairman for many years of the relevant Committee in Brussels is a British Labour Member, Mr Brian Thomson MEP, who has been extraordinarily helpful to Gibraltar throughout his tenure. Unfortunately we lose Brian in May, because he is not standing again, having had a great career in Brussels for over 20 or 30 years. So, Mr Speaker, he can rest assured that in relation to any British Member, who might, with malice aforethought, want to act contrary to the interests of Gibraltar, there would have been a huge campaign mounted by Gibraltar.

710

**Q345/2014**  
**UK membership within EU –**  
**Renegotiation; impact on Gibraltar**

**Acting Clerk:** Question 345, the Hon. D A Feetham.

715 **Hon. D A Feetham:** Mr Speaker, has the Chief Minister had any discussions with the United Kingdom Government over the last year about the impact on Gibraltar of the British Prime Minister's attempts to renegotiate UK membership within the EU?

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

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

**Hon. D A Feetham:** Mr Speaker, I will remind the hon. Gentleman there is a motion that was passed unanimously by this House calling on the Chief Minister to keep the Leader of the Opposition apprised of all developments in relation to any discussions that he has had with the United Kingdom Government.

725 Whilst I do not want to extract information that he may feel may be embarrassing across the floor of this House, obviously he has not briefed me in relation to any of these issues and I am asking him whether anything arises in the last year that he thinks he ought to brief me, bearing in mind that motion that was agreed unanimously by this House over a year ago, in fact?

730 **Hon. Chief Minister:** Mr Speaker, no, sir.

**Hon. D A Feetham:** Mr Speaker, is he satisfied, because I gather from that that these exchanges could not have possibly been of any seismic... or information that has been communicated to the Chief Minister could not have been important, otherwise, no doubt, bearing in mind the unanimous approved motion of this House, he would have communicated to the Leader of the Opposition?

735 Is he satisfied that Gibraltar's position is being protected as much as possible, difficult as the situation is, in those discussions between Mr Cameron and the EU attempting to renegotiate the United Kingdom's terms of membership within the EU, because as far as we are concerned, the issue is not Gibraltar participating in a referendum, which effectively is going to be a *fait accompli* of a renegotiated package hopefully... negotiated by Mr Cameron, it is about trying to influence that package so that it does not impact adversely on Gibraltar? Is he satisfied that the United Kingdom has that point firmly in its grasp and that that is what is going to happen?

740

**Hon. Chief Minister:** Mr Speaker, I am tempted to just get up and say, 'yes, sir' again. But the hon. Gentleman needs to understand that I am not going to be briefing him on things that are public. I assume he is not expecting me to call him and read him *The Times*. When things are public they are public. There are hugely important issues at stake for Gibraltar, but there are also hugely important issues at stake for the United Kingdom, and he, I assume, is following that debate. There is no renegotiation.

745 Angela Merkel the Chancellor of the German Federal Republic addressed both Houses of Parliament in Westminster Hall two weeks ago and said, 'There is no renegotiation. I am not here to give support to a renegotiation'. One of the biggest criticisms of the Rt Hon. the Prime Minister is that he has talked about a renegotiation, but he is not renegotiating because he is not enjoying traction with anyone in respect of that.

750

The hon. Member knows – and it is now public – that Gibraltar will vote in any such referendum should there be a Conservative Administration after 2015. That issue, to an extent, is not going to be hugely advantageous to Gibraltar if we get to a situation where the United Kingdom was to pull out of the EU. We have said we do not want out. We vote as one more of an electorate of 40-odd million people and then the majority vote out. So what use might that be to us?

But, there are, Mr Speaker, I have told him before, earlier chickens coming home to roost, where again these issues are public, and I must assume that he is aware of them. For example, in relation to the Justice and Home Affairs issues, the Balance of Competences review, which the United Kingdom is holding a public consultation on and consults the Government of Gibraltar on as well, involving what were known in the old days as fifth pillar measures.

Those issues are hugely concerning and they require a lot of interaction between the Government of Gibraltar and the Government of the United Kingdom, but that is to an extent almost administrative interaction about how to protect Gibraltar's interests in the context of those issues, where the United Kingdom made choices at the time that these things were created to be able to review its position x number of years down the line. Those are more actual and those are potentially just as dangerous to Gibraltar as what the hon. Gentleman is talking about, which is the renegotiation, which is what the motion is about.

But, again, I am assuming that everything I am saying he is aware of, because this is in the public domain, and he does not expect me to call him to read him *The Times*.

**Hon. D A Feetham:** Mr Speaker, even when I try to keep the temperatures of these exchanges as cool as possible, the hon. Gentleman makes it very difficult because he peppers every single answer with personalised, unnecessarily personalised barbs. (*Interjection*) Of course I read the press. I may not read *The Times*, but I certainly read the press.

But, what is he saying to me, Mr Speaker? That he is confident. That Mr Cameron is not going to be able to renegotiate anything with the European Union and that is why he is not concerned about it? Because quite frankly, I would have thought that bearing in mind European politics being what it is, that I do not think that one can say with absolute certainty that Mr Cameron is not going to be successful in his attempts to renegotiate, and what I am asking is...

Well, look, if he takes the view the Government's position is we are confident none of this is going to happen, therefore it is not relevant. But look, if it is potentially it might happen, is he satisfied that Gibraltar's position is being protected? Is he satisfied that the UK Government have all Gibraltar issues at the forefront of their minds, so that we do not end up with a situation where we are presented with a *fait accompli* when the time comes? I think it is a perfectly reasonable logical question.

**Hon. Chief Minister:** Mr Speaker, I just do not recognise that I have said anything barbed, even when I give him the benefit of the doubt. I have said I assume he reads the paper and he does not want me to call him to do that, and so I have given him the benefit of the doubt, but he sometimes somehow feels that I have slighted him though. Perish the thought, Mr Speaker.

What I am saying to him is not that I do not think that this will happen, because if I were to say that Mr Speaker, then I would be venturing an opinion as to the result of the next General Election in the United Kingdom. I am not doing that. I do not know who is going to win the Election in the United Kingdom, therefore I do not know whether we are going to get to an in/out referendum in 2017, or whether in fact the party leaders will all be, as they have been up till now, favouring a yes vote to stay in the EU.

What I am saying to him, and I am saying this as objectively as possible for him to verify, if he is reading the newspapers... and I said *The Times*. Okay, he can read whatever he likes, but I find the coverage in *The Mirror*, *The Sun* and *The Daily Express* is not as in depth as *The Times* in relation to these issues; but anyway, it might be that he reads the tablet or the FT.

Mr Speaker, the fact is that the renegotiation is not happening. There is nothing to influence in that respect at the moment, because the Rt Hon. the Prime Minister's attempt to prise open the renegotiation has not yet yielded results. There is therefore nothing to consult beyond the consultation that we have had already about being involved when the process begins. But he has also heard me say, Mr Speaker, and I say it here as I said it to the FAC, as I said it outside of Gibraltar in Brussels when I have been there, and he no doubt has heard me say it in the press as a result, that there are some instances where Gibraltar may want more Europe than the UK wants.

Even today, outside of a renegotiation, those things have to be explored, and he will have heard me say on a number of occasions that the issues as to Schengen are issues where Gibraltar may want a different result than the United Kingdom has wanted for some time. I cannot say that we do, but we may, and it is an issue for determination and investigation. The issues as to membership of the Common Customs Union and Excise Union etc are issues which bear, if not constant, because constant means every day, then periodical review, because the undoubtedly right decision made by the Administration of Sir Joshua Hassan in 1973, when Gibraltar joined the Union, to stay out of the Common Customs Union then when the rest of the



European Economic Community, as it then was, ended at Four Corners and started again in the Pyrenees, might not be the right decision today, given how the world has changed and how commerce has changed. It is now to a very great extent powered online and so all of those things are relevant, looking forward to our relationship to the European Union, in some degree.

But the renegotiation, which is what he is asking about, is not happening, and that is what I am telling him. It may happen after 2015. It may start to happen tomorrow and we may find ourselves then involved; but at the moment it is just not happening.

**Hon. D A Feetham:** Mr Speaker, the reason why I have asked this question is precisely for the very reason that he has explained. It may well be that Gibraltar's interests on many of these issues may not be completely *ad idem* with the interests of the United Kingdom, and it is precisely because I want to ascertain whether the Government of Gibraltar is (i) alert to this, but (ii) actually communicating with the United Kingdom Government in such a way that it is making them *aware* of our own, effectively, position in relation to some of these issues so that they can take them on board when they engage with the European Union on these issues.

But, can he help me with this? Is it that the Government has already communicated the Gibraltar position, if I may call it that, to the United Kingdom Government when the Hon. the Chief Minister met with UK officials at the beginning of last year and that he is satisfied that if the process were to continue – in other words, the process of renegotiation with the European Union – that the Gibraltar Government has already said everything that it needs to say in relation to Gibraltar's position, and that he is satisfied that the United Kingdom Government has actually taken those on board?

**Hon. Chief Minister:** Mr Speaker, a long time ago. Not just at the beginning of last year, but when the spectre of renegotiation was raised and when analysing Gibraltar's membership of the EU with officials in the United Kingdom because of issues that relates to transposition of directives, as much as relating to frontier flow, even before some of the current issues that we are seeing at the frontier.

But it is not just interests, Mr Speaker, that may not be perfectly aligned between the United Kingdom and Gibraltar, it is politics, and politics and interest can sometimes be very different things, and the politics of the European Union in the United Kingdom is to a very great extent poisoned, in many respects, by some of the attitudes that people in the United Kingdom might have to the European Union, which may not necessarily reflect what their interests may be, and hence why the three party leaders are all saying we should stay in, but renegotiate, and many people, and if you believe the polls, more than half would say we want out.

Who is right about where the interests of the United Kingdom are? So there is a lot of politics here as well. Our politics is different. I have said repeatedly, Mr Speaker, that we are exchanging views with the United Kingdom in this respect and in respect of the ongoing issues. We have put our position in respect of renegotiation, but renegotiation has not moved.

But what I am saying to him, Mr Speaker, and he should be more concerned about, is that other things have moved and other things are moving, and there we are very confident that the United Kingdom understands what our position is. But, I would not accept from him, Mr Speaker, what he has said about when they go they are aware of what our position is, as if they – meaning the United Kingdom – are the people who are going to represent us in this, full stop.

My view is, Mr Speaker, that Gibraltar has expertise in European Union issues and that in many instances it is important that we are there when those changes... let us not call it renegotiation, which is the treaty aspect, but changes, like the fifth pillar measures etc, issues are being dealt with, and we may need to be there, not the negotiator, but with the negotiating team, because we are able to point out when things arise that that new issue matters to Gibraltar, because otherwise we may find that something is presented to us three weeks after it has become a draft in Brussels. Once it has become a draft in Brussels, it is much harder to shift, and I see the hon. Gentleman, the hon. the backbencher indicating that he would more or less agree with me in this respect.

If you look at what it is that has happened with the Single Skies, it is much harder to shift a draft once it has gone against you, and it is much easier to ensure if you are there at the time that things do not creep into drafts, which are dangerous. So I do not even accept that they, the United Kingdom, should be solely responsible for what happens, and that we should have people who know about Gibraltar issues intimately – and nobody knows that better than the Gibraltarian expertise that we have in EU matters – if possible, as part of teams when these issues are being dealt with.

**Mr Speaker:** next question.

Q346/2014

Europa Point –

Proposed site for UEFA football stadium

**Acting Clerk:** Question 346, the Hon D A Feetham.

**Hon. D A Feetham:** Mr Speaker, is the Government satisfied that Europa Point is the best location for the proposed new UEFA football stadium?

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

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

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**Hon. D A Feetham:** Mr Speaker, has the Government together with the GFA explored alternative sites? Is it a case where this is really the only site where a football stadium can be located? Are there other sites or it is just that this one is, in the Government's view and the GFA, a preferable site?

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**Hon. Chief Minister:** Mr Speaker, given the geography of Gibraltar, there are not many sites, and this is the only site, which in the Government's view, is viable. You could reclaim more and create a stadium. You could have one a mile and a half off Eastern Beach if you were prepared to spend the money. You could have one on the Eastern Beach reclamation if you are prepared to forego the huge economic advantages for Gibraltar of developing the East Side in a different way. But given the responsibilities that he would have if he were sitting – perish the thought – in my chair, which involves looking not just at how to play football and where best to play it, but also to ensure that Gibraltar's socio-economic needs are met, then this is the best site for the job.

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**Hon. Sir P R Caruana:** Mr Speaker, overlooking the fact that 'perish the thought' is the language of Punch and Judy, I accept what the hon. Member has just said that it is not as if we are spoilt for choices of sites, and the question of the opportunity cost of other sites is also an important factor to take into account.

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On the other hand, the hon. Member must be aware, and I hope concerned about the fact, that there is a groundswell of public opinion that deeply regrets and indeed is strongly opposed to the Europa Point expansive site being used for this purpose.

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I wonder whether the hon. Members have considered, and it may be that they have and either because it is too small or for other reasons rejected it, but I wonder if the hon. Members have considered the site where we were going to build the power station – and apparently they are no longer going to do so, unless they are at some point – in other words further up the slope where the stadium would be, sort of, less obtrusive, in the sense that it would be disguised by the immediate cliff backdrop behind it, which is one of the reasons why it was acceptable to us to build a power station there. This is basically using the site of the old Lathbury Barracks parade ground. It may not be big enough. It is just a thought. Being further up the cliff it would be much less obtrusive and much less visible on the Gibraltar profile. It is just a thought, but I just wondered whether the hon. Members are still open to alternative sites or whether this has now moved beyond that point?

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**Hon. Chief Minister:** Mr Speaker, nobody likes to do something which is unpopular, and if the Government found a site which was more popular with some, or with the majority, then we would be delighted to have been able to find it. But I do not recognise that there is such a huge groundswell of opinion. I recognise there are many people who think it is the wrong site. Many of those who have expressed a view as to the site have then said, 'Well, actually, if it looked slightly different, it might be alright even there'.

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So there are views – and the hon. Gentleman has done my job for 16 years and if it is difficult to draft a letter by a committee of three, imagine how difficult it is to find a space for a stadium the size of this one if you are consulting 30,000 people – there are views about many aspects, but if you go into the changing rooms of the GFA, for example, everybody is of the view that it is lovely. It should go at the Lighthouse and we should start breaking ground tomorrow.

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But let us understand what the process here has been. The GFA has approached the Government to work with it and with UEFA to identify sites, and we have done so looking at size, and not just size, but size is hugely important here. From recollection, I think at Lathbury it did not fit, in particular because he will recall that that area is slightly higgledy-piggledy because there are things that the MOD have retained. Accessibility is through a single corridor at the moment, Devil's Bellows, and when you are trying to get between eight and 12,000 people in and out of a stadium, that could be very dangerous indeed. There is, dare I say it, I think a green lane which is (*Interjection*) a green corridor which is relevant to the Barbary

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Partridge, that is so close to the Hon. the Leader of the Opposition's heart. We would not for one moment want to interfere with that and it is therefore not the right site.

930 We have looked at many other potential sites. I am not an architect and I am not a designer, and I may or may not like the design of the stadium more or less, but that is much different to accepting that Europa Point, as it is today, is an iconic site. There may be aspects of what Europa Point is today that are iconic, but there are many parts of it which are simply almost a waste ground, because the cricket ground is really just a flat earth area with a pitch that we would not want our people playing on if we could provide something better. So to take just that site and perhaps have a much better design, in some ways that is more in keeping with what people might like to see there, may in the end be the right option.

935 People say, 'Well, what about the Victoria Stadium, could you not do it there? Is it because Spain objects because it is on the Isthmus?' Well, look, I think I have read something that others have said, that this Government really would not put much store by an objection by Spain as to where we play football, and I dare say that the hon. Gentleman would not have either, when he was Chief Minister. If that was the right place, then that is the right place. Gibraltar is one and indivisible – (*Interjection*)

940 **Hon. Sir P R Caruana:** If the hon. Member will give way. It was not Spain that had objected, but UEFA that had said it could not be on disputed territory.

945 **Hon. Chief Minister:** Well, Mr Speaker, that has never been put to me, because what they would get from me would be a tongue lashing, because Gibraltar starts at Four Corners and ends in the middle of the Straits, where our waters end; but the issue is slightly different.

950 First of all, area wise, although it is good for traffic and it is close to the frontier where you assume many visiting supporters would be entering from, it is a multi-use facility, and part of the plans that would have been required there, if you are not moving the road and you have got a problem with the tunnel and the timing of these issues is all relevant, would involve demolition of part of the new Tercentenary Sports Hall, and would involve the children from Bayside Comprehensive, St Anne's and Notre Dame, that make very good use of the stadium, never being able to use it, because one of the UEFA requirements is that the stadium cannot be multi-use. It is literally just football, and it can only be played on by teams that are part of the GFA's leagues or the national football team. So you would then, if we were to build something slightly smaller at Europa to be the new Victoria Stadium, have to be taking kids from Bayside and Notre Dame and St Anne's up to that multi-use facility and demolish part of the Tercentenary Hall. So he, perhaps more than most, understands that Gibraltar is a jigsaw puzzle with one piece missing and you have to move everything around to ensure that you get the right result.

955 There is, of course, a rifle range in the area where the GFA are making the proposal to the Government and the Government has said it is prepared to lease that land to the GFA. There is a negotiation and a relocation to be done of the rifle range. This is not throwing an egg to fry, to use a loose translation of another language. There are many opinions. I am not an architect.

960 But what I will say for the GFA is that they have been brave, because this is a very big development. They have not simply wanted to get it into the DPC as soon as possible, get DPC consent as soon as possible and get breaking ground as soon as possible. They have actually been courageous in saying to the community, *weeks* before they went to the DPC, 'This is what we are thinking of doing. What do you think? How can we improve it?' Many in the community have reacted by saying, 'Oh my God, that is awful. We have been presented with a *fait accompli* of an area that we all love and this is now going to be completely ruined'. Well, actually, that is not what has happened.

965 The GFA have said, 'Gibraltar, what do you think? It is your stadium. It is your national football stadium. Before we go to DPC give us your views'. They are now going to DPC armed with those views. The DPC is going to give them feedback as DPC. There will be environmental issues to deal with. There will be lots of issues to deal with, and it may be that the final result that comes out from DPC is actually much more acceptable to absolutely everyone. Of course, the DPC is not an architect with 10 heads, but it can ask people to go back and think about how things look and how they blend into a particular area.

970 Some of the elevations that I have seen actually demonstrate that the stadium there, with the sort of height that is being proposed at the moment, blends into the cliff completely. While some of the elevations I saw of what it might have looked like in other places actually blighted the landscape. So this is a very difficult thing to achieve. It is a testament to Gibraltar and to the GFA that having now been in UEFA, we are working very hard to ensure that we can fulfil UEFA's requirements in respect of what a category 4 stadium will look like and where it should be, but all of this within the need to ensure that Gibraltar continues to develop socio economically with its prime land saved for that purpose.

975 I saw the Hon. the Leader of the Opposition refer to the stadium as it has been represented, as I do not whether he said fourth division or third division stadium in the UK. Well, look, everyone is entitled to their opinion. I have described it as if the millennium falcon had landed at Europa Point because it actually looks a little bit like that spacecraft from the *Star Wars* series. I did not necessarily mean that in a praiseworthy

990 sense, but that is the architecture. If the architecture can be got right, then I think this may actually turn out to be hailed by people as the right place to do it.

And, if I may say so, people should also realise that a lot of work has gone into ensuring that the very popular parts of Europa Point, like, for example, the Children's Park that was developed in that area, although it was developed with the wrong plants, it has now got the right plants in it and therefore it is not so much of a problem, and the old Battery etc are preserved, and some ideas have come out of this which  
995 are very positive indeed.

So whatever the stadium looks like, I very much like the idea, as a citizen, and I suppose as the person who represents the landlord, I think actually it is quite enticing that the top of the stadium should have a walkway, which is also going to be accessible to tourists, to give also different views of the Straits of Gibraltar and of the Rock. So you are adding an opportunity there for people to look at the Straits, not just  
1000 from where they can look at them today, but also from somewhere else, and if they open them during match days they will be the best seats in the house for sure.

A difficult decision. We have got to get it right. Those are the reasons why at the moment we think that is the only site that can accommodate the criteria that UEFA puts to us.

1005 **Hon. D A Feetham:** Mr Speaker, I entirely agree with the Chief Minister that it is a decision that we need to get absolutely right, and in determining whether it is a decision that has been well thought out, I would have expected, and I am asking the Hon. the Chief Minister to confirm, or say no, as to whether the Government obtained or commissioned any kind of study as to the areas that were available as alternatives to this particular site, or perhaps that is wrongly phrased... as to the various alternatives that at the time  
1010 were available to the Government or is this just a situation where the GFA and the Government looking around for a particular site, say, 'Well, the Europa Point seems to be a good site to have the location of the stadium'. Has there been a formal study, by either Government officials or independent contractors, as to the various sites where this particular stadium could have been built?

1015 **Hon. Chief Minister:** Yes, Mr Speaker, although I would not call it study, and as I told the hon. the backbencher, my predecessor, there has been a lot of work done by the GFA, by UEFA and its experts, and by the Government in order to identify the correct sites.

But let us be very clear. Let us not pretend that we control Texas. There are two or three potential sites – that is it. We could do it in different places if we demolished vast tracts of homes etc and bought people out  
1020 and spent years relocating people; but assuming that you want to do it in an area that is relatively greenfield or brownfield, and you want to be able to move relatively quickly, and you are going to try and limit the number of relocations that you do, there are very few sites that you can really talk about. Those sites have been looked at. Each of them has been looked at individually.

The Hon. Mr Reyes asks in meetings of this House about cricket and rugby as well, and that has been a consideration as well, because if we cannot put the stadium, or the UEFA stadium there, can we put the rugby there or can we put the cricket there? All of this, as I told him before – and I have answered questions about this from him – is the ongoing process of finding room for everybody else. One of the areas where we may put cricket and rugby, as he knows, is the Western Beach reclamation. I do not know whether this is an issue that crossed the hon. Member's desk at any time, but you have got the Victoria Stadium to the south  
1030 of the runway. Okay, I forget if left or right, to the south of the runway. You would have thought if you were going to set up a sports facility to the north of the runway that as long as you have cleared your lines with the MOD as to the mechanism for reclaiming land there, because as the hon. Gentleman will recall from his time in office, you cannot use dredged material because it could attract birds...you have got to use landfill etc. You get that right and you can set a stadium up there at any time.

1035 The Military Aviation Authority will say to you, 'Ah, but you have got grandfathered rights in respect of sports facilities to the south of the runway, but this is a *new* application for sports facilities to the north of the runway and we would have to look at whether this is now possible and the risk assessment that we have to do'. So although it is not the right place for the stadium, you cannot actually put the stadium there because of traffic issues etc, and because of the height of the stadium you may not even be able to put a flat pitch, because the MAA may say, 'Well, you can only have within this radius something that is built up to at least two storeys to protect people in the event of there being an accident'.  
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So this is very difficult indeed and has been looked at in great detail. To a very great extent this is harder than fitting a rich man through the eye of a needle, but we will get there and we will get it right. It will be the right result for this community. Our involvement will be as landlord to cede the area when the time comes, and through the DPC to ensure in respect of those who represent the Government there that they give the feedback that properly represents the community's views as to the architecture being proposed.  
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**Hon. D A Feetham:** Mr Speaker, in terms of the sites that the Government has considered in this 'study' that it has conducted to see what is the most appropriate site, as I understand it the sites have been

1050 Europa Point, Victoria Stadium, the land reclamation on the East Side and Lathbury Barracks. There have not been any other sites, apart from those that the Government has considered as potentially appropriate for the location of the stadium.

1055 **Hon. Chief Minister:** Mr Speaker, this dates back some months now. I cannot remember exactly what were the areas looked at. There is a Government analysis of these things. I am given the analysis and the recommendations.

I think at one stage the naval grounds were looked at as well as a potential area, but of course there are leases in place there; but in may not have been the right place anyway.

1060 So a lot of areas have been looked at. There are not that many. I think he may have enumerated most, if not all of them. There may or may not be others.

Find me an area of open ground of that size in Gibraltar that is not prime development land, like the East Side is, which is hugely important to the economic development of Gibraltar etc, and if he can find it, I will have a look at it.

1065 **Hon. D A Feetham:** The problem with the Victoria Stadium, which most people seem to mention in relation to as an alternative to Europa Point, the problem with that, as I understand it is, that the stadium could not be constructed without demolishing the facility next to it, the Millennium Hall – *(Interjection)* Sorry, the Tercentenary Hall, without demolishing that, the stadium could not have been constructed.

1070 There is no way in which, for example, the majority of the seating could have been accommodated on the opposite side, on the opposite side of where the Tercentenary Hall is so that that particular hall did not have to be demolished. In any event it is a judgement call on the part of the Government, because of course that could have been relocated somewhere else, but was there no possibility of actually maintaining the stadium there without demolishing this particular hall?

1075 **Hon. Chief Minister:** Mr Speaker, it is not just a judgement call on the part of the Government, although of course at the end it might be.

1080 The demolition of part of the Tercentenary Hall, if it is at a particular angle, it is interference with roads. If it is at another particular angle, it is the fact that you are going to lose the multi-use facility. If you lose the multi-use facility, you have to recreate the multi-use facility. Where do you recreate it? At Europa Point. So if the objection is you are going to have to have a stadium at Europa Point, well, then you might as well build once, you might as well get it right, you might as well make sure it looks good, and whether it looks like the multi-use would look like or the UEFA one would look like, what it looks like is not part of the UEFA criteria; it is what identifies access and what identifies size etc that is relevant.

1085 Then the other thing I have said before when I was answering questions from the hon. the backbencher is that you would lose the multi-use facility from next to the school. So Bayside would lose its football pitch and so would Notre Dame and St Anne's lose its ability to access that area. Even Westside is quite close to or much closer to Victoria than it is to Europa and (a) what do you do in the interim; (b) do you then bus school children all the way up to Victoria when they need to have – **(A Member:** Europa.) to Europa when they need to have their sports, and then what do you create at Europa? You must also create something at Europa, so the objection that there is going to be a structure there disappears.

1090 Mr Speaker, in those circumstances, that is how we are driven to Europa as the possibility where the stadium is going to fit. All of those issues I think are fairly understandable if you apply your mind to them and you work out that this is, at the end of the day, the likely location that you are going to be, if you like, stuck with, because it may be that if we all had the choice, we would do it somewhere else.

1095 **Mr Speaker:** Next question, the Hon. –

**Hon. E J Reyes:** May I, Mr Speaker, just to develop something further with the Hon. the Chief Minister?

1100 He did say in the very early part of his answer, the Chief Minister said that if you were to ask in the changing room of the GFA they would all say, 'Right. When can we start... tomorrow?', and so on. Is the Chief Minister aware that within the Gibraltar Football Association there is not that unanimous a consensus, more so not only on the location, but even so on the design?

1105 I have heard comments from well-known regular first eleven players, and I think the Chief Minister is probably aware that certain clubs through their presidents and so on are not quite happy with the set up. Obviously, I cannot press the Chief Minister further because it is not his political responsibility to answer, but will he at least confirm to me that he will look into it just to make certain that he does have the full cross-section view of all the Gibraltar Football Association members, and not just its executive committee, because sometimes when you sit in a position of such responsibility as the Chief Minister, people only tell

1110 you what they think you want to hear and not necessarily the whole picture of what is being said behind the doors in the changing room.

1115 **Hon. Chief Minister:** Mr Speaker, thank you to the hon. Gentleman for that intervention. There is no ivory in my door or in my windows and my office is not so high up that it is a tower. I am fully aware of the fact that there are some clubs in the GFA whose presidents have said that they... but what they have said is that they do not like the design, and some others have said, 'I do not like the place', and some have said, 'I do not like the place or the design' (*Interjections*) and of the players that I have spoken to, all the ones... all the players I have spoken to have said *no vea lo bonito que esta el stadium* 'Oh, my God, isn't the stadium going to be lovely'. So there are completely different shades of opinion and, for many different reasons, I also understand that there are some who have representation in the GFA who have felt that they could bring a better deal to the table in terms of construction, for example. Well, look, that has got nothing to do with us. It is going to be a GFA development, but we are aware of those issues. To a very great extent those are internal GFA issues and despite not being in an ivory tower, at the end of the day I have to sign documentation as landlord with the GFA Council.

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1125 What they have done and what I think they should be commended for by the community, and they appear to be being condemned for, is open themselves up to responses from the public. So the reception that they held at Casemates Vaults, where they presented the stadium, was explicitly one of presentation for views, and many in our community – and this I think I said earlier – have taken it as a presentation of a *fait accompli*. It may or may not have to be a *fait accompli* as to location, because of all the issues that we have discussed, that it just does not fit anywhere else when you start to look at the nitty-gritty. But, as to design, as to aspect, all of those things to a very great extent are in the hands of the DPC insofar as the law provides for it, and in the hands of the architect and GFA as developer to another extent.

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1135 But I think that the GFA have the sensitivity to have heard what has been said by the public in the consultation, even if the public have responded by thinking that they are not being consulted and giving their views as to what some people have described as awful *fait accompli*. Well, they have then gone and say it is awful because *a, b, c*, and therefore the GFA have the benefit of those views when they are now going to take this to the next level.

1140 It is well-nigh impossible, I must tell the hon. Gentleman, in my view, to draft a letter with two people sitting with a pen, let alone design a stadium with 30,000 people having opinions as to where it should be located and who should be designing the seats.

1145 The Hon. the Leader of the Opposition has just said we could have one stand higher than the other. I mean perish the thought that we might actually have to design things in that way. To an extent we have to make decisions in our respective legal capacities. We are here as the landlord. We have to make decisions as to location. The GFA have to make decisions as to architecture and look, and the DPC have to respond in that respect. The public have a huge role to play in making sure that landlord and developer are fully aware of their views and make sensitive adjustments to reflect those where possible.

**Hon. D A Feetham:** Mr Speaker, in relation to the cost –

1150 **Mr Speaker:** I am going to allow one other supplementary, because really we have now been ventilating this matter for well over an hour. I am aware of the fact that it is an important public issue, in which I, myself, take a great interest, but I do not think we can take the matter very much further than what we have done this afternoon.

1155 I will allow the Leader of the Opposition to –

**Hon. D A Feetham:** Thank you very much, Mr Speaker.

1160 Mr Speaker, in relation to the cost, (i) is there going to be a cost to the Government in relation to the construction of this particular stadium; and (ii) has there been a cost to the Government in the actual design of the stadium? Has the Government contributed anything in relation to the cost of the design to the designers?

**Hon. Chief Minister:** Mr Speaker, all the costs of the designing of the stadium and the development of the stadium are for the GFA. It is a GFA stadium and will be owned by the GFA.

**TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**Q308/2014**

**Government rental homes –  
Assignment; repairs to be carried out**

1165 **Mr Speaker:** Question 308, I think we will now deal with.

**Acting Clerk:** Question 308, the Hon. E J Reyes.

1170 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 173/2014, indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

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

1175 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 173/2014, 17 flats have been assigned.

The repairs are to be undertaken by the following: Housing Works Agency – 2; subcontractors – 5; the assigned tenants themselves – 10.

**Q309/2014**

**Government rental homes –  
Urgent decanting of tenants**

**Acting Clerk:** Question 309, the Hon. E J Reyes.

1180 **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 174/2014 indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

1185 **Acting 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 174/2014, no further tenants have required urgent decanting from their homes.

**Mr Speaker:** Next question.

**Q310/2014**

**Government rental homes –  
Allocation and assignments**

1190 **Acting Clerk:** Question 310, the Hon. E J Reyes.

1195 **Hon. E J Reyes:** Can the Minister for Housing say how many residential homes, since the answer to Question 175/2014, have been (a) allocated; and (b) assigned, showing the room composition of the respective homes?

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

1200 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question 175/2014, 40 flats have been allocated and assigned as follows:

Allocated: 1RKB – 1; 2RKB – 7; 3RKB – 11; 4RKB – 3; 5RKB – 1; 6RKB – None. A total of 23.

Assigned: 1RKB – 1; 2RKB – 10; 3RKB – 4; 4RKB – 1; 5RKB – 1; 6RKB – None. A total of 17.

**Q315/2014**  
**Affordable housing scheme –**  
**Change in allocation rules**

**Mr Speaker:** We are now going to take Question 315.

**Acting Clerk:** Question 315, the Hon. D A Feetham.

1205

**Hon. D A Feetham:** Mr Speaker, does the Government intend to change the allocation rules for affordable homes, it is in the process of constructing, so that divorced spouses, who do not have care and control of their children or residency orders in their favour, can apply to purchase flats that take into account the number of children they have, so any sleepover contact is meaningful?

1210

**Acting 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's affordable housing schemes are designed to be allocated based on the room composition eligibility provisions, which have been established for decades; but life has obviously changed and divorce is an issue we must catch up with.

1215

Having left office in 1996 with a housing waiting list of 400, it would have been possible then to try to make changes to better reflect changing social values. Having inherited a housing waiting list of almost 1,500 16 years later, a 275% growth, it is not so easy, but we are keen to allow people whose family composition may include children of a dissolved marriage or terminated earlier relationship to buy homes based on that composition once the housing list allocations have been met.

1220

The first projects launched by the Government have been extraordinarily successful, with nearly 3,000 applications received for 850 flats. We will shortly start the process of making the relevant allocations and then of exchanging contracts. Shortly thereafter, further co-ownership schemes are likely to be launched.

1225

We will not fall into the trap of allowing the waiting lists to grow exponentially as the previous administration did.

**Hon. D A Feetham:** Mr Speaker, I am not sure that he has answered the question.

My concern is, because I am aware and I do accept that the housing rules go back decades, not only covering the previous GSD Administration, but also the GSLP Administration of the early 1990s, late 1980s, and also as well the Hassan Administration.

1230

But it does appear, and it has appeared to me for some time, that there is a potential injustice in the way that... or there is an injustice in the way that these rules operate, because invariably, when marriages break down and there is a divorce, the husband very rarely gets either care and control of the children or a residency order made in his favour, because the children live with the wife. The rules at the moment, the way they are operated and applied, is that in that situation, despite the fact that the father has, say for example, three children, because the children live with the wife and only stay with the father at weekends, for example, in contact, the Housing Allocation Committee says, 'Well, no. You are effectively single. You are only entitled to a one bedroom. You are not entitled to a two or a three bedroom'.

1235

I can understand there are arguments to say... well, why should that family effectively be entitled to two properties at Government expense, with one for the wife – sometimes they are Government tenants – and also one for the husband? I think that does not reflect the realities of an unfortunate situation. Nobody wants to get married and invariably it is husbands and fathers that are hit very badly. One would have thought that although there is some rationale in relation to – which I do not agree with and I do not criticise the Government because this goes back years and years – in relation to Government housing that if somebody wants to buy his own house in order to provide his children or a suitable accommodation for him to be able to have meaningful contact with his children, that the Government ought not to effectively just simply replicate the housing allocation rules and allow that father, with those three children, to apply – after all he is buying – to apply for a three bedroom, in that example, flat.

1240

1245

1250

**Hon. Chief Minister:** Well, Mr Speaker, we agree with the concept, that the hon. Gentleman is espousing, entirely, and we are acting in that spirit; but we have to act in that spirit in the context of the housing allocation rules and in the context of the housing list, and the issue is how do you go out of that? How do you fairly move people out of that?

1255

So if you have got a family that are entitled to a three bedroom and they are on the housing waiting list in that composition, how do you allow somebody who is on the housing waiting list for a one bedroom to jump over them and access that property? So what is going to happen, Mr Speaker, in the context of breaking the back of the housing list, which is the process that we are in now again, is we are going to



1260 ensure that as we go down in priority on the housing list, if somebody is entitled to a particular composition, but would if he had his children be able to aspire to another composition, we are going to allow them buy, if those who are on the housing waiting list before with an actual composition that reflects that right have not already bought. Therefore, to a very great extent, I hope the hon. Gentleman will welcome what we are going to do.

1265 As the housing list is further eroded, it will be even easier to deal with these issues and adopt to the modern problems that Gibraltar has, just like the rest of the world has in respect of co-ownership. This is our position. We are very keen, Mr Speaker, to ensure that fathers or mothers – and the hon. Gentleman I hope was just generalising... I hope he will recognise that there are some mothers; it is man bites dog, but there are some mothers in exactly the same position, who find themselves in this predicament – can aspire to co-ownership homes in this way, as I have suggested and as we are ensuring will be the case, insofar as possible, given the overwhelming demand and given that people may have direct rights because of where they are on the housing list.

1270 The hon. Gentleman has said in his first answer that there are likely to be more co-ownership schemes launched by this Government. I do hope that we will be able to do so very shortly after the allocation of the existing co-ownership scheme, which has been already, Mr Speaker, a huge and overwhelming success from the numbers of applications which have been filed.

1280 **Hon. D A Feetham:** Mr Speaker, is he saying, or does he expect that this particular rule change, because it is a change in the rules... you are not doing it at the moment. You said, the Hon. the Chief Minister said at the beginning of his answer that we are doing it within the spirit now. Well, that is not the case.

The present position is that if you would qualify for a one bedroom Government house, that is all you are entitled to apply for if you purchase. I just want us to send a glimmer of hope to all those people in this situation, the majority of which are fathers, but I accept there may also be mothers, a minority, but nonetheless deserving cases, where there will be a glimmer of hope for them, where they will be able in the future to buy affordable homes of a size that is obviously going to mean that they will have meaningful contact with their children.

1285 For example, is he suggesting that the rule is going to come in when the Government basically makes an announcement in relation to further affordable homes that he may announce in the future? Or does he think that it will also apply to these particular developments? Because in relation to these particular developments, I cannot see that it is actually going to apply, bearing in mind the size of the waiting list and the commitment the Government has made.

1290 **Hon. Chief Minister:** Mr Speaker, I am not just offering them a glimmer of hope. I am telling them that I will open the doors of these opportunities to them because they should be entitled to, and they should never have found themselves in the situation in which they find themselves. We are on the side of people who are suffering these problems, and there are no rules to follow here, Mr Speaker, because the rules are the housing allocation rules that apply to Government tenancies.

1300 The hon. Gentleman is asking about affordable homes, where we have set out what priorities we will follow in allocation of homes, but these are not rules. We are there as developer. We will say, as I have said initially, we are looking at the housing waiting list; but after that, we are looking at how we can allow people in this predicament to access those homes.

1305 But, Mr Speaker, I am afraid I have to say to him, he has to understand what we inherited. Just in respect of the people who are on the housing waiting list on 9th December, a huge number of people, like he describes, on the 1RKB list, and a huge number of people are on the 3, and on the 2, and on the 4, and on the 6, and so you have got to deal with the whole problem. Some of it we may be able to deal with now and some in respect of future developments, but our commitment is to deal with it, to once again break the back of the housing problem, not just on the basis of the letter of the list, but on the basis of these real social problems that affect people on the list that we need to have and to be conscious of.

1310 But, Mr Speaker, rule changes are not so relevant in relation to affordable housing. What we have to do, is make sure we get this right so that fathers, mothers of broken marriages, of broken relationships, whether there has been a marriage or not, the important thing here, Mr Speaker, is that they should be with their children, because it is not their right to be with their children, it is the children's right to be with their parents and we must facilitate that insofar as we are able.

1315 **Hon. D A Feetham:** Well, Mr Speaker, I associate myself entirely with that sentiment and that is precisely why I have asked this particular question.

I was not able, I have to say, when I was a Government Minister to persuade my other colleagues about the wisdom of actually changing the housing allocation rules in order to allow divorced fathers, or indeed mothers, who are also divorced, but do not have either care and control or residency, to actually be treated,

1320 what is in my view, in a fair way, which is to allow them to be allocated housing that is commensurate with their need, bearing in mind the size of their family, because unfortunately divorce is all too a reality in this modern society. So is the Hon. the Chief Minister saying that he is also going to be changing the rules for allocation of Government housing in order to basically allow that state of affairs to happen?

1325 **Hon. Chief Minister:** Mr Speaker, I do not agree with the hon. Gentleman when he uses the word ‘divorce’. Divorce is irrelevant here, because there are many people in this situation who are fathers or mothers who have never been married to a partner. So we are talking about broken relationships, and in some instances we are talking about relationships that may only have occurred to give life to an individual and there has never been a cohabitation; but does that mean that that father has not also got a right to reside with his child at some stage or a mother’s right to reside with her child? So divorce should be completely outside the hon. Gentleman’s – (*Interjection*) I will in a second.

1330 Divorce should be completely outside of the hon. Gentleman’s lexicon in this respect. We are talking about children, however they are brought into the relationship, whether it is a relationship consecrated in marriage or a relationship which might otherwise loosely be called a common law relationship.

1335 I will give way.

**Hon. D A Feetham:** Yes, the reason why I am using the term ‘marriage’, and the hon. Gentleman should understand that I was involved in some of these issues, because we also reformed our Matrimonial Laws and also reformed the Magistrates’ Court Act that dealt with judicial separations.

1340 The reason why I am referring to marriage, and I could have also referred to judicial separation, is because the Housing Department has a policy of basically asking for Court Orders when it makes a determination of these issues – that is the reason why I am talking about this in that context.

1345 The Housing Department – and again it is not a criticism of his Government because it is a long-standing practice – asks to see what is the Court Order. When you say that your relationship has broken down, where is the Court Order and what type of Order do you have in relation to your children? That is the only reason that I have phrased it in the way that I have.

**Hon. Chief Minister:** Mr Speaker, in fact I should have said that of course now I understand why it is that they tweet about being a completely different GSD, given that he wanted to change things before, which he was not able to change and he has changed them now I understand.

1350 Mr Speaker, our position is I think extraordinarily clear now. It is a question of *how* to do this, and a question of *when* to do it, and whether it can be done in the first of these developments, or whether it is done in the process of moving from the first to the second, but it is going to happen.

1355 We are going to make sure that we deal with any of these unfairnesses, for the sake of the children as much as for the sake of the fathers and the mothers. Parents and children hopefully will end up much better off as a result of these developments which the GSLP Liberals are going to see now developed in Gibraltar, and the next ones, and then it will be much easier to change housing allocation rules when it comes to Government tenancies, although I note that they have had a policy announcement in respect of some aspects of that already in respect of a means testing, but I will not say more about that at this stage.

1360 **Hon. D A Feetham:** Mr Speaker, my final supplementary in relation to this, and he will decide to answer it or he does not answer it.

1365 I understand what the Hon. the Chief Minister has said in relation to developments, the affordable housing, but can he just provide me with a straight answer that he does in principle agree with the need that the housing allocation rules ought to be changed in order to allow fathers or mothers, in the situation that I have described, to be able to apply for larger properties so that they can have meaningful contact with their children? Housing allocation rules, not the affordable homes.

1370 **Hon. Chief Minister:** Mr Speaker, I think I have answered this extraordinarily clearly and how it will be done, and the answer is yes, because we believe in the rights of parents and we believe principally in the rights of children. How it is going to be done and the mechanism is what we have been exchanging views about.

1375 This is a hugely important part of Gibraltar’s social and demographic development. We have to understand what is happening and we have to provide for it. This is not just to look after people today, it is about looking after people tomorrow, and the Government is going to make sure that children can have contact with their parents, because that contact, in our view, will produce a better adult in the long term, and it is a pity that for some time now these issues have not been dealt with.

1380 He will allow me to say that not having reviewed in the past 16 years and allow the housing waiting list to grow as it did... these rules, has caused a lot of the problems that we are now dealing with. I think he recognises that and I think he supports what we are doing.

**Q311/2014**  
**Housing Works Agency employees –**  
**Numbers retired, transferred and seconded**

**Mr Speaker:** Go back to Question 311.

**Acting Clerk:** Question 311, the Hon. E J Reyes.

1385 **Hon. E J Reyes:** Can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been (a) retired; (b) transferred; and (c) seconded, either from or into the Housing Works Agency, since the answer to Question 176/2014?

1390 **Acting 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 176/2014, no employees have retired, transferred or seconded from or into the Housing Works Agency.

**Q312/2014**  
**Laguna Estate –**  
**Water ingress through windows**

1395 **Acting Clerk:** Question 312, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to the answer to Question 180/2014, can the Minister for Housing say if there have been any further reports of water ingress through windows at Laguna Estate and, if so, provide relevant details inclusive of estimated cost and completion dates?

1400

**Acting 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 180/2014, there have been no further reports of water ingress through windows at Laguna Estate.

1405

**Q313/2014**  
**Blue Wave House and Mid Harbour Estate –**  
**Lift breakdowns**

**Acting Clerk:** Question 313, the Hon E J Reyes.

**Hon. E J Reyes:** Further to the answer to Written Question W35/2014, can the Minister for Housing explain what circumstances led to the two separate lift breakdowns on 15th January 2014 in respect of both lifts at Blue Wave House, Mid Harbour Estate, with a further explanation for the lift breakdown within the same block of flats on the 16th January 2014?

1410

**Acting 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 breakdown on 15th January 2014 in respect of lifts at Blue Wave House was due to a power surge to the electrical supply of the lifts.

The lift breakdown dated the 16th January 2014, should have read 'Sea Wave House' and not 'Blue Wave House'. This was due to a typographical error.

1420

**Hon. E J Reyes:** Thank you, Mr Speaker, can I double check on two things really?  
What my question was referring to on looking at the schedule on 15th January, both lifts at Blue Wave House were reported broken at 12:40 and then although they were repaired by 14:23, they were again

1425 reported at 20:08 and 20:09. Are both occurrences of breakdown on the same day both because of power  
surges? In other words, power surge at 20 past 12 midday, and then for the same reason again at eight  
o'clock in the evening.

1430 **Hon. P J Balban:** Mr Speaker, as I have said, the information I have received from technical staff is  
that on 15th January, in respect of Blue Wave House, is that the lifts, it was both lifts... due to a power  
surge to the electrical supply. The error came that on 16th January it was not the same lifts, it was lifts from  
Sea Wave House and not Blue Wave House, and the reason for that I am not entirely sure whether it was  
due to another surge in electricity or for another reason.

1435 **Hon. E J Reyes:** I do not think I have been able to explain myself properly, Mr Speaker.  
I understand now that the breakdown on 16th January is in respect of Sea Wave. In fact, I already  
have... just about that one, Sea Wave at 16:51, but I have not tackled that part yet. I am referring to, if one  
looks at the date of 15th January, at 12:40 there is a report of Blue Wave lift and also at 12:40 another  
report of Blue Wave lift, which I have interpreted as their being two lifts within Blue Wave. It is both lifts.  
Someone has said both lifts are broken, so it was reported and therefore it has to go down twice.

1440 When it comes further down the page, again Blue Wave at eight minutes past eight in the evening, one  
lift is reported as broken still in the same block, and at nine minutes past eight another lift is broken. So the  
same two lifts seem to have broken twice.

1445 The Minister said he had been told it was due to a power surge, and I am saying power surge to what,  
the one that broke at 12:40 or the one that broke at eight minutes past eight o'clock in the evening, or was it  
that the power surge happened twice on the same day? It is information that his technician should have been  
able to provide for him. I wonder if he has it.

1450 **Hon. P J Balban:** Mr Speaker, yes, I see what the hon. Gentleman is referring to. I will need to check  
that for him, because as far as the reply given to me by technical staff is what I have told the hon. Member,  
but I do see that the same lift seems to have broken later on that same evening, but I will have to look into  
that for him and revert.

1455 **Hon. E J Reyes:** Yes, I understand that, Mr Speaker, the Minister needs to go back, but whilst he is  
doing that and then reverting back to me, can I then take him to the beginning of page 2 of the written  
answer he gave me last time?

1460 The first item there was Sea Wave on 16th January broke down at 16:51 and was repaired by 20:48. In  
amending his previous answer, he has told me that the one that read before 'Blue Wave' should now read  
'Sea Wave'. So it seems that Sea Wave broke at 16:51, but has broken before at 14:34. Given that he has  
had to amend that, that information is no longer clear.

1465 I do not know if I am explaining myself, Mr Speaker, I may need your hand on that. Does that mean that  
then both lifts at Sea Wave were broken on 16th in the amendment or is it only one and the timings are  
wrong? Can I give the Minister some time to check it out so that he actually reviews this thoroughly with  
technicians and we will get it correct.

1465 **Mr Speaker:** In a few minutes time, we are going to have a recess of about 20 minutes.

**Hon. E J Reyes:** That is fine, Mr Speaker. I can be patient. As long as I get the information, I am  
willing to wait.

1470 **Mr Speaker:** What I suggest is that we now deal with Question 314 and Question 316, which is the  
only one that the Hon. Albert Isola has – (*Interjection*) Perhaps one later on, but then there is quite a  
lengthy list of questions, which the Hon. Minister for Justice and Education will have to deal with, and that  
we can do after the recess. Okay?

1475 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I was in  
fact going to suggest that Mr Isola will have two questions, the one that is listed and another one that he  
will be answering. So we can deal with those two questions before the recess and then recess for 20 minutes  
when we come back for my questions.

1480 **Mr Speaker:** Okay.

**Q314/2014**  
**Government rental homes –**  
**Numbers vacant**

**Mr Speaker:** So we are now at Question 314, the Hon. Mr Reyes.

**Acting Clerk:** Question 314, the Hon. E J Reyes.

1485 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing say how many Government rental homes are currently vacant, providing details of the dates from which such homes have been unoccupied and stating how many of these are Pre-War and Post-War homes?

1490 **Acting 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.

1495 **Mr Speaker:** It is a very lengthy schedule, I will allow the hon. Member to study it and then come back later on.

**Answer to Question 314**

There are 219 Government rental homes vacant. Below please find breakup of Pre-Wars and Post-Wars flats with dates.

**PreWar Table with Dates**

PreWar	22/01/2014	PreWar	08/10/2013	PreWar	28/01/2014
PreWar	02/05/2013	PreWar	16/01/2014	PreWar	09/09/2013
PreWar	17/07/2004	PreWar	21/05/2013	PreWar	09/09/2013
PreWar	18/09/2008	PreWar	14/01/2014	PreWar	05/02/2014
PreWar	21/07/2004	PreWar	21/05/2013	PreWar	28/01/2014
PreWar	14/09/2009	PreWar	20/05/2013	PreWar	22/01/2014
PreWar	04/04/2011	PreWar	15/10/2013	PreWar	28/01/2014
PreWar	07/06/2010	PreWar	15/10/2013	PreWar	28/01/2014
PreWar	17/06/2011	PreWar	04/06/2013	PreWar	28/05/2013
PreWar	20/07/2011	PreWar	28/09/2012	PreWar	03/02/2012
PreWar	23/05/2006	PreWar	04/11/2013	PreWar	23/01/2014
PreWar	03/12/2008	PreWar	31/10/2013	PreWar	23/01/2014
PreWar	06/08/2013	PreWar	26/02/2014	PreWar	24/01/2014
PreWar	07/12/2010	PreWar	07/11/2002	PreWar	24/01/2014
PreWar	11/10/2004	PreWar	21/03/2000	PreWar	24/01/2014
PreWar	07/02/2011	PreWar	12/03/2014	PreWar	23/01/2014
PreWar	15/09/2011	PreWar	21/02/2014	PreWar	18/09/2008
PreWar	04/10/2011	PreWar	14/03/2014	PreWar	14/02/2014
PreWar	09/01/2013	PreWar	18/02/2014	PreWar	12/07/2011
PreWar	04/04/2011	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	22/03/2012	PreWar	16/07/2013	PreWar	08/02/2012
PreWar	11/01/2007	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	02/05/2013	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	06/06/2012	PreWar	28/01/2014	PreWar	03/02/2012
PreWar	18/09/2008	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	15/02/2006	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	15/02/2006	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	02/05/2013	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	15/09/2011	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	25/02/2014	PreWar	22/01/2014	PreWar	18/06/2010
PreWar	04/10/2011	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	16/01/2014	PreWar	28/01/2014	PreWar	22/01/2014
PreWar	23/05/2013	PreWar	28/01/2014	PreWar	18/06/2010
PreWar	30/07/2013	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	16/01/2014	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	21/05/2013	PreWar	22/01/2014	PreWar	20/01/2012
PreWar	11/02/2014	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	11/10/2013	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	30/01/2014	PreWar	28/01/2014	PreWar	03/02/2012
PreWar	02/09/2013	PreWar	18/02/2014	PreWar	03/02/2012

PreWar	03/02/2012
PreWar	03/02/2012
PreWar	03/02/2012
PreWar	03/02/2012
PreWar	03/02/2012
PreWar	01/11/2004
PreWar	29/07/2006
PreWar	17/07/2004
PreWar	03/07/2004
PreWar	17/07/2004
PreWar	23/02/2004
PreWar	29/03/2005
PreWar	23/02/2004
PreWar	18/02/2014
PreWar	04/06/2004
PreWar	19/06/2013
PreWar	18/02/2014
PreWar	19/06/2013
PreWar	19/06/2004
PreWar	29/07/2006
PreWar	26/04/2004
PreWar	19/06/2004
PreWar	23/02/2004
PreWar	23/02/2004
PreWar	23/02/2004
PreWar	14/04/2010
PreWar	26/09/2000
PreWar	14/07/2004
PreWar	14/07/2004
PreWar	18/02/2014
PreWar	22/10/2003
PreWar	19/06/2013
PreWar	19/06/2013
PreWar	30/08/2007
PreWar	04/06/2004
PreWar	25/02/2004
PreWar	23/02/2004
PreWar	19/06/2004
PreWar	03/07/2004
PreWar	23/02/2004

PreWar	08/07/2013
PreWar	22/10/2003
PreWar	18/02/2014
PreWar	16/06/2004
PreWar	04/06/2004
PreWar	04/06/2004
PreWar	15/07/2004

PostWar Table with Dates

PostWar	14/01/2014	PostWar	13/03/2014
PostWar	07/03/2014	PostWar	16/07/2013
PostWar	11/02/2014	PostWar	04/03/2014
PostWar	30/01/2014	PostWar	11/10/2013
PostWar	07/03/2014	PostWar	27/02/2014
PostWar	25/02/2014	PostWar	07/01/2014
PostWar	25/02/2014	PostWar	29/11/2013
PostWar	15/11/2013	PostWar	18/12/2013
PostWar	08/10/2013	PostWar	06/02/2014
PostWar	04/03/2014	PostWar	11/02/2014
PostWar	12/03/2014	PostWar	21/01/2014
PostWar	21/11/2013	PostWar	13/01/2014
PostWar	20/01/2014		
PostWar	04/02/2014		
PostWar	22/11/2013		
PostWar	13/02/2014		
PostWar	03/03/2014		
PostWar	28/02/2014		
PostWar	28/02/2014		
PostWar	05/03/2014		
PostWar	01/10/2013		
PostWar	09/12/2013		
PostWar	30/01/2014		
PostWar	11/12/2013		
PostWar	02/09/2013		
PostWar	11/09/2013		
PostWar	02/12/2013		
PostWar	06/12/2013		
PostWar	15/10/2013		
PostWar	21/02/2014		
PostWar	18/09/2013		
PostWar	03/03/2014		
PostWar	03/03/2014		
PostWar	19/08/2013		
PostWar	28/10/2013		
PostWar	26/02/2014		
PostWar	26/02/2014		
PostWar	16/10/2012		
PostWar	13/01/2005		
PostWar	21/05/2013		

## FINANCIAL SERVICES AND GAMING

**Q316/2014**

**Ince's House –**

**Update on refurbishment for GIB**

**Mr Speaker:** So we will proceed with the next question, which is Question 316.

**Acting Clerk:** Question 316, the Hon. D J Bossino.

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**Hon. D A Feetham:** Mr Speaker, I have not morphed into Mr Bossino. As Mr Bossino's firm is professionally engaged, so he has asked me to ask this question.

Can the Minister for Financial Services state what progress has been made in connection with the refurbishment of Ince's House and when the Government expects it will be ready to house the Gibraltar International Bank.

1505 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the appointed Chief Executive Officer and Chief Operations Officer of the Gibraltar International Bank are in discussions with the designers on the proposed layout and operation of the Bank premises, with work expected to commence in April 2014, following its presentation to the Development and Planning Commission and subject obviously to their deliberations. The proposed completion date of the works will be known once the proposed design works are finalised and agreed, costed and approved.

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1515 **Hon. D A Feetham:** Mr Speaker, is the Government's decision to house the Gibraltar International Bank within the Ince's Hall complex, if I can call it that, a firm decision or is the Government looking at alternative sites even at this stage in the announcement, so to speak, that the Government has made in relation to the Bank?

**Hon. A J Isola:** No, Mr Speaker, the decision is a firm decision.

**Q317/2014**  
**Finance Centre development –**  
**Islamic Finance and Shariah-compliant financial products**

1520 **Mr Speaker:** Next question.

**Acting Clerk:** Question 317, the Hon. S M Figueras.

1525 **Mr Speaker:** But, is not Question 317 also... which is directed to the Minister for Justice. But according to the information that I have is going...  
So we will now call Question 317.

1530 **Hon. S M Figueras:** Yes, Mr Speaker, the question was indeed addressed to the Minister for Justice because he had answered himself in his capacity for Financial Services at the time of the original question mentioned.

Can the Minister for Justice say, further to his answer to Question 166/2012, what development, if any, has been experienced in the development of the Finance Centre as a centre for Islamic Finance and Shariah-compliant financial products?

1535 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

1540 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, as the hon. Member is aware, our Finance Centre is already able to deliver Shariah-compliant products in accordance with the Laws of Gibraltar. The Government has recently published the Executive Summary of its business plan for the further development of Gibraltar's Financial Services Sector, on which it has consulted with the Finance Centre Council following extensive direct consultation with law firms, accounting and audit firms, fund administrators and fund managers, banks and licensed firms.

1545 The strategy outlined in the plan does not include specific reference to Gibraltar being promoted as a centre for Islamic Finance, although this remains under consideration, as the business plan is a live document.

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

Mr Speaker, this is something that I have been involved in, not in a ministerial capacity, but in a professional capacity, just before I became a Government Minister in 2007.

1550 Of course, it is right, as the Hon. the Minister points out, that Gibraltar can offer Shariah-compliant products now; indeed, any jurisdiction in the world can offer Shariah products.

1555 The thinking pre 2007, and it was the thinking of a Committee that had been put together by the then Chairman of the Financial Services Commission, Marcus Killick, who chaired it – I was a member of that Committee and there were a number of other bankers and a number of other professionals – was that what we ought to do was produce a piece of legislation that formally regulated Shariah products. So, for example, any Shariah product that is offered from Gibraltar, and it can be offered, had to comply with Shariah Law and obtain a clean bill of health from an expert in Shariah Law, because this is how these things are done, that is my understanding, that the actual product that was being sold complied with Shariah



1560 Law. It was an added way in which we felt that it could provide Gibraltar with an edge in terms of marketing these products from Gibraltar.

1565 Unfortunately, I became a Government Minister, and as Minister for Justice my attention was elsewhere not on this. I do not know why this never got anywhere. It may well be that in fact the horse has already bolted, because in 2006 or 2005 had we done this, perhaps we could have ridden the crest of the wave because that is when really these products really exploded onto the scene, and that perhaps now the Government takes the view that there is no advantage in doing that. But is that something that has in fact been considered by the Government? Is it a live issue or really it is not something that is within the Government sights at all?

1570 **Hon. A J Isola:** Mr Speaker, I acknowledge and agree that the potential benefits of incorporating any legislation within our Laws, which are specific to Shariah, are hugely valuable in the marketing and the development of that business, notwithstanding the fact of course that those products, as you have acknowledged, can be done anyway.

1575 During the course of the past seven months since I was elected, I have consulted extensively with individual law firms, individual accountancy firms, fund administrators, managers, banks, every single category, even insurance managers to see if it touched on there either. Not one of the meetings that I have attended has raised the potential of Shariah Law and therefore in terms of what we are focussing and when we are talking about a real partnership between the sector and the Government and the Regulator, it is not something that we have included in this year's business plan.

1580 As I said in my answer, the document is a live document and if representations were to be made by the private sector asking us to reconsider and relook at this, we would happily do that; but what I can tell the hon. Member is that in all the time that we have been in detailed discussions with individual firms, and of course, the Finance Centre Council, it has not once been mentioned, and hence it is slightly falling off the list of priorities that we have been dealing with over the past months and paid attention to in the business plan.

1585 **Hon. D A Feetham:** If it would assist the hon. Gentleman, a Bill was actually drafted. A Shariah Law Bill was actually drafted and it ought to be available. If the Hon. Minister is interested in this particular area, perhaps he ought to talk to Marcus Killick and he is probably in a better position than I am, at this stage, because I am rather disconnected from this issue from when I was really heavily involved. He is the best man to tell you whether there is any mileage in us pursuing this particular issue now, several years after the initiative really began.

**Hon. A J Isola:** Yes, Mr Speaker, I am grateful.

1595 The main sector of the industry I would have thought, would be certainly initially involved, would be the fund sector. [*Inaudible*] who I have met with and talked to regularly have not raised that as a potential area that they are interested in. We are working with them on a number of other initiatives which are of great interest to them. That has not been mentioned by them either, but were it to be, we would certainly be happy to resuscitate and take the steps that you have suggested that we should.

1600 **Mr Speaker:** I think this is a convenient time to adjourn for, to recess for...  
Yes.

**Q314/2014 continued –  
Government rental homes –  
Numbers vacant**

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

Just a very short supplementary that you had invited me to before.

1605 The Minister, in providing me with the details of the 219 rental homes here, he has divided for me the first two pages refer to pre-war properties and the last page to post-war, but I see that the dates are not in any given chronological order and there is more than one flat to the same vacation date and in different columns. Is there a logic behind these dates, which he may be aware and I am not? Does it refer to... for example, the first one listed became empty on 22nd January of this year, is it there because that is a smaller sized property as opposed to the one towards the end of the second page, which is of an earlier date? Is there some logic behind it or is it just the way that the typist happen to input this information into the spreadsheet?

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I do not know where there is any logic at all in this. This is just a list provided with the information that the hon. Member requested. He did not mention whether he wanted it in a specific order. It is just a list. (*Interjections*)

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**Hon. E J Reyes:** Mr Speaker, I have to accept that since I had not requested it in any particular order, I think your experience as and when the file has been picked up. I will probably have to write to the Minister if I want it in any particular order and give him due time to sort it out.

Thank you, Mr Speaker.

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**Mr Speaker:** We will recess for 20 minutes.

*The House recessed at 5.20 p.m. and resumed its sitting at 5.45 p.m.*

1625

**Q318-319/2014  
School computers –  
Repairs and maintenance programme**

**Acting Clerk:** Answers to Oral Questions continued. Question 318, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, sir, can the Minister provide details of how many school computers intended for pupils' use are currently awaiting repairs, together with details of how long these computers have been out of service?

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

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer together with Question 319/2014.

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**Acting Clerk:** Question 319, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide details of the ICT maintenance programme for school computers?

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

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the total number of computers in the First School sector for use by students is 219. As of last Friday, there were two computers out of the 219 out of service in that sector.

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Of these two computers, one has been out of service for three months. It has been serviced twice during this period but continues to have software issues which need to be addressed. The other computer has been out of service for six months. It has been serviced regularly since September 2013 but continues to have networking faults. This computer is under warranty so a replacement under the warranty is being requested of the supplier.

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The total number of computers in the Middle School sector for use by students is 101. As of last Friday, there were no computers out of service in that sector.

The total number of computers in the Secondary School sector, including the College, for use by students is 557. As of last Friday, there was one computer out of the 557 out of service in that sector. That computer has been out of service for one month. It has been serviced during that time but continues to have networking faults. This computer is also under warranty and a replacement under the warranty is being requested from the supplier.

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Mr Speaker, as of 9th December, 2011, there were serious issues with breakdowns and servicing of computers in schools. Very early on in our term of office, I visited each and every school to meet the heads and staff and to see at first hand any issues affecting the school. By far the biggest issue brought to my attention concerned breakdowns in IT equipment, and the time it took for these to be looked at and addressed. This was in fact, a consistent theme in all or practically all of the schools.

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Only Bayside and the College at the time had IT technicians available. ICT maintenance and repairs in schools was therefore a major issue, in December 2011. The main problem was that issues with school computers were not dealt with by the Government's IT and Logistics Department, so whilst the Government's IT and Logistics Department would attend to computer issues at the Department of

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Education, schools had no recourse at all to the resources and expertise of the IT and Logistics Department. It was left to an arrangement with the supplier of the computers who had one technician who would be called out whenever there was a breakdown but who could clearly not cope with the demands of our schools, leading to substantial backlogs in repairs that needed to be carried out.

The inadequacy of the system was even more evident when it came to addressing issues with school networks. These had been set up by different firms at different times with no common infrastructure.

I am glad to say, Mr Speaker, that the situation has changed dramatically and the upkeep of ICT systems in schools has seen a significant and marked improvement.

In fact, as I have indicated as of last Friday we had only three computers out of 877 for use by students out of service. That in itself is a success story, although I would clearly like to see that there are no computers at all out of service.

Mr Speaker, the dramatic change in the situation now from what it was when we were elected into Government is clearly not an accident. It has resulted from a concerted effort and commitment by this Government to redress the poor situation which existed – a poor situation which had already been identified by the GSLP Liberals before the elections.

In our manifesto, under the heading ‘Computer Resources and Upkeep in the Education Section’, we stated:

‘With many classes now equipped with interactive whiteboards and these being used much more effectively in lessons by all teachers, the repair and upkeep of IT equipment is of utmost importance. The increased resources that we will provide in respect of Government IT generally will specifically provide for maintenance of the IT in schools.’

The increased resources came about in the form of extra technicians as well as increased technical support. The Department of Education was given access to the IT and Logistics infrastructure and support for our schools. It is extraordinary that as at December 2011 Bayside had an IT technician but Westside did not. There was no technician at all engaged for the First and Middle Schools.

The position now is very different. There is one qualified IT technician permanently based at Bayside. Another is also permanently based at Westside with four other technicians attending to the needs of First and Middle Schools, as and when required. The College has its own ICT technician support as part of its staff complement.

When we came into Government, schools were asking for a system that provided a faster response time when equipment broke down. At the time, schools had to go through a requisition and local purchase order system, which also made this a slow and cumbersome process. Faults are now reported directly to the IT and Logistics Department by e-mail. As a result of the significantly increased resources available for IT in schools and a change to how these resources are accessed we have seen a very marked improvement in the service provided.

In a nutshell, Mr Speaker, our manifesto commitment has been given full effect and we now have a system that works. The effect of a more resilient and effective ICT support and maintenance system for our schools is dramatic. This benefits the education of all children.

I trust that hon. Members opposite will recognise and applaud these improvements. *(Banging on desks)*

**Mr Speaker:** I will allow Members to wave their Order Papers. *(Laughter)*

**Hon. E J Reyes:** Mr Speaker, it is good news for the students concerned. Yes. Can I double-check a couple of things that I hope I have got my notes right. Towards the end the Minister for Education said that they had engaged the extra technicians and support staff, so that means there is now one technician permanently based at Bayside, one at Westside, one available for a combined First and Middle Schools? *(Interjection)* No? I got that wrong. Can I have a slow repetition of just those figures, so I know the technicians.

**Hon. G H Licudi:** Mr Speaker, with your leave, I will repeat the whole of the answer. *(Laughter, interjections and banging on desks)* Perhaps I will just concentrate on what the hon. Member is asking.

The position now is there used to be one at Westside and the College had its own ICT technician as part of their own complement. Now, as part of the IT Department, we have one technician for Bayside, one technician for Westside and four other technicians for the First and Middle Schools. But these are technicians that are engaged by the Government’s IT and Logistics Department and are seconded for the purposes of being at Westside, being at Bayside and being available to meet the requirements of all the schools. The support that existed at the College continues to be there as part of their own school complement. So in effect, apart from the College we have seen support increase from one technician to six technicians. And I am grateful for the words of the hon. Member in opening his supplementary that he is glad – certainly the whole community should be glad.

1730 **Hon. E J Reyes:** Thank you, Mr Speaker.

1735 Just one quick thing again, I do not know whether I have got the right detail noted down. In respect of the two computers pertaining to the First School sector, one had been out of service for six months but this was under warranty from the supplier so I suppose that is on-going. Was I correct in noting that the other one was out of service for three months but it seems to be just a question of simple software that needs to be amended? Or have I got my note wrong?

1740 **Hon. G H Licudi:** Mr Speaker, I am not an IT geek, and I do not know whether these things are simple or not, but there is one computer that has been looked at on a couple of occasions over the last three months that is the other computer and it seems to have software issues that still need to be addressed. So that is an ongoing issue that they are still looking at that computer to try and redress those software issues. I do not know how complicated... If they were not complicated, it would have been put right on the first occasion, but the fault seems to be recurring. But clearly there will come a time that if the computer continues to be at fault, we will need to replace that computer.

1745 **Mr Speaker:** Next Question.

**Q320/2014**  
**Ship arrests –**  
**Number undertaken in past 12 months**

**Acting Clerk:** Question 320, the Hon. S M Figueras.

1750 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide this House with details of the number of ship arrests undertaken in Gibraltar, broken down month by month for the past 12 months?

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

1755 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will attempt to be brief.

The number of ship arrests in the last 12 months is as follows: March 2013 – two; April 2013 – one; June 2013 – one; October 2013 – three; February 2013 – three.

1760 **Hon. S M Figueras:** Sorry Mr Speaker, he started – the Minister started with March 2013 and then ended with February 2013. Did he mean 2014?

**Hon. G H Licudi:** Sorry, the last one is February 2014 – three.

1765 **Hon. S M Figueras:** Mr Speaker, perhaps the Minister... I am grateful for his answer. Perhaps the Minister can, and I have not given notice of this and certainly I should have done upon reflection – requested some kind of comparison with older figures.

But is the Minister in his experience – and again I acknowledge he might not have the information before him – able to say whether there is any trend identifiable, any downward trend identifiable in terms of the number of ship arrests being conducted in Gibraltar?

1770 **Hon. G H Licudi:** Mr Speaker, I do not have the figures and I had the same thought as the hon. Member, that it is information that would have been useful, particularly because in another question I do have the figures that I am being asked for and I am also comparing with previous figures. I do not have the figures but I am happy to obtain them for the hon. Member.

1775 With regard to trends, certainly no trend has been brought to my attention. It is always difficult to try and identify the trend in these matters, because it really depends on the needs of owners, mortgage holders, and sometimes figures could be misleading. Because if you have a fleet arrest for example, you may have a relatively large number which upsets the figures and does not really show any particular trend.

So I do not have the figures for the previous year, but I am happy to obtain them.

1780 **Hon. S M Figueras:** And I am grateful to the Hon. Minister, I will take the opportunity of just writing directly to him in order to request that information.

1785 **Hon. D A Feetham:** Is the Hon. the Minister for Justice satisfied that Gibraltar remains competitive in relation to ship arrests, not only in relation to the charges imposed by Government but also in all the other services that are also offered and that may play a role in the owners of vessels making a decision to come to Gibraltar to have their ships arrested in Gibraltar?

1790 **Hon. G H Licudi:** Yes Mr Speaker, we are satisfied that Gibraltar remains a very competitive jurisdiction for that purpose. It is an area that I have discussed with Members of the legal profession through the Bar Council and in particular, practitioners involved in this particular area. I have also had discussions with my colleague the Minister for the Port, because it relates to Port issues and services provided through the Port in relation to ship arrests, such as the marshals on board and all that.

1795 I have had discussions with the Admiralty Marshal on these issues and generally the position seems to be that there is always room for improvement and there are always things that we can do, we can always lower charges, but ultimately this is a matter that remains a viable proposition for Gibraltar. Certainly when there is a ship arrest and there is a sale, there is a percentage that clearly goes to the Government, so we would certainly want to do everything possible to encourage the use of the Gibraltar Port or Gibraltar generally, as a jurisdiction for decisions when decisions have to be made. Sometimes these things happen by accident, but usually they tend to be planned and we would certainly want to carry on encouraging Gibraltar as a port for ship arrests.

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**Mr Speaker:** Question 321.

**Q321/2014**  
**Prison occupancy –**  
**Figures for last 12 months**

**Acting Clerk:** Question 321, the Hon. S M Figueras.

1805 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Justice provide this House with prison occupancy figures on a month by month basis for the last 12 months?

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

1810 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I do not have a schedule for this but I will give the information to the hon. Member.

The daily average prison population expressed on a month by month basis over the last 12 months, rounded to the nearest person is March 2013 – 55; April 2013 – 54; May 2013 – 46; June 2013 – 45; July 2013 – 46; August 2013 – 49; September 2013 – 43; October 2013 – 46; November 2013 – 49; December 2013 – 48; January 2014 – 50; February 2014 – 52.

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This represents a daily average prison population of 49 over the period.

Mr Speaker these figures can be contrasted with the daily average prison population of 71 in 2011 and 75 in 2012 and there can be a number of factors. I have only been asked for the figures. If the hon. Member wants to go into issues as to what can contribute, I am happy to go into those matters, but the question relates to the figures and that is what I have provided to this House.

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**Hon. S M Figueras:** Yes indeed Mr Speaker, I am grateful to the Minister for the very helpful answer. I would certainly want to take up the offer and explore what issues the Hon. Minister might be able to talk to us about in relation to what might have had that effect on, really, that rather significant effect on prison population figures since 2011.

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**Hon. G H Licudi:** Well Mr Speaker, it is difficult, but not impossible to ascribe any one particular cause to the change. We have seen clearly what can be described as a significant drop 71 or 75 down to 50, a 33% drop effectively in that year.

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In order to analyse the whole issue and understand why this happens, we would need a criminologist to identify the matter. But there are a number of factors that we can look at and see as possible causes, and factors for explaining this particular trend.

One issue which I can certainly say is not a factor is that there has not been a mass exodus of prisoners on the basis that many of them or many more are now being given parole than has previously been the case. In fact the figures on parole are fairly consistent. In 2013, for example, sorry 2012, there were 23 prisoners given parole and that can be compared with 20 in 2013. Maybe that is the other way round, but for the last

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two years it has been 20 and 23 so the numbers are fairly consistent so there has to be a combination of factors to which the small numbers are attributable.

1840 There are a number of facts that we have which can help us understand. If we look at admissions to the prison, in terms of people who have been sentenced and sent or remanded in custody, in 2012 we had 281; in 2013 we had 179 – that is a drop of over 100 in one year. There is still the question as to well why that drop, why that significant...? That is a very significant drop, of over 100 prisoners being sent, or being received in the prison and there are a number of factors that we can consider as contributing to this.

1845 First of all, as from the beginning of 2012 we had a fourth judge, specialising in criminal law, Mr Justice Barrington Black who is due to retire next month and I would like to take this opportunity to acknowledge the work and contribution that Mr Barrington Black has made to the community and to the Judiciary generally, and wish him a happy retirement.

1850 But he came in – it was a policy of the previous administration, I acknowledge that – and he was engaged by the previous Administration that commenced subsequently. He came in at the beginning of 2012 and a system of two criminal courts running concurrently was devised. That was intended to clear a backlog that existed and therefore in 2012 there were large moves to clear the backlog. A lot of that was done successfully and therefore there was not that much backlog to clear later on, which again might have contributed to the fall in numbers.

1855 The other figure that can be given is that the recorded crime over last year is down by 18%. Those are actual figures given to me by the Royal Gibraltar Police, and that is 18% down on the previous year, which itself was down 13.5% over the previous year. So the trend of recorded crime going down is evident. Why again, we can consider that there has been a new policy of neighbourhood policing, more visible policing in the community, and the professionals that I have asked on these issues suggest that that is working and is effective in reducing the offending, and reducing the re-offending also, in our community.

1860 We have also had the public CCTV project, which as Members will recall when it was announced, not only which was originally planned by the hon. Members, we actually put it in place and we have had this debate before, in 2012. We know that that not only provides a tool when crime is actually reported, to actually detect who the culprits are and use that as evidence, but it provides a positive deterrent and that can certainly be a factor. The other issue is that we have seen less re-offending so repeat offenders are down and that is a very, very positive sign.

1865 Last month, I gave details of the measures that are being taken in prison to rehabilitate offenders with vocational courses and counselling that is provided, that might account for the less numbers re-offending. One particular issue that is of crucial importance in this area, Mr Speaker, is that once offenders are rehabilitated they can obtain employment, come back into society and are part of the community. That reduces any kind of incentive or any need for re-offending, not that there is ever a need for re-offending, but certainly gives them the incentive to start behaving properly and not offend.

1870 Hon. Members will remember that as part of our policy, although it had been enacted previously by the previous administration, we very quickly commenced the rehabilitation of offenders provisions in the Criminal Procedure and Evidence Act. That is something that we gave a lot of importance and we did that early – that was in fact the very first part of that Act that we enacted. That allowed certain convictions to be regarded as spent and not have to be disclosed for employment purposes and makes it easier for offenders to obtain employment.

1880 It is interesting, Mr Speaker, that only last week, in fact as of 11th March, we have new periods for rehabilitation of offenders in the UK and listening to the media reports last week, quoting experts would suggest that the lower the rehabilitation periods the quicker the offender can obtain employment and that that has actually been seen to have a very positive effect in the re-offending numbers, because people can get back into employment.

1885 I can tell the hon. Members that as a result of those studies and those changes which have come into place in the UK as of last week, we have now looked at our own rehabilitation periods, and we will be making changes in order to bring them more in line because there is now a big disparity with the UK. So we will be making changes to the schedule and those tables.

1890 So all in all, there are quite a number of factors, including lower crime, neighbourhood policing, CCTV, less re-offending, the rehabilitation of offenders, all those factors we believe contribute. But this is not a science, and it may be that things change in the next few months, we certainly hope that the Government's Criminal Justice Policy and all the law enforcement agencies that are involved in preventing, detecting and deterring people from committing offences, that the very good work will continue and that we will continue to see crime falling in Gibraltar. (*Banging on desks*)

**Q322/2014**  
**Detention of juveniles –**  
**Plans for provision**

1895 **Acting Clerk:** Question 322, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide this House with details of how the Government plans to provide for the detention of juveniles, other than in HM Prison?

1900 **Acting 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 immediate plans for the detention of juveniles, other than at HM Prison. Government is however, prepared to consider alternatives to HM Prison for the detention of juveniles, should this be considered necessary.

I should say Mr Speaker that the number of juveniles received into prison custody is, I am very glad to say, low. As an example, in the whole of 2013 we only had one juvenile received at HM Prison during that time.

1910 **Hon. S M Figueras:** I am grateful, Mr Speaker.

I asked this question in the context of an incident a couple of weeks ago involving, as I understand it, a juvenile where I also understand immediate action was taken to accommodate the juvenile in a manner more appropriate to his or her age. I wonder whether perhaps the Minister is able to say how, given the fact that and my acknowledgement, certainly, that there is thankfully a very, very low number of instances where this is even relevant, what in the interim between now and developing a permanent solution... how it is that these persons are in fact dealt with currently?

**Hon. G H Licudi:** Yes, Mr Speaker, I am happy to give the hon. Member details of that, but let me just correct... and I do not want to go into an argument or any discussion about the case that the hon. Member has mentioned. It is not the case that that particular juvenile was dealt with in a different way, that juvenile should not – or it was considered, should not have been sent to custody in the first place. That issue was resolved but there may be ongoing issues in relation to that case and I certainly do not want to go into that.

The hon. Member asks how juveniles are actually dealt with and as hon. Members opposite should... well, will know – particularly the Leader of the Opposition, because the Prison Act was introduced by him during his time as Minister for Justice – there is a provision in section 25 which stipulates that so far as accommodation in the prison renders it practicable, prisoners under the age of 17 will be kept separate from other prisoners. There is a separate provision which says that this should not result in an undue deprivation of contact with other prisoners.

So when a juvenile is received into prison, consideration is given to his age, his current circumstances, and the current circumstances in the prison itself when deciding to what degree the juvenile will need to be segregated. Juvenile prisoners are never housed in a cell with an adult prisoner. That simply does not happen. They are either housed in a separate wing or in a wing where other prisoners are located, albeit the best behaved prisoners who are currently in prison. In any event, the juvenile is always under the supervision of a prison officer throughout the day and never left on his own with other prisoners.

We have a vocational instructor that is available and used exclusively for juveniles when they are in custody. They spend... When I say 'they', last year we only had one individual, but juveniles spend most weekday mornings under the care of that particular vocational instructor. We also have a qualified teacher available exclusively for juveniles and who will impart the necessary lessons, so that the education side of the juvenile is also taken into account whilst he is in custody.

There is a range of other professionals and agencies that are necessarily engaged to provide services, depending on the particular case, including psychologists, Care Agency support, and that particularly arises if that juvenile is already known to the Care Agency. So what the professionals will do is produce a care plan for the juvenile for the purposes of meeting his needs whilst in prison, and ensure that every day that is spent in custody is as purposeful and engaging as possible.

The prison we currently have does not have a dedicated juvenile wing. I am advised that one of the wings, a 10-bed wing, was in fact earmarked as a possible juvenile wing. This wing was subsequently reclassified as a vulnerable person's wing, but it can be used for juveniles if there are no sex offenders or other vulnerable prisoners in custody using that particular wing. There is in any event another separate small wing, a 12-bed wing that can also be used to house prisoners. It is dependent upon the population of the prison, but since the population has fallen dramatically in the last 12 months, it is certainly possible to vacate this section and use it exclusively for juveniles if it is deemed necessary.

So by and large the prison, although without a dedicated wing, is adequate and has adequate facilities and additional resources are brought in to support the juvenile whenever there is a juvenile in custody.

1955 **Hon. S M Figueras:** I am grateful and whilst acknowledging that clearly, given the current prison occupancy figures and the fact that this is seldom something that is required and also the Hon. Minister's first answer that there are no immediate plans, are there any plans whatsoever that the Minister can share with us at this stage?

1960 **Hon. G H Licudi:** Mr Speaker, I said there are no immediate plans but it is something we are prepared to consider if it is deemed necessary.

Hon. Members will know that we have a commitment to look at and procure a secure unit and that is in connection with particular provision in the Children Act which has not been commenced yet, and which will provide for secure accommodation for children.

1965 That is not intended to be a youth detention centre; it is intended to be a secure unit for other purposes. But it is perfectly possible and feasible if we wanted to develop that to have as a wing, a self-contained unit which could almost double up as a youth detention centre if we wanted to go down that route.

1970 We do not have immediate plans to do that. We do not believe that it is necessary, we are working on a secure unit and when we do that, we will be considering whether that can also be used for other purposes, but the intention at the moment is that that secure unit is not going to be used as a youth detention facility because of the circumstances that I have already described, which we consider are adequate and as provided for in the legislation.

#### Q323/2014

#### Registered sex offenders – Number for last 12 months

**Acting Clerk:** Question 323, the Hon. S M Figueras.

1975 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details to this House of the number of registered sex offenders in Gibraltar on a month by month basis for the last 12 months?

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

1980 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there are currently eight persons on the sex offender's register. Of these, two were registered in April 2013, one in July 2013, one in December 2013, three in January 2013 and one in February 2014. Sorry, I should have said January 2014.

1985 **Hon. S M Figueras:** Mr Speaker, just one supplementary. Is the Minister able to say whether of the eight currently on the register, whether there is any that have been reported, or rather who have reported for registration, other than in circumstances of being convicted in Gibraltar?

1990 **Hon. G H Licudi:** Mr Speaker, I do not want to go too much into who is in and who is out and the circumstances and all that. Hon. Members will recall that when we had discussions previously and debate previously about the sex offenders register. There was this issue as to whether there were sufficient powers in the Act to deal with people outside Gibraltar, or even people who had committed offences before the coming into effect of the Act.

1995 I can certainly confirm to the hon. Members that those powers are being exercised and are being used and the eight are not all related to convictions in Gibraltar which would automatically qualify for nominations.

2000 **Hon. D A Feetham:** So it follows that some of those are effectively people who have been convicted of sex offences outside, so the conviction is outside Gibraltar but there has been some form of application, I cannot remember the exact mechanics now off the top of my head, but there has been some form of application to get them registered onto the list here in Gibraltar. Can the Minister tell us how many of those eight are in that category, in other words that are sex offenders convicted outside Gibraltar?

2005 **Hon. G H Licudi:** Mr Speaker, as I said, I do not particularly want to go into an argument –



**Hon. D A Feetham:** No, I am not going to have an argument.

2010 **Hon. G H Licudi:** – as to who is in and who is out. There are different circumstances, the hon. Member has mentioned the possibility of making applications. There is a sexual offences prevention order that can be obtained, there is a risk of sexual offences order that can be obtained, and powers have been exercised in respect of that, including – and I do not want to go into numbers, but including – in respect of offences committed outside Gibraltar.

## ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

### Q324/2014

#### Employment Service – Registered employers

**Acting Clerk:** Question 324 the Hon. D J Bossino.

2015 **Hon. D J Bossino:** Can the Minister for Employment provide up to date details of the employers registered with the Employment Service by industry group?

2020 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2025 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the number of employers registered with the Employment Service by industry group as at December 2013 was as follows: electricity supply – 5; water supply – 2; ship building – 32; other manufacturing – 67; construction – 679; wholesale trade – 100; retail trade – 506; hotel trade – 10; restaurants and bars – 222; repairs of consumer goods – 68; sea transport and related services – 93; air transport – 9; road transport – 218; post and communications – 18; banking, finance and insurance – 1,175; public administration and defence – 9; police and fire service – 24; sanitary services – 7; education 41; medical and health service – 150; other services – 827.

2030 **Hon. D J Bossino:** Mr Speaker, I am grateful for that. Can I ask the Hon. Minister if there is any reason why the information has not been updated in the website, because the information was available on a monthly basis...? Actually not on a monthly basis, I am not sure on what basis. It started in March 2011, then there is a jump to September 2011 and then since the hon. Member took office, it has been on a monthly basis in 2012 all the way through to December 2012.

2035 Can I ask why that practice seems to have stopped in terms of putting that information online?

**Hon. J J Bossano:** There is no particular reason that I know of. It is just that whoever does that job has not done it.

2040 **Hon. D J Bossino:** Do I take it that from that answer, there is no difficulty in the Government updating this information, in other words from December 2012 to the information which he has just given across the floor of the House? It would be very useful to see the trend and I am sure he will appreciate that and then I do not need to ask this type of question in the future. I am grateful.

2045 **Hon. J J Bossano:** I see no reason for not doing it, but I will find out when I get back to the Department, Mr Speaker.

**Acting Clerk:** Question 325, the Hon. D J Bossino.

2050 **Hon. D J Bossino:** Sorry, may I have a supplementary? I was just consulting with the Leader of the Opposition in relation to Question 324. There has been an increase, I think pretty much on a monthly basis in the industry group relating to construction. Does the hon. Member have an explanation for that?

2055 **Hon. J J Bossano:** Well, the Member may have noticed that there is actually no construction work going on – (*Laughter*) more scaffolding, more people working – and he will see that is reflected in the statistics when they are finally published. In the construction industry, there is more activity now than there was a year ago, but in any event I think he needs to understand that although this is a register of employers,

2060 it does include people who are self-employed who, in the system that we have in Gibraltar, can actually be employers as well as being self-employed. So you may find that the increase is not an increase in big firms; in many cases it is an increase in people who are really working on their own and maybe employing a mate as a labourer or something like that.

**Q325-332/2014**  
**Future Job Strategy –**  
**Salaries paid to trainees; type of training given; finances**

**Acting Clerk:** Question 325, the Hon. D J Bossino.

2065 **Hon. D J Bossino:** Can the Minister for Employment provide details of the expenditure in terms of salaries paid to the trainees in the FJS since it started in February 2012 to date, broken down on a monthly basis?

2070 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 326 to 332.

2075 **Acting Clerk:** Question 326, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment state whether the trainees in the graduate scheme have been paid their yearly increases above the minimum wage, as promised in the GSLP manifesto?

2080 **Acting Clerk:** Question 327, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment state whether any training is being provided under the FJS in relation to Port-related activities?

2085 **Acting Clerk:** Question 328, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment state how many employees each of Construction Training Company Limited, ETCL, Graduate Research Development Company Limited and STCL have had, broken down by months, since February 2012 to date?

2090 **Acting Clerk:** Question 329, the Hon. D J Bossino.

2095 **Hon. D J Bossino:** Can the Minister for Employment provide details of the number of private employers which have employed FJS trainees, with details of how many trainees have been employed by each employer, broken down by months, since February 2012 to date?

**Acting Clerk:** Question 330, the Hon. D J Bossino.

2100 **Hon. D J Bossino:** Can the Minister for Employment state the industry area of the private employers which have to date employed trainees under the FJS scheme?

**Acting Clerk:** Question 331, the Hon. D J Bossino.

2105 **Hon. D J Bossino:** Can the Minister for Employment state how many of the trainees who have been employed under the FJS remain employed to date?

**Acting Clerk:** Question 332, the Hon. D A Feetham.

2110 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether there have been any allegations of financial irregularities in relation to the management of the Future Job Strategy or in relation to anyone exercising that role?

**Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2115 **Mr Speaker:** Before the Hon. Minister answers all these questions, may I make what I hope will be a useful practical suggestion. There is a great deal of statistical information in the answers – one, two, three, four, five, six, seven and a half pages.

2120 It would save the Hon. Minister a lot of breath, it would save a lot of time, may I make the suggestion that I arrange for these pages to be photocopied and circulated to Members of the Opposition and while we are waiting for that, we can proceed with Question 333 and then come back and answer and deal with any supplementaries arising from all these pages.

**Hon. D A Feetham:** Mr Speaker, it is an excellent suggestion.

2125 **Mr Speaker:** Is the Hon. Minister happy with that?

**Hon. J J Bossano:** Not at all Mr Speaker. I am not happy. *(Laughter)*

2130 **Mr Speaker:** You are not happy?

**Hon. J J Bossano:** No. *(Laughter)*

**Mr Speaker:** May I ask why?

2135 **Hon. J J Bossano:** Certainly, because the hon. Members have got the choice of seeking an oral answer or a written answer, and if they want a written answer, they wait until the end of the session and they get the thing in writing. They are trying to have their cake and eat it and therefore *(Laughter)* as far as I am concerned, they are not going to get that cake and eat it from me.

2140 So, since they want an oral answer... Let me say, Mr Speaker, that it was my view, when I was at the other side of the House, that if I asked for an oral answer, I should get an oral answer and it was the view of the then Government that questions asking for statistics should be put down for written answer. They do not practise in Opposition what they preached in Government, and I am going to do in Government what I asked for in Opposition. So when I am asked for an oral answer, I give one.

2145 **Mr Speaker:** Now with due respect to the Hon. Minister, if photocopies are made of his answer to all these questions and they are circulated, that can be deemed to be an oral answer. The only thing is that we are saving the Minister 15 or 20 minutes of having to read a whole series of figures out. *(Interjection and laughter)* I mean, it is ultimately up to him but I am trying to be sensible, I think. *(Interjection)*

2150 **Hon. J J Bossano:** Well, Mr Speaker, whether one is sensible or not is always a subjective judgement, *(Laughter)* but of course oral answers are for the benefit of a crowded gallery and everybody watching us on television, *(Laughter)* and I would not want anybody to be deprived of the opportunity of listening to all these statistics to which the Opposition attach such importance that they have almost paralysed the Department working out everything over the last two years. So if you will indulge me, I will continue giving the answer.

**Hon. D A Feetham:** Could I, Mr Speaker, it would be –

2160 **Chief Minister (Hon. F R Picardo)** Could I suggest to provide assistance to both sides –

**Hon. D A Feetham:** Well Mr Speaker, I have stood up –

**Hon. Chief Minister:** *[Inaudible]*

2165 **Hon. D A Feetham:** I was stood up before. *(Laughter)* I gave in last time.

2170 Mr Speaker, what I was going to suggest is that perhaps the Hon. the Minister can read it out, then he can have his oral answer, but if you could provide photocopies of what he is going to be reading out, at the very least we can follow. Because the problem with this particular practice, is that you are bunching up an awful lot of questions with an awful lot of statistics and it is actually very difficult for Opposition Members to then start taking notes *(Interjection)* and it would help us, indeed, in relation to our supplementaries, but also to understand the answer if photocopies were to be made.

But again, we are totally in the hands of the Hon. Minister. If he does not agree with that, then we cannot do anything to make him budge.

2175 **Hon. Chief Minister:** Mr Speaker, if I might, I think the useful compromise I was going to propose is not a million miles away from what the Hon. the Leader of the Opposition has suggested. I think we have suffered when we have been in Opposition, this practice which it appears is another one of the practices that Mr Feetham is now decrying that they engaged in when in Government, another one of the things that he has managed to finally change from the GSD that he so decries of old, and especially given their admission of their carelessness in their ability to jot down statistics as they are provided, I think it would be a very useful compromise if a photocopy could be provided to Members opposite, but of course that the hon. Member be given the opportunity to read out his answer which he wishes, and is entitled to do. I think in that way we achieve both of the objectives we wish to achieve.

2185 **Mr Speaker:** May I just comment that I think it is a regrettable practice that developed sometime between over the years between 1992 and 2011. It certainly was not the practice prior to 1992 for statistical information of this length to be provided in the House. It just was never done.

2190 **Hon. J J Bossano:** Mr Speaker, may I just remind you that in fact the last time this level of statistics was asked for, you pointed out to the Members – I think it was in October last year – that if they wanted statistical questions, they had the opportunity of asking for written answers. Having been told by you that that should be the way, they should do it, they have chosen not to do it that way. So therefore, they will have to sit and listen to what they want to hear. Otherwise they should not be asking for it to be oral.

2195 Mr Speaker, in the 24 months from February 2012 to January 2014 the expenditure on salaries of trainees, in thousands of pounds, was as follows:

	Month 1	296
	Month 2	348
	Month 3	402
2200	Month 4	459
	Month 5	485
	Month 6	520
	Month 7	566
	Month 8	561
2205	Month 9	595
	Month 10	605
	Month 11	620
	Month 12	568
	Month 13	554
2210	Month 14	513
	Month 15	521
	Month 16	467
	Month 17	445
	Month 18	437
2215	Month 19	419
	Month 20	415
	Month 21	430
	Month 22	420
	Month 23	405
2220	Month 24	379

The 150% and the 175% enhancement has already been paid to graduate trainees. The further increase to 200% due in the third year has not yet been paid.

No training is being provided in Port-related activities.

2225 There is no company called STCL. Assuming the hon. Member is seeking the information in respect of the Supported Employment Company, the information is as follows. In the 24 months from February 2012 to January 2014 the number of employees in each of the four companies is as follows:

	Company 1	
2230	Month 1	0
	Month 2	0
	Month 3	0

	Month 4	0
	Month 5	0
2235	Month 6	0
	Month 7	0
	Month 8	0
	Month 9	58
	Month 10	77
2240	Month 11	90
	Month 12	118
	Month 13	185
	Month 14	183
	Month 15	174
2245	Month 16	160
	Month 17	160
	Month 18	156
	Month 19	147
	Month 20	143
2250	Month 21	153
	Month 22	153
	Month 23	137
	Month 24	129
2255	Company 2	
	Month 1	358
	Month 2	404
	Month 3	460
	Month 4	516
2260	Month 5	551
	Month 6	529
	Month 7	539
	Month 8	521
	Month 9	534
2265	Month 10	507
	Month 11	486
	Month 12	389
	Month 13	296
	Month 14	290
2270	Month 15	298
	Month 16	283
	Month 17	253
	Month 18	231
	Month 19	232
2275	Month 20	227
	Month 21	211
	Month 22	197
	Month 23	173
2280	Month 24	204
	Company 3	
	Month 1	13
	Month 2	24
	Month 3	30
2285	Month 4	44
	Month 5	47
	Month 6	50
	Month 7	59
	Month 8	56
2290	Month 9	62
	Month 10	63
	Month 11	63
	Month 12	64

	Month 13	67
2295	Month 14	66
	Month 15	58
	Month 16	50
	Month 17	51
	Month 18	53
2300	Month 19	57
	Month 20	68
	Month 21	74
	Month 22	78
	Month 23	78
2305	Month 24	78
	Company 4	
	Month 1	0
	Month 2	0
2310	Month 3	0
	Month 4	0
	Month 5	0
	Month 6	46
	Month 7	46
2315	Month 8	47
	Month 9	60
	Month 10	63
	Month 11	64
	Month 12	67
2320	Month 13	67
	Month 14	66
	Month 15	70
	Month 16	70
	Month 17	72
2325	Month 18	73
	Month 19	72
	Month 20	73
	Month 21	73
	Month 22	72
2330	Month 23	74
	Month 24	74

The number of private employers with trainee employees between February 2012 and January 2014 with a breakdown for each month by employer and number of employees is as follows:

2335			
	<b>Month</b>	<b>Employee</b>	<b>Employer</b>
	Month 1	1	120
		2	23
		3	3
		4	2
	Month 2	1	167
		2	20
		3	3
		4	2
	Month 3	1	199
		2	27
		3	3
		4	2
	Month 4	1	219
		2	40
		3	3
		4	2
	Month 5	1	199
		2	20

	3	15
	4	2
Month 6	1	242
	2	20
	3	3
	4	2
Month 7	1	248
	2	22
	3	3
	4	2
Month 8	1	260
	2	28
	3	4
	4	2
Month 9	1	256
	2	28
	3	7
	4	2
	5	1
	8	2
Month 10	1	240
	2	34
	3	15
	4	6
	5	4
Month 11	1	261
	2	28
	3	7
	4	2
	5	1
Month 12	1	266
	2	10
	3	4
	4	1
Month 13	1	260
	2	11
	3	2
	4	1
	5	1
Month 14	1	244
	2	11
	3	3
	5	1
Month 15	1	241
	2	16
	3	3
	5	2
Month 16	1	225
	2	16
	3	2
	5	2
Month 17	1	164
	2	16
	3	2
	5	4
	6	2
	24	1
Month 18	1	129
	2	16
	3	5
	5	4

	6	2
	24	1
Month 19	1	70
	2	19
	3	6
	4	3
	5	6
	6	2
	24	1
Month 20	1	52
	2	32
	3	5
	4	3
	5	3
	6	1
	10	1
	23	1
Month 21	1	48
	2	25
	3	13
	4	3
	5	3
	6	3
	22	1
Month 22	1	55
	2	13
	3	7
	4	2
	5	5
	6	3
	8	1
	10	1
	23	1
Month 23	1	53
	2	12
	3	9
	4	1
	5	3
	6	2
	7	1
	8	1
	10	1
	17	1
Month 24	1	43
	2	15
	3	11
	4	3
	5	6
	9	1
	13	1

The industry areas of the private employers... I am afraid the hon. Member will not win anything today. (Laughter and banging on desks) Mr Speaker, the industry areas of the private employers who have between February 2012 and January 2014 taken on trainees under the scheme are as follows: electricity supply; water supply; ship building; other manufacturers; construction; wholesale trade; retail trade; hotel trade; restaurants and bars; repairs of consumer goods; sea transport and related services; air transport; road transport; post and communication; banking; finance and insurance; police and fire service, sanitary services; education; medical and health services and other services.

As at the end of January 2014, 722 former trainees were in employment.

Finally Mr Speaker, there have been no such allegations. (Banging on desks)



**Mr Speaker:** After that *tour de force*, I understand that television viewers have switched back on. (*Laughter and banging on desks*) Supplementaries.

2350 **Hon. D J Bossino:** I am grateful, Mr Speaker. Can I just sat that (*Interjection*) Exactly, absolutely Mr Speaker, completely knocked out. I must say it is a joy to actually be able to follow the hon. Gentleman for once in the answers that he gives us, I really am chuffed.

2355 Mr Speaker, in relation to the answer he gave, I think it was in connection with the number of FJS trainees employed in each of the FJS companies – (*Interjection*) exactly. He gives me, he cites the numbers, Company 1, Company 2, Company 3, and Company 4. Can he give me the names of the companies?

**Mr Speaker:** What now? (*Laughter*) The names of all the companies. Oh, only four, very well.

2360 **Hon. J J Bossano:** Mr Speaker, the names of the companies are in the question that he put, in the order in which he put it. (*Interjection*) Yes.

2365 **Hon. D J Bossino:** I am grateful for that. Also, could he also enlighten me in relation to the percentage figures he has given me in connection with the pay increases to graduate trainees? He refers to 150%, 175% and 200%. I am sure that mathematically that is absolutely correct, but the way I understood it from reading the manifesto was the minimum wage plus 50, the minimum wage plus 75 and the minimum wage plus 100. Can he just give me some explanation as to why those precise figures?

2370 **Hon. J J Bossano:** Well yes, something plus 50 is 150% of something and therefore the hon. Member asked me about the increases above the minimum wage, they have been paid 150% of the minimum wage, they have been paid 175% and they have not yet been paid the 200% which will happen after the new financial year which is on 1st April.

2375 **Hon. D J Bossino:** I am grateful. Mr Speaker, a brief supplementary.  
He says after the new financial year. Does he not recognise that that is a delay in terms of, those graduate trainees would have been employed for example in February 2012, I think it would have been beyond the third year anniversary of their employment. I think the manifesto commitment was that they would be paid the 100% increase on the third year anniversary.

2380 **Hon. J J Bossano:** Well clearly, Mr Speaker, the hon. Member is not familiar with the way that pay rises happen. I mean a couple of months retrospection is not out of... it is not going to create, I think, excessive hardship to people who are in effect getting twice the minimum wage. There are several thousand people on the minimum wage in Gibraltar.

2385 **Hon. D J Bossino:** I am grateful for the confirmation in relation to retrospection, Mr Speaker, in his answer. There is one particular case which, I can only refer to one and I am not saying that it is necessarily sort of prevalent in all the individuals who are participating in the scheme, but certainly one case has been brought to my attention where I am being told that the 75% increase that the individual has received, basically that person has only received 50% of the 75% increase, as opposed to the entire 75%.

2390 Is he aware of this one case or is it something which is...? Because he has told me that the 75% increase has indeed been paid but I can tell him that the information that I have, very recent information, is that there is at least one individual who has received the entirety of the 75% increase.

2395 **Hon. J J Bossano:** Well, the individuals to my knowledge that have received it have been the individuals who have signed the variation in their contract to bring the increase about. There is only one individual that I know of who... there was a situation when a lot of these graduates were placed in Government offices as part of their training and they were working the same hours as everybody else in the office, which was a 37-hour week.

2400 As an oversight, the contracts that were originally given to them were given for 39 hours and it was not the fault of the individuals involved, because it was not that they asked for 39 hours; it was since the graduates came in at a later stage than the manual workers did and the manual workers were on 39. Well people made the mistake and gave them contracts. Therefore we honoured those contracts for 39 hours, even though they were working 37.

2405 When the increase came in, everybody was asked to sign, accepting that from the date that it went from 150% to 175%, their hours would come down from 39 to 37 which is what they were working. To my knowledge, only one person has objected to that and therefore I imagine we are both talking about the same person.

**Hon. D J Bossino:** But is that person not to be receiving the 75% increase, how does that correlate with the – ?

2410

**Hon. J J Bossano:** Everybody except this one person accepted that it should be 75% for a 37-hour week and this person insists that it should be 37% for a 39 hour week, so she is still on the original contract unless and until she accepts that she will get 25% more but stop getting paid for two hours which she is not working and should not have been working.

2415

**Hon. D J Bossino:** Mr Speaker, in relation to his answer to Question 327 which he will recall relates to Port-related activities, his reply was that no training has been provided in Port-related activities. Can he give me an indication as to when they will be provided?

2420

**Hon. J J Bossano:** Well Mr Speaker, I have answered the question by finding out if there is anybody in Port-related activities and the answer is that there is not. I do not know whether there has been any in Port-related activities before now. I assume that he means by Port-related activities something more than being a clerk in the Port, which is not a Port-related activity because the activity is the same whether you are in the Port or in Europa Point.

2425

**Hon. D J Bossino:** Mr Speaker, the question – I will explain it to him. The question arises from a manifesto commitment entitled ‘Port Training’ and I will quote, it says:

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‘Apprenticeships and training in port related activities are essential to guarantee future generations of Gibraltarians can do the jobs required in the Port Services sector.’

That is why I have asked the question so my supplementary, as to what is going to happen in the future.

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**Hon. J J Bossano:** Well, I am told this is not done in respect of taking on employees. I mean can I remind the Member, Mr Speaker, that people who provide training opportunities are required to employ the people at the end of the training. Therefore, there are instances where people get unpaid training and it may be the case either because they are training people already in their employment or because anybody that is interested in acquiring certain skills is given an opportunity. But it is certainly not part of the training that is provided for people where there is a vacancy that has been open which has to be filled and is filled by a trainee, which is the only ones that the Employment Service is involved in.

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**Hon. D J Bossino:** Mr Speaker, in connection with the answer he gave where he says that, at the end of January 2014, 722 former trainees were still in employment. I marry that figure with a figure I know he has already provided in this House and to the press, as to how many of those who are participating in the scheme have been employed. I will do the comparison.

2445

But is there any monitoring? In other words, once the trainee is taken on, assuming that he is taken on beyond the... basically a decision is made to take the trainee on in the first month and then the trainee is provided for a three-month period, paid for by the Gibraltar Government for that three-month period and then he is taken on because of the guaranteed employment. Is there any monitoring being done by his Department as to the permanency of that employment? Because there could always be the situation, the case when an individual may be taken on beyond the third month but in the fourth, fifth or sixth month, in other words before the 52-week period when statutory rights kick in, could be dismissed. Is there any monitoring being done by his Department in relation to that point?

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**Hon. J J Bossano:** Mr Speaker, that was a fear that was expressed by Opposition Members at the beginning of the scheme. It is a fear that has not materialised and that I would expect not to materialise.

2455

We have a close relationship with the employers that have been... I mean there is no way of forcing an employer to take on a trainee and therefore the employers that do it, do it willingly. They do it willingly because they have got a vacancy that they have opened and it is a vacancy they need to fill. So clearly, if they took on the employee and then sacked him a few months down the road, then there would be an unfilled vacancy and a registered unemployed person and that is monitored.

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He needs to remember that the difference is that with the scheme that existed prior to the 2011 Election, it was possible to do that and get away with that because there was no commitment. The people who were placed in the private sector were people that were being placed in the private sector where, as I have told the House in the past, when I came into the Department and I started asking these employers to take on the employees many, many of them, three quarters of them said, well look, they did not really have a need for the person; they were just being sort of public spirited by giving people an opportunity to get work experience, given that they were getting paid an allowance of £400 or £350.

2465

2470 That is no longer the case, so we are able to monitor it simply by virtue of the fact that we monitor all the vacancies that get open and we monitor all the people that register as unemployed on a daily basis and we know who has been through our system. So when I am telling him that there are 722, that is the numbers that are employed having been through the training scheme. That is the figure that I have got today and that was for the end of the month of January.

2475 **Mr Speaker:** Do hon. Members have any other supplementaries?

**Hon. D J Bossino:** No.

**Mr Speaker:** Next question.

**Q333/2014  
Industrial Tribunal –  
Employment of permanent Chairman**

2480 **Acting Clerk:** Question 333 the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment state when the Government envisages it will employ a permanent Chairman of the Industrial Tribunal?

2485 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker.

2490 **Hon. D J Bossino:** Mr Speaker, is there any reason why the answer is no? I mean, can he shed a bit more light? Does he have a date as to when...? I understand that it is a manifesto commitment and I just want to know when he thinks he will be employing a permanent Chairman of the Industrial Tribunal or what issues he is considering?

2495 **Hon. J J Bossano:** It will happen before the next General Election, Mr Speaker.

**Q334/2014  
Census 2012 –  
Publication of results**

**Acting Clerk:** Question 334, the Hon. Mrs I M Ellul-Hammond.

2500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can Government say when the results from the 2012 census will be published?

**Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2505 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker.

2510 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, did the Hon. Minister say that they would not be publishing the results of the Census?

**Hon. J J Bossano:** No, I am not saying that, Mr Speaker.

2515 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, when will the results for the 2012 Census be published?

**Hon. J J Bossano:** Mr Speaker, the hon. Member has not asked me whether they are going to be published, but whether I can say when they will be published, and the answer is I cannot say when they will be published. They will be published when the Statistics Office is ready to publish them.

2520 **Mr Speaker:** Next question.

**Q335/2014**  
**Shipbuilding/marine repairs industry –**  
**Major reportable accidents, February 2014**

**Acting Clerk:** Question 335, the Hon. J J Netto.

2525 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide Parliament with a statement in relation to the Major Reportable Accidents in the Shipbuilding/Marine Repairs Industry in February 2014, as shown in table HS2 of the Government website, and stating if any contravention over the Factories Act or any of its subsidiary legislation has taken place?

2530 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I am informed that at approximately 15:30 on 3rd February 2014, a Gibdock employee was asked by the crane driver to check if the cradle connected to Crane 5, next to Dock 3, was free of cables and mooring ropes. He requested confirmation as to whether the subcontractors who were working there before lunch had left without informing him about the progress of the job, as the cradle was at the bottom of the dock where he had a blind spot, hence he could not see if the cradle was connected to the cables and the ropes.

2540 The Gibdock employee went down to the docks, stepped onto the dock alters to overlook the cradle down below and slipped, as it was raining and the dock alters were wet. He slipped, stumbled over and landed on the cradle that was hanging below him. The crane driver saw him stumble over so he instructed him not to move. Immediately the dockworkers' foreman attended the scene of the accident to check on the employee.

2545 When the dockworkers' foreman saw the employee, he was conscious and everything was under control. He also saw that the cradle was completely disconnected and safe to lift. He instructed the crane driver to slowly lift the cradle up onto the quayside for the ambulance and paramedics to have better access to the employee. By the time the dockworkers' foreman had instructed that the cradle was clear to lift, the ambulance service had already been advised and were on their way.

2550 During this time, the Safety Officers were on the scene at the incident and they took over control of the situation until the ambulance arrived minutes later. The Health & Safety Inspector then arrived at the location of the incident when the paramedics were placing the Gibdock employee into the ambulance. The employee sustained a fracture to his left elbow.

The Health & Safety Inspectors informed me that they found no evidence of contravention of any of the legislation.

**Q336/2014**  
**Development and Planning Commission –**  
**Environmental Impact Assessment Screening Report**

2555 **Acting Clerk:** Question 336, the Hon. J J Netto.

2560 **Hon. J J Netto:** Mr Speaker, further to Question 706/2013 which was answered in writing, will the Hon. Deputy Chief Minister please provide Parliament with a copy of the EIA Screening Report submitted to members of the DPC, despite stating that such a report is not a public document, in order to allow Members of the Opposition to monitor developments in such important matters to the community, and if not, why does the Government feel that they should not keep the Opposition informed?

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

2565 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the EIA screening report is an internal document submitted by the Town Planner in order to assist Members of the DPC with their deliberations. The report has been overtaken by events. It concluded that there were no indications to warrant a full EIA in respect of the proposed development.

However, a Screening Direction has been given that an EIA should nonetheless be carried out.

### QUESTIONS FOR WRITTEN ANSWER

**Acting Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

2570 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W36 to W63 of 2014, inclusive.

### ADJOURNMENT

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

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker I have the honour to move that the House do now adjourn until tomorrow morning at 9.15 a.m.

**Mr Speaker:** I now put the question, which is that the House do now adjourn until tomorrow morning, Friday 21st March at 9.15 a.m. Those in favour? (**Members:** Aye.) Those against? Carried. The House will now adjourn until tomorrow morning at 9.15 a.m.

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*The House adjourned at 7.06 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.24 a.m. – 11.11 a.m.

Gibraltar, Friday, 21st March 2014

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*The House adjourned at 11.11 a.m. ....22*

# The Gibraltar Parliament

*The Parliament met at 9.24 a.m.*

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

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

**PRAYER**  
*Mr Speaker*

## GOVERNMENT MOTIONS

### **Mayor of Gibraltar and Deputy – Hon. Adolfo Canepa GMH OBE MP and Ms Kaiane Aldorino GMH appointed**

**Acting Clerk:** Number (viii), Order of the Day – Government Motion.  
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

*‘This House appoints the Hon. Adolfo Canepa GMH OBE MP to be Mayor of Gibraltar, and Ms Kaiane Aldorino GMH to be his Deputy.’*

Mr Speaker, the appointment of a new Mayor is no doubt a joyous occasion for any city. Today, however, we must also reflect on the service of a Mayor who comes to the end of his tenure and that will always, of course, be tinged with a little sadness.

10 Tony Lima and of course with him Carmen Lima, his wife, have been in post for a year and eight months. His initial 12-month appointment was extended by this Government, so that Mayors can now be appointed as from the start of the financial year, on 1st April.

15 There is no doubt in the Government’s mind, Mr Speaker, that Mr Lima has done an excellent job as Mayor. He has really approached the post with the clear mission of bringing many into City Hall who might not have had the chance to visit it otherwise. He has hosted all manner of delegations and associations without any hint of protestation, and he has done so always with a smile, with courtesy and with his wife, Carmen beaming at his side. So we must convey grateful thanks from our community for the manner in which Tony and Carmen have so ably led the Mayoralty from City Hall. On behalf of the Government and the people of Gibraltar, a big thank you to them.

20 The motion I now move to appoint you as the next Mayor of our City is also to take effect therefore from 1st April. As we all know, Mr Speaker, you have political experience, having held the three highest political offices, including now the post of Speaker. That of course will equip you well to be Mayor, but perhaps most importantly and moreover, you have actually already been Mayor. You took the post from 1976 to 1978. You were the fourth Mayor of Gibraltar, after the Hon. Alfred Vasquez, who then became Sir Alfred Vasquez, the Hon. Col. Willie Thompson and of course the first Mayor of Gibraltar, Sir Joshua Hassan.

You will also be becoming the 16th incumbent of the post and on both occasions, you will have at the same time also been a Member of this House. Your qualification for the role is therefore not a matter on which this House needs to be addressed.

30 It is true, Mr Speaker, that we had previously indicated our intention to reappoint Mr Tony Lombard to the post of Mayor. When the House appointed Mr Alcantara as the 14th Mayor, I reflected then on Mr Lombard’s time in City Hall by saying the following:

‘I want to record the Oppositions gratitude’ –



– we were then in Opposition –

‘to Mr Anthony Lombard for the work that he has done in discharging the civic functions of the role of Mayor of our city. It has been a delight to attend functions over which he has presided and at which he has spoken on behalf of all of us. He has imbued the Mayoralty with a sense of history and purpose that we all knew he would bring to it. He has not let any of us down and he has certainly relished the role and enjoyed it with gusto. Like Momy Levy and Olga Zammitt before him’

– the two who had been appointed as civic Mayors before him –

Mr Lombard has stepped up to the plate and done this House proud for the unanimous appointment of him as Mayor. I am sure that I speak for the whole community, Mr Speaker, when I say that we will be sad to see him go.’

35 We had openly, in fact Mr Speaker, referred to the ‘return to City Hall’ occurring now for Mr Lombard. However, Mr Speaker, the Government received a large number of representations from citizens of all walks of life, who were contrary to Mr Lombard’s reappointment. In many instances, Government must act, Mr Speaker, based on what Government thinks is right, even if our actions might sometimes prove unpopular.

40 In the appointment of a Mayor, however, Mr Speaker, the Government has wanted to make an appointment which is uncontroversial and which enjoys the support insofar as possible of the whole community. Despite our view that he did an excellent job when Mayor, there was a groundswell of opinion which included steps being taken to initiate a petition to be brought to Parliament that Government could not ignore, and all of these were against Mr Lombard’s proposed re-appointment. It is for that reason that we have not pursued the appointment. I nonetheless want to express my own high regard for Mr Lombard as a person and as a professional.

45 More happily, Mr Speaker, I turn now to our proposed choice as Deputy Mayor, namely Kaiane Aldorino. Miss Aldorino needs no introduction to anyone in Gibraltar, or in this Chamber. She has already done Gibraltar very proud indeed in her work as Miss World 2009. She has become the face of Gibraltar to a very great extent – and anybody who has seen the faces of the current, past and previous Chief Ministers, might think that is a very good thing too, that she should be the face of Gibraltar!

50 Indeed, Mr Speaker, I have said before that I think all of us will always remember where we were when Kaiane Aldorino was crowned Miss World in 2009. For Gibraltarians, her election has the tinge of perhaps the moon landings or the assassination of President Kennedy in that respect, and our community recognised her achievements in bestowing upon her the Freedom of the City of Gibraltar and the Gibraltar Medallion of Honour. Having been a representative of our nation on the world stage, Mr Speaker, she is of course, ideally suited to assist you as your deputy.

55 You have many responsibilities and a Deputy Mayor in your case may be called upon more often than in previous instances, to take on functions in your absence. In our view, Mr Speaker, Kaiane can fulfil that role and thereafter become an excellent Mayor also.

60 What we are not doing, Mr Speaker, is making your respective appointments definite in time, as had been the practice since August 2008. Your appointments are indefinite.

I trust that this motion will enjoy support from all sides of the House. (*Applause*)

65 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. Chief Minister. Would anyone like to contribute to the debate?

**Hon. D A Feetham:** Mr Speaker, yes, thank you very much.

70 Mr Speaker, may I start by associating myself entirely with the words of the Hon. the Chief Minister and the Leader of the House. Warm words about Tony and his wife, he really has been... together with his wife, they have been a credit to Gibraltar and everything that they have done, they have done elegantly, with dignity and I have to say that they have brought something extra, in my view, to the role of – or certainly he has, to the role of Mayor.

75 But Mr Speaker, I am afraid that this motion does not have the unanimous support of the House. Out of respect, Mr Speaker, for Mr Speaker and also Kaiane Aldorino, who we believe will be excellent Mayors – and it is no reflection on your ability to be a Mayor, a role that you have exercised in the past, or indeed, the ability of Ms Aldorino to exercise that role in the future – but we do not believe it is right and therefore we are going to be abstaining. Out of respect, we are going to be abstaining, rather than voting against.

80 And essentially, there are three reasons why we are going to be abstaining in relation to this motion. One is quite frankly the very shabby way in which, in our view, Mr Lombard has been treated in relation to this matter. Secondly, because there has not been any consultation of the Opposition before this decision was taken to overturn Mr Lombard’s initial intention to be appointed. Thirdly, because it represents a

reversal, certainly as far as the appointment of Mr Speaker is concerned, of GSD policy and we certainly do not feel that there is any reason why there ought to be a reversal of that policy.

85 If I may develop the first reason, start with the first reason. Mr Speaker, Tony Lombard – the decision to appoint Tony Lombard as Mayor, was the decision that was taken by the Hon. the Chief Minister, the Leader of the House, after consultation with my predecessor as Leader of the Opposition, Sir Peter Caruana. It was a decision that was taken in 2012, it was announced publically in August of 2012 and the intention was for Mr Lombard to serve for a period, I think it was, of three years.

90 This month, because of course we knew that Mr Lima's tenure of office was about to expire, Mr Lombard was asked to produce an interview with the *Essential* magazine in order to further announce the fact that his appointment as Mayor was to become a reality imminently. Indeed he telephoned, quite properly, the Deputy Chief Minister, and cleared that interview with the Deputy Chief Minister, before it was to come out. It was only the day before the interview was due to be published with the *Essential* magazine, that he received a call from the Chief Minister to tell him that the Government had reversed the decision.

In other words, just barely two weeks ago – this was a decision that was taken in 2012 – two weeks ago, what happened was that Mr Lombard had to scurry to get hold of the editors of the *Essential* magazine in order to change the article because he was only told the day before that article was to be published, an article that he had cleared with the Deputy Chief Minister. Now, I have to say that on any reasonable and objective analysis, that is quite shabby treatment of an individual indeed, whatever the reasons that a government may have to change its view, and indeed so hastily was the story changed in the *Essential* magazine, that what could not be changed was the front page title which reads 'Tony Lombard's new office'.

105 Now Mr Speaker, I have to say that anybody who has been to the office of Tony Lombard, no doubt will describe his office as being excellently appointed, excellently – very well kept indeed, but I do not think that you can describe or the word 'new' is not quite an apposite description of his office. Indeed, if Charles Dickens were to walk in through the door, (*Laughter*) he would not think that he was out of place in Tony Lombard's office.

110 So Mr Speaker, I think in my view, one does place a premium on the consistency of decisions of governments and governments ought not to change their views like weather vanes in accordance with whether a particular decision is popular or not, taking into account really what we are talking about. Look, if I were to listen to people that thought that I was popular or unpopular, I would go from euphoria to absolute depression within the space of 24 hours. That is the reality of a small community like Gibraltar, everybody has an opinion and I just simply do not think that the Government really has provided cogent reasons to explain the quite extraordinary treatment of Mr Lombard.

Bearing in mind, and I was about to read exactly the same passage that the Hon. the Chief Minister, Leader of the House has read, bearing in mind the very glowing reference that he gave Mr Lombard in 2011, barely I think it was four months before the General Election in 2011.

120 Now, Mr Speaker, the second reason is of course – and it is related, is that the Opposition has not been consulted. I was notified about this in an e-mail from the Deputy Chief Minister and my e-mail in response was, what about Tony Lombard? The response to that was, well the Chief Minister will talk to you about it and will give you the reasons. Eventually it was the Deputy Chief Minister that actually spoke to me and I am very grateful to him for explaining Government policy in this regard.

125 But Mr Speaker, if this is a decision that was taken in 2012 and it was taken after the Leader of the House consulted the then Leader of the Opposition, Sir Peter Caruana, one would have expected that the Chief Minister would have picked up the telephone and said to me, 'This is the Government's current thinking in relation to the appointment of Mr Lombard, what do you think?' I would have told him, look, if he really feels that there are concerns, well, why do we not try and see whether there is a middle road? Perhaps the appointment of Mr Lombard for a year, not three years, and I think that is the way that politics ought to be conducted. There ought to be an open channel of communication between the Chief Minister and the Leader of the Opposition, and I think in this case, it was incumbent on the Chief Minister to pick up the telephone and talk to me before the change of policy, bearing in mind that the appointment of Mr Lombard or the initial decision to appoint him, had actually been taken by consulting the Leader of the Opposition.

135 Thirdly, of course, it represents a reversal of GSD policy. We took a decision that the Mayorship should go out to members of the public, people who were not politicians, who were not Members of the House so that this Parliament could recognise citizens who have contributed to this community by appointing them as Mayors. I have every respect for Mr Speaker and no doubt, I will repeat it again, he is going to be an excellent, excellent Mayor, but I think that it is a reversal of our policy, a policy that was well thought out and I do not see... and look, I could have been open to persuasion if he had phoned me and perhaps spoken to me about it, but he has not. At the moment, I really cannot see at the time that we are taking this vote,

why there ought to be that reversal of GSD policy in relation to the appointment of a Member of this House to the Mayorship.

145 Those in essence are the reasons why we cannot support this motion, but again I repeat with respect to Mr Speaker and Miss Aldorino, we are not going to be voting against, but we are going to be abstaining.

**Mr Speaker:** Does any other hon. Member wish to speak on the motion? I now call on the mover to reply.

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**Hon. Chief Minister:** Mr Speaker, it is not the first time that things that might traditionally have gone by on a unanimous vote have to go by on Government majority, either with them in Opposition or with us in Opposition. That is the beauty of Parliament: we come here to express freely what our views are on particular subject. But in doing so and in deciding that we are going to obviously have to proceed with this by way of exercise of the Government majority, let me deal with the three excuses that the hon. Gentleman has put forward, in trying to justify why it is that they are not going to be supporting this motion.

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Let me start at the end, Mr Speaker, with the idea that there is somehow here a reversal of GSD policy. Mr Speaker, the hon. Gentleman has talked at length about what he calls the shabby treatment of Mr Lombard and that is obviously why they are going to vote against, so I am surprised to see that he has tried to find other excuses to in some way decorate their abstention. Because of course there is no reversal here of GSD policy, the hon. Gentleman is saying that they had taken the decision to appoint people from outside the House but surely they had not taken the decision to appoint people exclusively from outside the House. Or is it that one of the Clerks or Ushers might be disqualified from being Mayor if they were Members of this House, or the Speaker is disqualified from being Mayor if they were Members of this House?

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What they decided to do was not to appoint a Minister as Mayor. That is what they spoke about. They did not actually address the issue of Speaker's appointment as Mayor and of course, unless they are commending to her a career in politics and you would have to be a fool to become engaged in politics in this community as the 17 of us obviously are, Kaiane Aldorino is not a Member of this Parliament so I wonder whether the Hon. the Leader of the Opposition bothered to read to the end of the motion before deciding that he was going to turn up in Parliament today on a white charger to try and ingratiate himself to somebody whose position he wanted to defend. So the GSD policy reversal excuse is really not worth the paper that his remarks have been spoken on.

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The issue of consultation, Mr Speaker, has always been a vexed one between Members opposite and with us. I mean, the level of consultation we used to get was a phone call saying the Chief Minister has decided that ... and that is in instances where statute requires consultation. There is no statutory requirement of consultation here. It is true that I spoke to Mr Caruana about these issues some time ago. It is also true that GSD policy was that we were wrong to go back to reappoint somebody who had already held the position, but they agreed that if it was the Government's view, they would support it or is it that that particular GSD policy is capable of reversal without comment.

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And then, Mr Speaker, the issue of shabby treatment and how important it is for governments to be consistent, well look, it is important for Government to be consistent, I addressed that in my speech and therefore I have explained why we have made a change in our choice in this nomination – one of the hardest things I have had to do since I have been Chief Minister – because as I have said I have a high regard for Mr Lombard professionally and personally, whatever his views may be about me after today, that will not change.

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This is not an issue of policy, it is not a policy to appoint Tony Lombard or appoint Adolfo Canepa or appoint Kaiane Aldorino. It is a choice. The hon. Gentleman should surely understand the difference between policy and choice. Not because he has been in politics for 13 years but because I thought he spoke English and the two things are completely different. This is not an issue of policy. It is an issue of having to make a *very difficult choice* in respect of somebody for whom I have the highest regard.

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And if having to explain that choice and deal with it is to treat somebody shabbily when one tries to be as sensitive as possible in doing so, then he and I have completely different definitions of what shabby treatment is. I could come up with a list for him of people that have been treated shabbily under his Administration, singled out for discrimination, singled out for attacks in the press, for simply having raised their voice against them when they were in Government.

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But then when he talks about consistency, one is left wondering whether he reads his own tweets. I had to refer him yesterday to how his Party had proudly tweeted how they had transformed themselves in two years in Opposition, therefore decrying everything that they had done before. So where is the value, weight and merit in consistency when all that they are proclaiming is that they are no longer who they were.

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And the next item on the Order Paper, Mr Speaker, will demonstrate that to some degree or other because I never saw them move civil partnership legislation and yet now it appears that at least some of them are going to support it. What value consistency then?

205 Politics is about hard choices. Whether it is about a Victoria Stadium being moved to the Lighthouse or the GFA Stadium having to be at the Lighthouse, whether it is about Tony Lombard being Mayor or not being Mayor, it is about hard choices made in the best interests of our community.

210 If somebody wants to say that I have treated a man who I considered a friend and who I have the highest regard for shabbily, then it is because they want to try and use this for their own opportunistic political reasons, as usual. That is shabby. (*Banging on desks*)

**Mr Speaker:** I now put the question, in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Government Members:** Aye.) Those against? (**Hon. D A Feetham:** Abstaining.) Carried.

## GOVERNMENT BILLS

### FIRST AND SECOND READING

#### Financial Services (Contingency Fund) Bill 2014 – First Reading approved

215

**Acting Clerk:** Bills, First and Second Reading. (1) A Bill for an Act to make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes be read a first time.

220

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 make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes, 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 make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes, be read a first time.

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

**Acting Clerk:** The Financial Services (Contingency Fund) Act 2014.

#### Financial Services (Contingency Fund) Bill 2014 – 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.

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Mr Speaker, this Bill establishes a sinking fund from which regulatory action by the Financial Services Commission may be funded. It separates income received by the Commission for its operating expenses and capital expenditure from those to be held explicitly for funding regulatory action in the case of a major event.

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Mr Speaker, the Financial Services (Contingency Fund) Act will replace the method of funding regulatory action for major events, by the Commission. When the Financial Services (Temporary Administration of Companies) Act 2010 was introduced, it envisaged that funding for such action would be drawn exclusively from licensees under the Financial Services (Investment and Fiduciary Services) Act and used for regulatory action only under that Act.

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Trade Associations and in particular the Association of Trust and Company Managers made representations for a sinking fund to be established for future actions and that this should be funded from as wide a representative base as possible.

As the annual fee is paid by financial services across the supervisory Acts, and broadly representative of their size, it was put forward that a percentage of annual fees should form the basis of the levy to establish

250 and fund the Contingency Fund. The Contingency Fund will now also be available to fund regulatory action by the FSC under any of the supervisory Acts, as was also suggested by the industry.

This Government concurs with the views put forward by industry and this Bill formalises these arrangements. This Bill establishes a separate fund, exclusively for the purposes of future regulatory action which the Commission may not use for its own expenditure. In any case, any use of the Contingency Fund will require Ministerial consent before it can be drawn upon to fund an action and only then in the case of a major event.

Mr Speaker, clause 3 of the Bill defines what is meant by a major event, very narrowly, as essentially an action that would cause the Commission to remove an authorisation from a firm under any supervisory Act. It is clear that the Contingency Fund cannot be drawn upon for regular enforcement or regulatory actions and that the Commission will need to perform its statutory functions. Such expenses will need to be met out of its normal revenue. Ministerial approval is required in any event before an event can be considered a major one.

Clause 3(2) also imposes upon the Commission a requirement to inform the Finance Centre Council of every request that it submits to the Minister in this respect.

Mr Speaker, clause 4 provides for the establishment of the fund and the accounting thereof, as well as imposing restrictions on the investments and deposits that the fund may be invested in.

Clause 5 of the Bill makes contribution to the fund liable upon every holder of any type of authorisation under one of the supervisory Acts and defines the amount by way of a percentage of annual fees, due under the supervisory Acts.

The Commissioner is required to inform the Minister of the amounts it considers will be required to be made out of the fund in any year and I am obliged to consult the Finance Centre Council before setting the percentage applicable during any year, subject to a cap of 10%.

Mr Speaker, it is anticipated that the Contingency Fund will have a healthy but not burdensome balance in order to fund regulatory actions in time of need.

Clause 6, Mr Speaker, imposes conditions upon which expenditure out of the Contingency Fund may be incurred. Transparency of the operation of the Contingency Fund is essential and clause 7 imposes upon the Authority to make the appropriate disclosures in the notes to its accounts, as well as reserving the right of Government to conduct a value for money audit in relation to its operation.

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?

**Hon. S M Figueras:** Mr Speaker yes, I rise very briefly to associate myself with those remarks that the Hon. the Chief Minister has made in relation to the need for such a Contingency Fund, certainly recent experience in the industry has shown that this is a worthy measure.

Having spoken briefly to the Hon. Minister for Financial Services yesterday, we discussed the consultation that had been ongoing with ATCOM and I, as are the rest of my hon. colleagues on this side of the House, am perfectly happy to support the Bill and will be doing so.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for and in connection with the creation of a Contingency Fund –

**Hon. Chief Minister:** Sorry Mr Speaker, I am grateful. Thank you for the opportunity to reply.

I am grateful to the hon. Gentleman for indicating that this Bill will enjoy support. Of course this represents a change of policy from the position taken by them when in Government, given representations from the industry and I realise that they do not put such value on consistency that they would stick with something that the industry would not want, and I therefore welcome the fact that they are going to support us.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Acting Clerk:** The Financial Services (Contingency Fund) Act 2014.

**Financial Services (Contingency Fund) Bill 2014 –  
Committee Stage and Third Reading to be taken at this sitting**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Committee Stage... or I give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

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

**Civil Partnership Bill 2014 –  
First Reading approved**

**Acting Clerk:** (2) A Bill for an Act to make provisions for and in connection with civil partnerships. The Hon. the Minister for Equality, Social Services and the Elderly.

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**Minister for Equality, Social Services and the Elderly (Hon. S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for and in connection with civil partnership, 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 make provision for and in connection with civil partnerships, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Acting Clerk:** The Civil Partnership Act 2014.

**Civil Partnership Bill 2014 –  
Second Reading approved**

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**Minister for Equality, Social Services and the Elderly (Hon. S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Civil Partnership Act 2014 be read a second time.

This is the first time that I move a Bill in this House and I am very proud that it will be such a landmark piece of legislation, one that will enable the formal recognition of relationships between couples of the same sex. Same sex couples currently have no route of legal recognition and this Bill addresses that.

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In creating this legislative framework for same sex couples alongside opposite sex couples, Government is demonstrating our commitment to equality. This Government's commitment to equality is clear and as Gibraltar's first Minister for Equality, I am tasked with matters of great importance.

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Already in this term of office, this Government has outlawed homophobic hate crime and hate speech and made these aggravated offences, and done a lot of work in raising awareness of equality issues generally, particularly in organising or funding various training events.

I am told that the first time that the word 'gay' was mentioned in Parliament was during the course of my Budget speech in 2012. I promised that it would not be the last.

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Mr Speaker, as Minister with responsibility for equality, I have enormous satisfaction in being able to bring this Bill to the House. As the House is aware, in our manifesto we pledged that a GSLP Liberal Government would legislate for the recognition of civil partnerships between two people, regardless of gender or sexual orientation, ratified by a binding contract through the signing of an official register. This would entitle them to benefits related to tax, pension and property rights and this Bill is in fulfilment of that promise.

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Mr Speaker, gay men and women are a fact of life in Gibraltar. Gay couples live together in committed relationships but that love and commitment counts for nothing in the eyes of the law. This Bill represents a historic step on what has been a long journey for same sex couples, for respect and dignity and above all, recognition in Gibraltar of their right to enter into a relationship and that it be recognised in the eyes of the law.

Her Majesty's Government sees this as a natural progression towards an inclusive society and it is  
350 recognition of modern Gibraltar which marks a major step in gay couples gaining recognition and social  
acceptance.

Many people have decided to share their lives, their homes, their finances and it is not right that these  
relationships be invisible in the eyes of the law. The concept of a civil partnership is not new. For example  
355 in the United Kingdom the statute is celebrating its tenth anniversary this year. Although our Bill is  
modelled on the UK Civil Partnership Act 2004, a key point of departure and which goes to the core of our  
Act is the parties who may enter into a civil partnership.

In the United Kingdom, only same sex couples are entitled to enter into a civil partnership. This  
limitation has had its share of controversy from heterosexual couples who feel that this is a form of  
discrimination against them. Mr Speaker, as our manifesto commitment pointed out, in this Bill two people,  
360 regardless of their gender, may enter into a civil partnership and that is equality.

Members of the House will be familiar with the trajectory of this Bill. A draft of the Bill was presented  
to GGR, now the Equality Rights Group, in February 2013 and the consultation process with them as a  
representative group began. We have since had many in-depth and meaningful discussions on the Bill, well  
before it was published as a command paper in December of last year. During the draft stage, Unite the  
365 Union called for Government to consider extending the legislation to opposite sex couples.

There was only one response during the consultation period once the command paper was issued – one  
that was not in favour of the proposed legislation – but other than that, the Bill has commanded widespread  
support, not only by organisations such as the Equality Rights Group and Unite, but also by many  
individuals who have approached me and other Members of Government, expressing their support for the  
370 Bill and in some cases, their personal desire to register their own relationships.

I would like at this stage, to express for the record, my thanks to the Equality Rights Group Committee  
and in particular to Felix Alvarez who has worked so closely with me on this matter. I would also like to  
thank the legal team who have been involved in drafting the legislation and for their guidance.

Mr Speaker, I have this morning circulated a letter containing one minor amendment to the Bill to  
375 reflect the change in the legal position in the UK and some minor typographical amendments that we will  
raise at Committee Stage.

Mr Speaker, I now turn to the details of the Bill.

Part 1 – other than the usual formalities in clauses 1 and 2, this part provides for the appointment of a  
Civil Partnership Registrar and Deputies in clause 3. A Registrar will discharge the functions of ensuring  
380 that formalities are complied with.

Clause 4 is the key provision in this Bill and sets out exactly what a civil partnership is and it can be  
summarised as follows:

‘A civil partnership is a relationship between two people (“civil partners”)–

(a) which is formed when they register as civil partners of each other in Gibraltar; or

(b) when they are treated [...] as having formed [...] by virtue of having registered an overseas relationship.

[...]

(3) A civil partnership ends only on death, dissolution or annulment.

Part 2 of the Bill contains the bulk of the legislative provision spread out over seven chapters.

Chapter 1 is headed ‘Registration’ and, under clause 5, provides the formalities to be entered.

385 Subclause (1) requires that two persons sign a civil partnership schedule at the invitation of and in the  
presence of two witnesses and each other; and subclause (3) sign it in each other's presence before the  
Registrar and two witnesses.

Mr Speaker, at this juncture, I would also highlight the provision in subclause (5) that no religious  
service is to be used while the Registrar is officiating the signing of the civil partnership schedule.

390 The eligibility criteria for those wishing to enter a civil partnership are set out in clause 6 where the  
circumstances of persons who are not eligible are set out. These are: (a) either of them is already a civil  
partner or lawfully married; (b) either of them is under 16; or (c) they are within prohibited degrees of  
relationship.

Mr Speaker, it may be helpful to explain that the legal term ‘prohibited degrees of relationship’ roughly  
395 translates into whether you are too closely related to the person whom you wish to enter a civil partnership  
with.

Clause 7 makes it a requirement that where one of the parties to the civil partnership is under 18, the  
consent of an appropriate person, such as a parent or the court is required.

400 The places where a civil partnership may be entered into are contained in clause 8. This includes the  
Registrar's Office or with an appropriate licence in a person's residence, aboard a passenger ship, or at a  
place which is authorised by licence.

Evidence of the civil partnership takes the form of the Registrar's certificate.

Clause 13 of the Bill provides for caveats to be entered in appropriate circumstances. In non-legal language, that means an objection. A caveat may be entered by a person who knows of a just cause why the civil partnership may not take place, for instance where the people may be too closely related and where a caveat is entered, the Registrar may refer the matter to the court.

Clauses 14 to 16 create a number of offences in relation to civil partnerships, such as providing false information.

Mr Speaker, it is inevitable, as in all relationships, that not all civil partnerships will last for ever. Chapter 2 therefore makes the necessary provision to ensure that where a relationship breaks down, there is a mechanism to resolve the issues and allow the parties to move on. The provisions are broadly those that are available in the cases of marital breakdowns.

The chapter also makes provision for separation, nullity and presumption of death orders. It also permits applications to the court for certain declarations, for example that a legal separation be obtained outside Gibraltar is also recognised.

Chapters 3 and 4 deal with the financial and property issues that follow, and includes provision designed to cater for the needs of children, where relevant.

Chapter 5 concerns civil partnership agreements. This is an agreement between two people to register as civil partners of each other and under this Bill, such an agreement is not recognised as giving rise to legal rights.

Chapter 6 relates to children and contains a single clause that takes you to schedule 7. That clause contains a number of amendments to enactments that relate to children.

Chapter 7 contains a number of miscellaneous provisions. Clause 90 takes you to schedule 8 which again makes a series of amendments to other legislation, this time on housing and tenancies.

Clause 91 takes you to schedule 9, which again makes a series of amendments to other legislation, this time on domestic violence and family homes.

Part 3 of the Bill concerns civil partnerships which have been entered into which have been dissolved abroad and provides the basis for when these are to be recognised in Gibraltar.

Part 4 of the Bill concerns relationships. Under clause 106, the definitions of step-child, step-brother, step-parent, etc are to be construed in the light of a civil partner, so that by way of example, A's step-child includes a person who is the child of A's civil partner but is not A's child.

Part 5 of the Bill contains a number of miscellaneous amendments, either directly or by reference to schedules so as to provide for the recognition of civil partnership in other areas of law, such as immigration – clause 107; discrimination in employment – clause 108; life insurance – clause 109; social security taxation – clause 110; and pensions – clauses 110 to 121.

Mr Speaker, this Bill sends a clear and unequivocal message that same sex couples deserve recognition and respect. This is a crucial step on the road to a fair and inclusive society.

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

**Mr Speaker:** Order! Order! Members of the public are welcome here. We are delighted to see you here today, but there must be no demonstration, and clapping amounts to demonstration, so please desist.

Before I put the question, does any hon. Member wish to speak on the principles and merits of the Bill? The Hon. the Leader of the Opposition.

**Hon. D A Feetham:** Yes, Mr Speaker, thank you very much for the opportunity of speaking on the Second Reading of this Bill.

Mr Speaker, the GSD has a very long tradition of allowing Members to vote with their conscience on issues that impact on the individual conscience of Members of our side of the House. It is a tradition that goes back to the early 1990s when the Father of the House, the Hon. Minister Bossano brought a Bill to this House in order to decriminalise homosexuality in Gibraltar and indeed, on that occasion every single Member of the GSD, bar one who abstained, voted in favour of that particular measure.

It was a tradition that we carried over when I brought a Private Member's Bill to this House in 2010 in order to change the then law in order to bring down the age of consent for homosexuals from 18 to 16, an age where it had been for heterosexuals for over 100 years. On that occasion, Mr Speaker, I stood alone in this Parliament together with my friends Mr Netto, Mr Reyes and indeed Mr Montiel – a minority of four – when we presented that Private Member's Bill in this House, voting in favour of that measure to reduce the age of consent for homosexuals to 16, thus equalising it to where it had been for heterosexuals for over 100 years.

Unfortunately Mr Speaker, on that occasion, the hon. Members opposite when they were on this side of the House, voted against that Private Member's Bill on the grounds that it ought to have been a Government measure – in other words, that it was not appropriate to bring an Act of Parliament to this House to change something as fundamental as the age of consent by way of a Private Member's Bill and that the



Government of the day had to have the courage of its convictions to bring the Bill to Parliament, which at that stage they indicated that they would have supported.

465 Alas, Mr Speaker, when the matter then was referred by the previous Government to the Supreme Court for a determination as to whether the unequal ages of consent was constitutional or unconstitutional, and the judgement of the Court came back saying that it was unconstitutional and indeed, not only unconstitutional but that the age of consent for homosexuals should be reduced from 18 to 16 – not equalised, not equalised but reduced from 18 to 16 to where it had been, I emphasise, for heterosexuals for over 100 years and the  
470 Government then brought a Government Bill to this House in order to reflect the judgement of the Supreme Court, equalising the age of consent at 16.

The hon. Gentlemen opposite abstained from that Bill, on the grounds that they wanted to consult in order to see whether the heterosexual age of consent ought to be increased from where it had been for over 100 years to 18 or *vice versa*, despite the fact that as a matter of fact – and this is very important – as a  
475 matter of fact, the age of consent had already been reduced for homosexuals by the Supreme Court from 18 to 16.

Well, Mr Speaker, to talk about consistency, I suppose they were consistent in their own wonderful inconsistency on those occasions. Perhaps it is not surprising, Mr Speaker – it is not surprising, Mr Speaker, given the fact that they went from no, to yes, to maybe, to vote their conscience on the new Constitution.

480 And I mention the new Constitution because of course the new Constitution which was supported by the then GSD Government, introduced important revamping of the rights and freedoms of individuals, including the right not to be discriminated which has a very direct impact on the lives of homosexuals here in Gibraltar, as indeed across Europe.

Mr Speaker, I will be consistent. I speak for myself at the moment. I will be consistent, unlike hon. Members opposite. I will be consistent and I will support this Bill because as a matter of conviction, I believe that it is the right thing to do.

I can also indicate that for a variety of reasons, because this is a difficult issue, but for a variety of reasons, every single Member of the front bench of the Opposition will also be voting in favour of this particular Bill.

490 Thank you very much, Mr Speaker.

**Mr Speaker:** Does any other hon. Member wish to contribute to the debate?

The Hon. the Chief Minister.

495 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is the second time I rise to say that I hope that a particular debate might be seen as a joyous occasion, and in most modern parliaments one would have thought that legislating to remove discriminations from the statute book would be a joyous occasion for parliament to unite, but obviously, with the present Leader of the Opposition, even the most apparently joyous occasions are turned into low down and dirty partisan opportunities for political profit, with the odd  
500 side-swipe at what someone might have done five years ago, totally misrepresented to suit the purpose of the speaker and completely ignoring the issues that are before the Parliament in the Bill today.

So I applaud the hon. Gentleman for his consistency: his consistency in not addressing issues, his consistency in misrepresenting what has happened before and why.

Mr Speaker, of course there can be issues where party colleagues take different views on some subjects. Yesterday, the hon. Gentleman made that, because he apparently thought there was a divergence of opinion on the Government benches, a mortal sin of Cabinet division. ‘The Cabinet is divided!’ over a particular issue to do with the Dover sole and sardines. He thought it was hugely important and yet today he explains their own sad division on something as important, as crucial as eliminating discrimination from our statute book as part of their tradition.

510 Well, it is not a tradition that he would know much of because most of the time that he is referring to, he used to support the people now on these benches, rather than them. At the time of the decriminalisation of homosexuality, he was a town crier for the party on this side, not for the party on that side. But so be it – consistency in inconsistency.

Mr Speaker, we will not take the view that this is an issue of conscience and I as Leader of the House am not saying that this is a free vote on an issue of conscience. Of course the hon. Gentleman is free to do with his team such as he will, but in this Parliament today, this Bill comes not as a matter of conscience. It comes as a matter of law, of the removal of discriminations from our *corpus juris*, from our statute book. The Government Mr Speaker, deeply respects the fact that there are – in my view, unfortunately, but there are – divergent views in our community in respect of the consequences of someone’s sexual orientation.

520 Well look, there are divergent views as we know on many things. There are divergent views on where we should site a stadium, so it is not unusual and it is part of our culture that we have 30,000 different opinions on most things.

525 But at the core, Mr Speaker, we are a multi-cultural community which is built not on tolerance as we might have said in the 1970s or 1980s; we are built on the basis of multi-cultural mutual respect. And the issues that we are touching upon today in this Bill... and I know the Hon. the Leader of the Opposition did not want to talk about this Bill; he wanted to talk about his own Private Member's Bill. In those days, Mr Speaker, it was one of the few occasions he got to speak in the House because there were not many questions put to him, so he had to resort to the device of a Private Member's Bill to get up on his hind feet and say something. He did not want to talk about *this*.

530 But this Bill stirs emotions in people of different views, and it is an issue, Mr Speaker, on which different religions take different positions and we should not pretend that this is not happening. We should confront it and those issues are not lost on the Government and that is why, Mr Speaker, what we are doing today in this Bill does not force anything on anyone, does not impose anything on anyone. We are not imposing anything on any sector of our community.

535 What we are doing today is the opposite, Mr Speaker. What this Bill will do is it will take the State – and it is important that we concentrate on that, *the State, only the State* – out of the structure of discrimination that same sex couples have suffered for many years. Because Mr Speaker, on this side of the House, we think as a matter of law – not just as a matter of conscience, as a matter of law – that the State should never be used as an instrument of discrimination, deployed against people simply because of who they love or how they love.

540 So this is not, Mr Speaker, a Bill that is designed to change anybody's attitude or to force anybody to accept anything. It is only the Government, it is only the State that is being forced to change as a result of this Bill. What we are saying is that after today, the Government, the State, nobody else, will not treat a couple of the same sex in a manner that is less advantageous than a couple of the opposite sex. It is in fact the Government that is taking on obligations today when this Bill becomes law.

545 When you look, Mr Speaker, at the history of equality – and how proud I am that at last we have a Minister for Equality in this Parliament and that I appointed her – but when you look at the history of equality, it comes in dribs and drabs. It is not that long ago, Mr Speaker, when men and women were not considered to be equal in the eyes of the law. And this Bill is not the final step in the road towards equality. 550 Neither was the Bill that the Hon. Mr Bossano brought when we decriminalised homosexuality. All of these are steps on the road towards full inclusion and equality.

555 Attitudes change, Mr Speaker, and they have changed in Gibraltar towards people of same sex orientation. They change in respect of whether women and men were equal, but the fact that attitudes have changed is not enough. The law has changed too in relation to discrimination against women, because they had to and in some instances, those discriminations had been written into our laws and had to be written out. Everybody now would say that men and women are of course entitled to equal treatment and of course our law recognises that – and the sky did not fall in when women got the vote, or were treated as equal to men.

560 And, Mr Speaker, in Gibraltar, I think it is true to say that whether people are gay or lesbian has long been an issue that has not necessarily affected their ability to have interpersonal relationships with others in our community, on the basis that they are equal. Attitudes have changed and to a great extent the representative groups of gay and lesbian people have driven those changes, sometimes in a high profile way, sometimes in a low profile way. But the attitude change is not enough, Mr Speaker. In the same way as had to happen in relation to the discrimination between men and women, laws must change too so that 565 laws which discriminate against homosexual or lesbian couples, stopping them from enjoying State-sponsored rights and benefits, have to be eliminated.

570 I gave a lot of thought, Mr Speaker, to how I might present my own intervention this morning. I did not want it to be partisan and I have had to go down that road because of the way that the Hon. the Leader of the Opposition has behaved, but I wanted to leave people with a clear understanding of why this is happening, because I know that the conscience of some may be challenged by what it is that we are going to do. I do not know why but I understand that it will happen.

575 So if there is anybody in this Chamber who is left with any doubt as to why we should be passing this Bill unanimously, I would ask them to challenge their thinking in this way and reverse the logic of what we are going to do today.

580 What if our laws did not already contain discrimination against the same sex couples? Imagine there was equality in the law. If you are going to vote against this Bill, would you vote in favour of a law that discriminated against same sex couples, because that is in effect what you are doing by saying that you do not support this Bill?

585 Ask yourself should something as deeply emotional, something as central to who we are as human beings, which is who we love – probably one of the reasons why we exist, much more than being in a wood panelled room on a Friday morning to talk about laws – should that affect how many points you get on the housing waiting list or what tax treatment the State gives you? And if you are going to vote against this Bill, would you vote in favour of a law that discriminates against same sex couples and taxes them in a different

585 way and gives them less points? Assume that the equality is there: would you vote in favour of that discrimination? Essentially, Mr Speaker, at the end of the day, if you vote against this Bill, do you really think that women who love women and men who love men are worth any less than men who love women and women who love men? Is that really what you think?

Those are the difficult questions that you have to ask yourself. I have seen some sniggering on the other benches because I am talking about love and issues such as that. Maybe they do not want to talk about issues such as that in this place, but these things are central –

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

595 **Hon. Chief Minister:** No. These things are central to what makes us as individuals. These things are central to who we are as human beings. So if you would not vote in favour of a law to positively introduce a discrimination against same sex couples, why would you not vote in favour of a Bill that eliminates that discrimination? And that is what we are going to do today.

Mr Speaker, this is an issues that was in our manifesto. The hon. Lady has referred to the paragraph. It is an issue of clear Government policy. IPads are wonderful things, they allow you to search documents in a moment. The word ‘equality’ does not appear in the 2011 GSD manifesto. So much for the consistency that the hon. Member was talking about.

I actually took great pleasure in writing the paragraph that the hon. Lady has referred us to in our manifesto, and in tweaking it with her when she was part of our team, relying on the experience that she had had working for the Equal Opportunities Commission in the United Kingdom. I am frankly, Mr Speaker, deeply proud of the fact that our community allowed me the privilege of appointing the hon. Member our nation’s first Minister for Equality and that she now brings this landmark piece of legislation to deliver equality as the first Bill that she ushers through the Parliament. She has commended the Bill to the House, Mr Speaker, and I have heard no reason and see no reason why this House should not *unanimously* support her commendation. *(Applause and banging on desks)*

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**Mr Speaker:** Does any other hon. Member wish to contribute to the debate?  
The Hon. Mr Damon Bossino.

615 **Hon. D J Bossino:** Mr Speaker, the Hon. the Chief Minister in his intervention has said that there was laughter on this side of the House, or that we were smiling – **(Mr Speaker: Sniggering.)** Sniggering, I think yes, that it absolutely correct, Mr Speaker. There was not any such thing and if there was, Mr Speaker, it was not as any reaction to anything he said in relation to the loving relationship between two gay couples or, indeed, heterosexual couples because on cannot lose sight of the fact Mr Speaker, that this particular Bill – there has been an overemphasis I think in relation to the homosexual nature of those individuals who are entering into a civil partnership. That is indeed open to them when we pass this Bill in this House, because in fact he will find, as the Hon. the Leader of the Opposition has already indicated, that there will be unanimity in respect of those persons here present in this Chamber at the present moment.

Mr Speaker, so the fact that there is... the mention he has made about love between two homosexual couples and indeed two heterosexual couples who now wish to not take the choice of entering into a civil marriage which is currently available to them in Gibraltar, they can now enter into a civil partnership under the Civil Partnership Bill, two heterosexual couples, is not a matter of laughter quite the contrary, and we support the hon.... Just to make it absolutely clear, we associate ourselves with the comments that the Hon. Chief Minister has said in relation to that particular point.

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That is the only point I wish to make.

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**Mr Speaker:** If no other hon. Member wishes to contribute –?  
Yes, the Hon. the Minister for Justice.

635 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the hon. Lady in presenting this Bill to the House, she has described herself as the first Minister for Equality, the Chief Minister has mentioned that and that is in fact the position, a position which we as a Government are very proud of, of having had the courage to install a first Minister for Equality.

And the hon. Lady in presenting this Bill has described this Bill on this occasion as historic and it is not an understatement, because this is truly a momentous occasion. It is a momentous occasion not just in the history of Parliamentary democracy and what we do in this Parliament, it is a momentous occasion for the community as a whole. Because this Bill... and the hon. Member is right, it is not just about opposite sex couples, but that is certainly something that we have considered for a long time, the issue of equality, as the Hon. the Chief Minister has mentioned, but this Bill allows a civil partnership to be created.

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645 But what is important is that this is not about simply a piece of paper. This is not about labelling people in a particular way, man and wife, civil partner, just because I have got a piece of paper. As the Hon. the Chief Minister has emphasised during the course of his speech, this is about recognition of rights. This is about the recognition of the right, the *absolute* right to equality. This is about the right to be treated free of discrimination. This is about the right to be treated, as again has been said, equally in the eyes of the law.

650 And there has been much jurisprudence developed in this area over a number of years, particularly through the European Court of Human Rights. The right to be free from discrimination, the right to family life. But it is not correct and it cannot be correct that every time that somebody wants to exercise a particular right, that person has to have recourse to the courts for the courts to recognise those rights. And we have seen cases in court where those rights have been recognise – in relation to housing all the way to the Privy Council, much court time being expended, much cost being expended; in relation to adoption and many other areas in the European Court of Human Rights, and what this is about is about the Government who now has the courage to recognise that those legal entitlements are in fact legal entitlements which have to be enshrined in law.

660 There is a need to recognise that and it is important for the whole of the Parliament to be united – unfortunately that will not be the case and there are very cogent arguments, the Chief Minister has alluded to them, why it is right that everybody should support this Bill because this is about the need to recognise and to act on what is right, what is proper and what is sensible in a modern society and that is precisely what this Government is about.

665 There has been some mention by the Chief Minister about the evolution of struggles that have taken place and the right to rid ourselves as society from any form of discrimination and it is true that great strides have been made. But this Bill, this in fact is a milestone in our legislative process and it marks what this Government is all about.

670 It is indeed an honour for me, as Minister for Justice, to be associated and be part of this Government that has made this Bill possible and this momentous occasion for the whole of the community. (*Banging on desks*)

**A Member:** Hear, hear.

675 **Mr Speaker:** Is there any other contributor before I ask the mover to reply? Does the hon. Lady wish to reply?

So I now put the question, which is that a Bill for an Act to make provision for and in connection with civil partnership be read a second time. Those in favour –

680 **Hon. Chief Minister:** Mr Speaker, before you take the vote, may I call a division, especially given the indication we have had that all persons here present, to take the language I think of the Marriage Act, will be voting in favour? (*Laughter*)

**Mr Speaker:** Very well.

*A division was called for and voting resulted as follows:*

685

FOR	AGAINST	ABSENT
The Hon. P J Balban	None	The Hon. Sir P R Caruana
The Hon. J J Bossano		
The Hon. Dr J E Cortes		
The Hon. N F Costa		
The Hon. Dr J J Garcia		
The Hon. A J Isola		
The Hon. G H Licudi		
The Hon. S E Linares		
The Hon. F R Picardo		
The Hon. Miss S J Sacramento		
The Hon. D J Bossino		
The Hon. Mrs I M Ellul-Hammond		
The Hon. D A Feetham		
The Hon. S M Figueras		
The Hon. J J Netto		
The Hon. E J Reyes		

**Acting Clerk:** 16 Members for.

690 **Mr Speaker:** There are 16 votes in favour, one Member is absent. The ayes have it.

**A Member:** Hear, hear. (*Banging on desks*)

**Acting Clerk:** The Civil Partnership Act 2014.

**Civil Partnership Bill 2014 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Equality, Social Services and the Elderly (Hon. S J Sacramento):** I beg to give notice  
695 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.)

**Gibraltar Culture and Heritage Agency (Repeal) Act 2014 –  
First Reading approved**

**Acting Clerk:** Number (3), a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act  
700 2011 and to make provisions consequent upon the repeal.

The Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the  
honour to move –  
705

(*A pause in proceedings*)

**Mr Speaker:** The Hon. Mr Linares.

**Hon. S E Linares:** Thank you Mr Speaker.  
710

I have the honour to move a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act  
2011 and to make provision subsequent upon the repeal to be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to repeal the Gibraltar Culture and  
715 Heritage Agency Act 2011 and to make provisions consequent upon the repeal to be read a first time. Those  
in favour? (**Members:** Aye.) Those against? Carried.

**Acting Clerk:** The Gibraltar Culture and Heritage Agency (Repeal) Act 2014.

**Gibraltar Culture and Heritage Agency (Repeal) Act 2014 –  
Second Reading approved**

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the  
720 honour to move the Bill be now read a second time.

Mr Speaker, this Bill has come to this House after two long years of negotiations with all employees of  
the Gibraltar Culture and Heritage Agency. The new Government discovered on coming into office, that  
there was something wrong in the manner that the Agency had been constituted, particularly how staff had  
been appointed, given grades and awarded salaries without due process.

725 So the first thing the Government did was to commission a report from the Principal Auditor. This  
report, from which I will be quoting all the anomalies that were found in the Agency, was completed on  
23rd January 2012, just over a month after we were elected into Government. Apart from other things  
which I will refer to later, one of the most curious findings were the dates on which most of the staff were  
offered appointments.

730 These dates ranged from 16th October 2011 to 2nd November 2011 and they had been signed off by the  
then Minister for Culture and formally approved on 15th November. The House will know that the elections  
were called on 4th November 2011, 11 days before the approval.

Staff were given, on those dates, grades commensurate to the GDC officers ranging from Grades 1 to 6, with a 12% over and above increase in salaries. No interviews or selection process took place.

735 Letters of appointment which were supposed to be signed by the CEO were signed by the Minister for Culture instead, since the CEO of the Agency had not yet been appointed, nor the Board constituted. The Board and the CEO were ratified on 15th November 2011. The first Board meeting took place on 18th November – well into the election campaign.

740 What was also significant was the fact that the Minister signed the appointments on 16th October 2011, well before the Board was constituted. These appointments were ratified by the Board on 18th November. One would have thought that it would have been the Board or at least the CEO of the Agency who should have made these offers of appointment to the staff.

745 When one analyses the composition of the staff at the Agency, it is clear that offers were made to all without consideration as to whether they were eligible to be equivalent to the grades commensurate to the GDC and to boot, with a 12% increase. In fact, the employees came from different entities, such as some from the Civil Service, most from private companies, authorities and one was previously only a volunteer.

750 In his report, the Principal Auditor stated that he could not know the basis for the salaries that had been agreed by the Chairman, meaning the then Minister and the Government. We have a civil servant who, an EO grade, was given the equivalent of a HEO grade and to boot, a 12% increase. The CEO's salary was calculated on a hypothetical differential, with the newly appointed heads of the Heritage Division and was personally determined and decreed by the then Chief Minister. A Spanish cleaner was given a Grade 1 plus 12% without an assessment or an interview.

755 The volunteer I mentioned was given the job by the previous Chief Minister, when he happened to visit the Garrison Library. The grading was decided by him and that employee, he decreed, was placed at the Grade 5 level. Again, the Auditor cannot identify the reasoning behind this decision. One officer came from the King's Bastion Leisure Centre and no basis for the grading was found.

760 The other exercise that was done by the Auditor was to ascertain the percentage increase that was awarded to the employees when compared to their previous salaries. A charge hand, TG3 got a 10.5% increase; a TG1, 48.3% increase; a cleaner, which I mentioned before, a 100% increase, since she came from the supply list of a private company. Five Grade 1s got 29.3% increases; two got 49.4% increases. An administrator from a private company was granted a Grade 4, which meant a 16.2% increase. Others also received increases, but the most glaring single one was that of 62.5% increase, in which the salary was increased from £46,164 to £75,000.

765 One thing that was also omitted was the fact that the collective agreement was never signed, the draft copy contained the names of those who were to be signatories, two union reps and the Minister for Culture and the then Chief Minister. When the question was asked to Members as to whether they had been involved in the collective agreement, only a small handful was even *aware* that it existed.

In view of these facts, I now move to how the Agency's role will be filled, when coming into force of this Act.

770 There are two companies which have been set up. These will be contracted to do the same service that the Agency performs at present. The contracts for these two companies are similar to the successful formula that currently exists in Land Property Services and the Environmental Agency Limited. The contracts are modelled on these two entities.

775 The conditions of the employees of the Agencies will be respected. The new structure will also allow employees more freedom to look at events and run them on a more commercial line, should this be necessary. Further employment of additional staff, should the need arise, will be subject to negotiations with the Government. The existing staff have been fully consulted and have had a direct input into how the Heritage Company and the Culture Company will develop.

780 Therefore, the purpose of this Bill is to repeal the Gibraltar Culture and Heritage Agency Act 2011 and deal with ancillary matters relating to the dissolution of the Gibraltar Culture and Heritage Agency.

Mr Speaker, at this stage, I will say that I have given notice of just one small amendment, which hon. Members already have.

785 Pursuant to clause 4 the Bill makes provisions for references to the Agency in the Heritage Trust Act 1989 to be construed as meaning a reference to a person appointed under subsection 2 of clause 4 to discharge any of the functions and duties conferred on the Agency upon that Act.

Clause 5 makes consequential modifications and amendments to the schedule to the Public Service Ombudsman Act 1998 so as to remove the Agency from the list of authorities to which Part 3 on investigation of complaints under the Act applies.

790 Clause 6 of the Bill provides for the necessary savings and transitional provisions, including provision for the transfer of any assets or liability from the Agency to the Government and the exclusion of personal liability attaching the members of the Agency in respect of anything done or omitted to be done in good faith, prior to the coming into operation of this Act.

795 Mr Speaker, I am honoured to be asked to move this Bill for an Act, as Minister for Culture and Heritage, since it is I who is responsible for these areas. I commend this Bill to the House. (*Banging on desks*)

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

800 The Hon. Mr Edwin Reyes.

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

I feel I should contribute to today's presentation of this Bill by clarifying and stating for the record that the Gibraltar Culture and Heritage Agency was set up in 2011 as part of the GSD then in Government's plans for the future running of areas of responsibility that fell upon that particular Ministry.

805 It was also necessary at that time to review the now expired contract that had existed with a company like Knightsfield who were at the time running the John Mackintosh Hall and the Museum and that contract was expired. So therefore a lot of time was spent in discussions with Knightsfield and with existing public servants, some of whom were civil servants, some of whom were GDC employees and so on, who at the time were already working with responsibilities under the area of that Ministry.

810 There was, I can assure, Mr Speaker and all Members of this House, very, very close consultations with the trade unions – and unions in plural, because the employees, some were members of Unite and others were members of the GGCA. It was together with these trade unions that we were at an extremely, extremely advanced stage. In fact, I dare to say the draft was completely ready in order to sign a collective agreement.

815 The reason why it did not take place was because the unions needed time to go back to meet their own individual members, something that, given my trade union background I supported fully, so therefore the Minister, in presenting this Bill today, could have been informed by others that those individuals who perhaps had not heard about the collective agreement and so on, I can assure the Minister that nothing was imposed on them, hence why it was still not fully signed because I wanted to ensure that before any signatories signed up to that agreement, that each and every member that was being represented by the union had had an opportunity to see that in detail.

820 Mr Speaker, by the time of the elections in late 2011, some initial staffing exercise had taken place. What in fact had happened was, we had absolved and gave the right to existing employees of the private companies who were providing services to the Ministry, such as the employees from King's Bastion Leisure Centre and from Knightsfield, we gave them the right to be the first ones to come across and become employees of the Culture and Heritage Agency, as were all civil servants or GDC employees who were at the time working for the Ministry given the right to transfer as well into this company. Some chose to and others did not. There was certainly an equal opportunity offered to all and I believe each particular employee chose what he or she thought was best for them.

830 Mr Speaker, the Bill as such, for which due notice was given, just simply said that the Gibraltar Culture and Heritage Agency Act 2011 is repealed and it is not until today that I have got sight that the Minister has intentions of passing on these duties to other companies that he is explaining now and so on.

835 All I can say, Mr Speaker, is that given that they are now in Government, it is their right to take the duties and responsibilities that hereto have been covered under the Agency in whichever way they feel is best. Had we been in Government, we would have completed the staffing exercise, the re-structure exercise would have continued, all our negotiations with the trade unions representing each and every employee, but if the Government now wishes instead to do away with the Culture and Heritage Agency and instead replace it in some other manner, that is their prerogative of which we will not be a hindrance to that and therefore this side of the House, Mr Speaker, will abstain on the Bill and let Government get on with their duty of governing. (*Banging on desks*)

840 **Mr Speaker:** Does any other hon. Member wish to contribute?  
I call then upon the mover to reply.

845 **Hon. S E Linares:** Mr Speaker, just to put the record straight from the hon. Member's intervention, the company, Knightsfield, that he alluded to where the contract had just expired, the fact is the contract had expired in 2002 and we are talking about 2011. So the contract had expired nine years before the thinking of the Agency – (*Interjection*) well okay.

850 The fact that he says that they were going to be consulted, one cannot understand how they could be consulted when they already had signed into the.. and I must state at this stage, is that I would have signed the piece of paper that was offered to me. If I am given a 62.5% increase, I would not even hesitate – in fact I will ask, 'Where is it that I have to sign on?!' So the fact is of course you do not have to impose anything on them if you are giving them a 62.5% increase.

855 And the third fact is that there were only two civil servants, one of which got a hike not only in post but salary and another one. Knightsfield which is a private company, no officer came from the GDC like the hon. Member said, there were 16 people who came from Knightsfield, one was self-employed and one from King's Bastion. Those are the facts that I have in front of me.

860 So therefore, and I am glad the hon. Member is giving us space. We did the same when the Bill came to this House – the Agency Bill came to this House. We did abstain because we allowed them as Government the decision and the policy to put the Agency. I am glad that now at least they are just abstaining in order for us to get on with the business of trying to organise and re-organise what was the Culture and Heritage Agency.

Thank you, Mr Speaker.

865 **Mr Speaker:** I now put the question, which is that a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provisions consequent upon the repeal, be read a second time. Those in favour? (**Government Members:** Aye.) Those against? Carried.

870 **Hon. E J Reyes:** We abstain, Mr Speaker.

**Acting Clerk:** The Gibraltar Culture and Heritage Agency (Repeal) Act 2014.

**Gibraltar Culture and Heritage Agency (Repeal) Act 2014 –  
Committee Stage and Third Reading to be taken at this sitting**

875 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

**COMMITTEE STAGE**

**Financial Services (Contingency Fund) Bill 2014; Civil Partnership Bill 2014;  
Gibraltar Culture and Heritage Agency (Repeal) Bill 2014**

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

885 **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 Financial Services (Contingency Fund) Bill 2014; the Civil Partnership Bill 2014; and the Gibraltar Culture and Heritage Agency (Repeal) Bill 2014.

*In Committee of the whole House.*

**Financial Services (Contingency Fund) Bill 2014 –  
Clauses considered and approved**

890 **Acting Clerk:** A Bill for an Act to make provisions for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes.

895 **Chief Minister (Hon. F R Picardo):** Mr Chairman, a minor amendment in respect of this Bill, of which I have not given written notice but you will see how minor it is: it is simply to change the language from the traditional language in the first clause 'shall come into operation on the date of publication' to the other sort of traditional language which is 'shall come into operation on the date appointed by notice in the *Gazette*'.



900 You will know that we use either of those types of notices for coming into operation or a specific date and because of the financial year and when it runs, etc we need to use the language of notice in the *Gazette* here.

**Mr Chairman:** That is a proposed amendment to clause 1. Is that agreed to?

905 **Hon. D J Bossino:** Yes, Mr Chairman.

**Mr Chairman:** Clause 1 as amended stand part of the Bill.

**Acting Clerk:** Clauses 2 to 7.

910

**Mr Chairman:** Clauses 2 to 7 stand part of the Bill.

**Acting Clerk:** The long title.

915

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

**Civil Partnership Bill 2014 –  
Clauses considered and approved**

**Acting Clerk:** A Bill for an Act to make provisions for and in connection with civil partnership.  
Clauses 1 to 4.

920

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

**Acting Clerk:** Clauses 5 to 17.

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

925

**Acting Clerk:** Clauses 18 to 43.

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

930

**Acting Clerk:** Clauses 44 to 55.

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

**Acting Clerk:** Clauses 56 to 85.

935

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

**Acting Clerk:** Clauses 86 to 92.

940

**Mr Chairman:** Clause 96, did you call?

**Acting Clerk:** Clauses 86 to 92.

**Mr Chairman:** Clauses 86 to 92 stand part of the Bill.

945

**Acting Clerk:** Clauses 93 to 95.

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

**Acting Clerk:** Clause 96.

950

**Hon. D A Feetham:** Mr Chairman, I am quite happy – certainly on this side of the House, we are quite happy for the hon. Lady's letter to stand as her formally moving those amendments, so she does not have to go through them verbally during the course of these proceedings.

955 **Mr Chairman:** Very well, if all hon. Members agree, those amendments will be incorporated into the Bill. Those in favour? (**Members:** Aye.) Carried.

**Acting Clerk:** Clause 96.

960 **Mr Chairman:** Clause 96 as amended stand part of the Bill.

**Acting Clerk:** Clauses 97 to 124.

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

965

**Acting Clerk:** Schedules 1 to 9.

**Mr Chairman:** Schedules 1 to 9 stand part of the Bill.

970

**Acting Clerk:** Schedule 10 as amended.

**Mr Chairman:** Call that again, please.

**Acting Clerk:** Schedule 10 as amended.

975

**Mr Chairman:** Schedule 10 as amended stand part of the Bill.

**Acting Clerk:** Schedules 11 to 14.

980

**Mr Chairman:** Schedules 11 to 14 stand part of the Bill.

**Acting Clerk:** The long title.

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

**Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 –  
Clauses considered and approved**

985 **Acting Clerk:** Number 3. A Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provisions consequent upon the repeal.  
Clause 1 as amended.

**Mr Chairman:** Clause 1, notice has been given substituting the date of publication by 1st April 2014.

990

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Chairman, we want to make... it is another amendment rather than 1st April, which I will leave to the Hon. Mr Gilbert Licudi to do.

995

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Sorry, Mr Chairman, the amendment is the same as the previous one: that it should say 'on a date appointed by notice in the *Gazette*' rather than a specific date. We expect that this will happen on 1st April but we just need to make sure that everything is in order and it will happen and it can happen on 1st April. That is certainly the intention, but we would rather have it by notice to be appointed in the *Gazette*.

1000

**Mr Chairman:** Very well. Is there agreement on the amendment proposed by the Minister for Justice? Aye? Carried.

**Acting Clerk:** Clause 1 as amended.

1005

**Mr Chairman:** Clause 1 as amended stand part of the Bill.

**Acting Clerk:** Clauses 2 to 6.

1010 **Mr Chairman:** Clauses 2 to 6 stand part of the Bill.

**Acting Clerk:** The long title.

**Mr Chairman:** The long title stand part of the Bill.

### THIRD READING

**Financial Services (Contingency Fund) Bill 2014; Civil Partnerships Bill 2014;  
Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 –  
Third Reading approved: Bills passed**

1015 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Financial Services (Contingency Fund) Bill 2014, the Civil Partnerships Bill 2014 and the Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1020 **Mr Speaker:** I now put the question, which is that the Financial Services (Contingency Fund) Bill 2014, the Civil Partnership Bill 2014 and the Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 be read a third time and passed.

Those in favour of the Financial Services Contingency Bill 2014? (**Members:** Aye.) Those against? Carried.

1025 Those in favour of the Civil Partnership Bill 2014? (**Members:** Aye.) Those against? Carried. (**Hon. D A Feetham:** I beg your pardon. Aye.)

Those in favour of the Gibraltar, Culture and Heritage Agency – (*Interjections*)

The Opposition are voting in favour of the Third Reading of the Civil Partnership Bill 2014.

1030 Those in favour of the Gibraltar, Culture and Heritage Agency (Repeal) Bill 2014. (**Government Members:** Aye.) Those against?

**Hon. D A Feetham:** This one we are abstaining.

**Mr Speaker:** The Opposition are abstaining. The ayes have it. Carried.

### ADJOURNMENT

1035 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn *sine die*.

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

1040 I now put the question which is that the House do now adjourn *sine die*. Those in favour (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

*The House adjourned at 11.11 a.m.*