



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.15 a.m. – 11.50 a.m.**

**Gibraltar, Thursday, 20th November 2014**

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# The Gibraltar Parliament

*The Parliament met at 9.15 a.m.*

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

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

## PRAYER

*Mr Speaker*

## Order of the Day

### CONFIRMATION OF MINUTES

**Clerk:** (i) Oath of Allegiance. (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 16th and 17th October 2014.

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

*Mr Speaker signed the Minutes.*

### PAPERS TO BE LAID

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid. The Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sport, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the table the audited accounts for the Gibraltar Heritage Trust for the year ended March 2013.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

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

#### Q625/2014

#### Gibraltar Tourist Board – Cost of rebranding

15 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions. Question 625/2014, the Hon. D J Bossino.

20 **Hon. D J Bossino:** Can the Minister for Tourism provide details of the cost of the rebranding of the GTB to include its web... its website? It was a heavy night last night! (*Laughter*)

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the cost of the GTB rebranding is £9,600. Included in this price is a comprehensive brand makeover. It covers guidelines and designs on: signage; vehicle livery; brochure design; website; pamphlets; stationery sets; advert examples; uniforms; name badges; press releases; exhibition stands; and souvenirs.

The cost for the rebranding of the website, including the updating of images, new layout and new copy is £31,748.

**Hon. D J Bossino:** Mr Speaker, can the Minister elucidate perhaps a bit further as to why it is, if one has a look at the website, if one does a direct comparison between one and the other, the old one and the new one, all that appears to have changed is the logo. I think that is right.

Can he explain how the branding element of his Department is going to be progressing into, presumably, the near future?

**Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct, we are rolling out the new identity. At this point at World Travel Market, two weeks ago now, we launched the new identity brand of the tourism site, as indeed we have launched the new Ministry logo. He will have seen that the new Government crest with the new Government branding. We have also unveiled the new Tourism logo.

As I believe I explained to the hon. Gentleman yesterday, the website is under construction and it should be ready during the course of, latest, next year, in January, and it will be launched then.

**Hon. D J Bossino:** Yes, Mr Speaker, what about the other features he talked about? I think he mentioned uniforms and matters like that. When does he expect those to be launched, if they have not already – I am not privy as to whether it has or not.

**Hon. N F Costa:** Well, Mr Speaker, as I have just explained to the hon. Gentleman, this will now take a period of time. It will be required for stationery, letterhead, when new press releases are issued, brochures as being designed and being mail shot. All of this will take some time to be able to use the new images, the new logo and the new designs. But I suspect that by the end of January next year, the complete package of new logo, new designs, new imagery and new livery will be rolled out.

I suspect, however, there will be some aspect, perhaps, that may take longer but for the most part it should be done by the end of January next year.

**Hon. D J Bossino.** And, Mr Speaker, in relation to the company, can he advise this House which company has been appointed to do this job?

**Hon. N F Costa:** Yes, Mr Speaker, the rebranding of the GTB and the construction of the new website as I said, to include images, the layout and the copy, is being done by Maverick.

**Hon. D J Bossino:** Can he advise, I think he said Maverick...? (**Hon. N F Costa:** Yes.) Can he advise whether this...? I assume this is a local company: can he confirm whether that is the position?

And if I may, Mr Speaker, a second supplementary added on to that, can he just give me details as to whether that is the company name or simply a business name and who the beneficial owner of the company is?

**Hon. N F Costa:** Mr Speaker, I am afraid that I do not have that level of detail in respect of the company. I suspect that it is a business name. I suspect that it is a UK company, but I will need to get back to him with those details.

**Q626/2014**  
**Hong Kong shipping event –**  
**Attendance**

**Clerk:** Question 626, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism provide details of when he will be attending Hong Kong for the shipping event announced by the Minister for Financial Services in Parliament last month, together with details of the expected costs and who will be attending with him?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will be visiting Hong Kong from 23rd to 29th November, and will be accompanied by the CEO and Captain of the Port, Commodore Bob Sanguinetti and Diana Soussi, the Gibraltar Yacht Registrar, representing the Gibraltar Maritime Administration.

Costs are expected to be in the region of £28,000 which covers the arrangements for meetings and a reception event being held at the Hong Kong Maritime Museum, together with flights, accommodation and other travel expenses for the Government delegation.

**Hon. D J Bossino:** Mr Speaker, in line with what is, I think I detect, the policy of the Government as far as financial services is concerned, which is really to invite stakeholders to attend these events – I think I am exposing the Government policy in relation to that accurately – can he advise whether he has equally invited local stakeholders to attend with the Gibraltar Government delegation as a marketing opportunity for them?

**Hon. N F Costa:** Yes, Mr Speaker.

**Hon. D J Bossino:** Has he been taken up on the invitation?

**Hon. N F Costa:** Three companies have, Mr Speaker.

**Hon. D J Bossino:** Can he advise which companies or would that be commercially sensitive? I do take the point but if he is able to provide that information, I would be grateful.

**Hon. N F Costa:** Mr Speaker, it is not that it is commercially sensitive; it is simply that I have not asked them whether they would feel comfortable about me advising across the floor of the House that they are attending with the Gibraltar delegation. I suspect that they do not, but before I do so, I would like, out of courtesy, to ask them first.

**Hon. D J Bossino:** And, Mr Speaker, I did pose the question in very general terms by stakeholders. Can he advise, because I think this will be of interest also to those in the legal profession like myself, who deal with Admiralty matters, whether he has extended the invitation or at least the announcement that he will be going to the Hong Kong event to, for example, those in the legal profession who deal with Admiralty matters and who may see this as an opportunity to market their wares as well?

**Hon. N F Costa:** Mr Speaker, this trip is mainly specific to Port-related matters, although we have taken also the opportunity to bring the Gibraltar Yacht Registrar, as inevitably some aspects may relate to that, but we are not attending as such as an arrest jurisdiction, although of course the subject will inevitably come up and we will have to address that. But on this occasion, it is mainly Port-related matters, but we are also taking the Gibraltar Maritime Administration as a representative of the maritime cluster.

**Hon. D J Bossino:** And, Mr Speaker, in relation to those three attendees who will be going with him, can he confirm – and I think it is implicit from the answer that he has given, but can he confirm please – whether they are all in the industry related to the Port, exclusively?

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

**Q627/2014**  
**World Travel Market, London –**  
**Cost of attendance by Gibraltar Tourist Board**

**Clerk:** Question 627, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism provide details of the cost of the GTB's attendance at the World Travel Market in London?

**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, if I may, with your indulgence, just quickly return to the last supplementary, I think it is more specific to say that they relate strictly to maritime business.

As I said before, it will be mainly Port-related businesses, but some aspects may relate to other maritime areas.

Mr Speaker, in relation to Question 627, the detail of the costs is as follows – Flights £2,782; Hotel £3,780.60; Subsistence £688.77; Travel Expenses £878.90; Stand £37,541; Miscellaneous Other Expenses £1,553.35; less participation fees of £9,000.

**Hon. D J Bossino:** Mr Speaker, I have taken a quick note of the information which he has given to me for which I am grateful. In relation to the miscellaneous expenses, can he be more particular in relation to that. It is a reasonably high sum when compared with two of the other items he has given me. It is £1,500-odd pounds. Can he give me a bit more information in relation to that?

**Hon. N F Costa:** Yes, Mr Speaker.

In respect of Miscellaneous Other Expenses, £275.31 relates to the History Alive personnel that attended with us and accompanied us to the World Travel Market; the Stand catering £412.52; and Hospitality £865.52. They add up to £1,553.35.

**Hon. D J Bossino:** Mr Speaker, perhaps I am asking this question from the uninitiated because I have not had the pleasure of discharging his responsibilities, and I am not personally used to doing these things, but can he advise, and can he give further particulars in relation to what he means by ‘hospitality’ precisely? I know it is perhaps getting a bit too granular but maybe he has that information and he can provide it to this House and elucidate.

**Hon. N F Costa:** Mr Speaker, I do not have a detailed breakdown what the hospitality/dinner bracket entails but essentially it means dinners, coffees, sparkling waters, whatever it is that one consumes when having a business meeting with a person you have invited to meet with you – hospitality. No alcohol.

**Hon. D J Bossino:** Mr Speaker, there is another question in the Order Paper for which this supplementary may be perhaps more relevant, but can he tell me how long the delegation was there? I am assuming in that that he was there for that duration himself.

**Hon. N F Costa:** Mr Speaker, the answer to that is in fact I think in the second or the other question that is coming. Yes, I was there from beginning to end. I arrived on Monday afternoon, my office and the Gibraltar House in London were already there. My first appearance at the World Travel Market was on Tuesday and of course it lasted during the week, during the course of which, as I will inform him later, we also had a UK GTA meeting.

So yes, these amounts cover the entirety of that week.

**Hon. D J Bossino:** Mr Speaker, I am grateful. He said when he started. Did he say when he ended the trip?

**Hon. N F Costa:** Saturday, Mr Speaker.

**Hon. D J Bossino:** Sorry, just to be clear, the World Travel Market started on the Monday and ended on the Friday presumably. (**Hon. N F Costa:** Yes.) I am grateful.

**Q628/2014**  
**World Travel Market, London –**  
**Attendees**

**Clerk:** Question 628, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism state who of the GTB delegation to include those from Gibraltar who attended with the GTB delegation, attended the World Travel Market event?

**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, aside from Mr Nicky Guerrero, Chief Executive of the Gibraltar Tourist Board and I, the Gibraltar delegation was supported by representatives from: the Sunborn Hotel; the O'Callaghan Elliott Hotel; Bland Group International; MH Bland; Parody Tours; the Gibraltar Taxi Association; and Gibraltar History Alive.

**Q629/2014**

**World Travel Market, London –  
Meetings held with Gibraltar Tourist Board**

190 **Clerk:** Question 629, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism state how many meetings were held with the GTB at the World Travel Market and which of those did he attend?

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

200 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, a total of nine meetings were held with the GTB and UK entities, five of which I attended. I have purposely not included the press conference in which I announced the excellent news of the Gibraltar-Bristol flight, the subsequent interviews to the press, my meetings with locally based operators the UK GTA nor my discussions on the fringes of the UK GTA with our UK commercial partners.

205 **Hon. D J Bossino:** Mr Speaker, he knows that the Opposition has not been found wanting in terms of congratulating him personally and his team, who I am sure are watching, about the sterling work done in relation to the Bristol connection.

210 Mr Speaker, he says nine meetings, five of which he personally attended. Can he explain why he did not attend the other four? The reason being that he has laid a lot of store on the fact that he is very keen to ensure he says, personal contacts with those industry stakeholders. Can he explain therefore why almost 50% of those meetings which were scheduled did not have the pleasure of his attendance?

215 **Hon. N F Costa:** Well, Mr Speaker, in the first place to answer the preface to his question, I have to tell him, although I did not reply by way of a press release, that I am still to meet an executive of the airline industry who has told me that the reason why they fly to Gibraltar is because we have a beautiful airport. Never has that happened and I suspect that never will it happen, that people want to fly to us because we have a glass palace, where before there used to be something smaller. So let me be clear about that.

220 Meetings at the UK GTA or indeed any other trade show are planned well in advance, so that there will be matters which I think require my personal attendance which ordinarily involves the cruise lines and the airlines and also if there is any specific marketing campaign which I think I ought to have an input. There are other matters which can be dealt with at official level, which is why members of Gibraltar House in London or the Chief Executive will be able to progress but of course, because I am not at that meeting does not mean that I am not conducting some other business elsewhere.

225 It is a moveable feast, as I have explained to him in the past, and it is a constant stream of work and it is simply just an economic allocation of existing resources of how best we divide ourselves and get the most out of the World Travel Market.

230 **Hon. D J Bossino:** Yes, Mr Speaker, but it is simply not clear why he does not attend the meetings, as far as I am concerned. He has got nine which are scheduled for his Department, he is there in any event, so in terms of economics I just do not see, given the high level of expenditure spent in relation to this, I just do not see why he simply does not attend the meetings.

235 He has not said, 'No, I could not attend those four because I had a clash, because I had other meetings to attend'; he simply said that he took the decision, exercising his discretion, as of course he is entitled to do, to not attend. But I just need to understand more particularly why it is that those particular four meetings he decided not to attend and he presumably decided to attend – as he said earlier – he decided to allow his officials to attend on their own and not with him. He just simply has not explained that. Could he explain why he did not attend those four meetings?

240 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman clearly has repeated my answer now, in the preface to the question. I have told him that there were several meetings which I thought it was excellent for the Chief Executive to be able to deal with on his own, because there were matters that did not really engage

me at a ministerial or policy level or which did not really engage the use of Government funds. I thought that the Chief Executive, being a person who has been in the tourism industry for far longer than I have been, was perfectly able to do that on his own.

But as I have already told him, just because I was not at that meeting, it did not mean that I was whittling my time away walking around the conference centre seeing what I could do. I was doing other things at that time.

And apart from that, I do not think that he wants to draw me on the question of expenses and costs. I really do not think he wants to do that because our costs are – in the light of what they used to spend, up to £70,000 one year – *quite* reasonable; and I do not think he wants to draw me either on how many meetings the former Minister for Tourism used to attend.

So I think he should accept my explanation that we have reasonable costs, that I think it is fair that the Chief Executive is able, along with other officials, to progress matters which either do not engage Government funds, which do not engage Government policy and where I can make better use of my time.

**Hon. D J Bossino:** No Mr Speaker, I am judging him on his own standards – on *his* own standards. He has said that all these wonderful things are happening under his watch, because of his personal attendance at meetings and his personal contact with stakeholders. This is why I think it is a legitimate question for this Opposition to ask, why almost 50% of those meetings, which were scheduled far in advance, were not attended by him.

Now, he says that he exercises that discretion based on a decision which he has that, he says, that matters were not engaging. Can he particularise as to how he comes to that decision? What criteria does he employ such that he says, ‘I will not attend that particular meeting because it does not engage or does not require attendance at a ministerial level’?

**Hon. N F Costa:** Because it does not engage Government funds, because it does not engage Government policy and because I think my time could have been spent elsewhere better in achieving other Government aims.

As I have already told him, just because I am not present at a meeting, does not mean that I am whittling my time away on anything else other than Government business. If he wants, I shall provide him with the series of e-mails that forensically will show him that even if I am not at a meeting, I am furiously working away at other things.

So if his concern is that taxpayers’ money are not being wasted, I can assure him that the taxpayer gets bang value for money from my time, because between the hours of eight in the morning until whenever I go to sleep, my time is spent on working.

**Hon. D J Bossino:** Mr Speaker, he is very welcome to send me the e-mails. He is very welcome to send me the e-mails but it is completely, completely with respect to him, irrelevant to the question I posed.

Mr Speaker, in the press release which he issued in relation to his visit to the World Travel Market in London, he talks about discussions in very general terms with tourism industry stakeholders and partners in the UK. Who are these people?

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman really does himself no favours.

In 2012, when I went to the World Travel Market for the first time, I specifically said, ‘This year, I have ensured that I see as many industry players as possible.’ The year after, I did the same. This year, I specifically did not say that I was going to meet as many industry players as possible, precisely because I was only attending five meetings.

Had I had what I did in previous years, when they had nine, ten or more meetings, I would have said in the press release, ‘I am using this opportunity to meet as many industry players as possible.’ I did not say that in this press release because in the other press statements, when I did do back-to-backs, I said so.

This time, however, I did have the wonderful opportunity for Gibraltar, for which he is grouching and carping and he does not like, that I was able to announce a new Gibraltar-Bristol route and therefore some of my time was taken with easyJet, the marketing manager, the commercial manager, with Bristol Airport and the staff there, and the press release and giving press interviews.

I have told him that I have purposely not included the meetings I had with UK operators on the fringes of the UK GTA. I have told him that I have purposely left out the side meetings that I have had with locally based operators. It is not that the absence of my presence in a meeting with a UK operator with the GTB meant the absence of my working for tourism during that week. What is it that he does not understand, or does he think that when I am not at a meeting with the GTB, I am somehow whittling my time away? I can assure him if it is a concern that I am somehow not giving the taxpayer absolute value for money, that *I am*. And when I am not at a meeting with the GTB, I am *working*. It is not that I am at leisure.



So if he wants me that I want to announce a policy that when I go with a delegation I must attend every single meeting, if that is his advice to me, I will tell him that I shall consider his advice that I must attend every single meeting, but then of course, if I were to do that and I have not prioritised some other work which is more important during the course of those meetings, he will tell me that I should learn how to prioritise.

Look, as the Minister, and having planned these things at least six months in advance, and he knows that because we were able to announce a new route there was a lot of work that went into it, I think I am a little long in the tooth now, to be able to decide which meeting requires my attendance and which does not. He may decide whenever he comes here in 12 or 16 years time, that he wants to attend every single meeting. Fine, let him do so, but whilst I am the Minister for Tourism, I shall make a judicious choice. I shall exercise my discretion. I shall consider all the relevant factors that pertain to reality and I will say, 'I need to attend that meeting; I do not need to attend that meeting.'

It is palpable that the fact that we have been able to announce three routes whilst we have been in Government, one for Birmingham, one for Bristol and one for Tangier, (*Banging on desks*) that makes him now ask me whether I am attending meetings.

The reason why those routes have started is because of my personal involvements and having to talk to the leaders on my own with the GTB. If I thought that any of those four meetings that I was going to miss was going to mean a loss of opportunity, a loss of business, a loss of money for Gibraltar, I would have been there. Or does he think that I waste my time when I go to these meetings?

**Mr Speaker:** The hon. Members are now beginning to debate. I will allow one – I will allow the hon. Member one final supplementary? Because really, you are beginning to debate as to why the Minister did or did not attend four particular meetings and he has given explanations, but you are now debating. So I will allow him one other supplementary on this matter.

**Hon. D J Bossino:** Mr Speaker, with the greatest respect to the Chair, I am certainly not debating. It is the hon. Member opposite who has repeated a defence in relation to a previous supplementary that I posed. The most recent supplementary had nothing to do with the issues he has raised in his answers. It was very specific and all I wanted was to elucidate from him further information in respect of a statement which he had contained in his press release announcing the fact that he had been to that event, the World Travel Market.

Mr Speaker, simply to point out that I think it is a bit rich of him to suggest that I have somehow been reticent in congratulating him in relation to the Bristol flight, he knows that there was a press release from my Party which very clearly, personally quoted from me, congratulates him and his staff for the sterling work he has done in relation to the securing of this particular flight to Bristol. So that is on record.

Having said that, Mr Speaker, I do not think, with the greatest respect to him, that he has given me the information I sought, which was simply which tourism industry stakeholders and partners in the UK did he visit. That is a statement in the press release and all I want is who they are, full stop. I am grateful.

**Hon. N F Costa:** Mr Speaker, I have already answered the question. I told him that it was an airline company and airport officials, and if he wants to know the other two it was another airline company and a media buying company.

**Hon. D A Feetham:** Yes, Mr Speaker, I am glad that I left early from last night's dinner! Obviously this is the aftermath of staying late, I am afraid.

Mr Speaker, may I return to the hon. Gentleman – and I say this with the utmost respect for him, he knows that I hold him in high regard – but his rather petty answer in relation to what he referred to as the glass building, which was an obvious reference to the air terminal. Will he not be magnanimous in the same way as my hon. Friend, Mr Bossino has been magnanimous, in recognising the central role that the hon. Member has played in attracting this new route from Bristol and indeed his team – and we have congratulated both – but will he not recognise the fact that it is because we have a new terminal that actually we are able to attract – and it helps in attracting – new routes to Gibraltar? (*Banging on desks*)

That does not detract in any way, Mr Speaker, from any work that the hon. Gentleman puts in to this, either he or his team, but actually we are seeing – and I do not believe that it is a coincidence – the only figures that are actually increasing in tourism, almost across the board, is increases in passengers coming through the air terminal. The rest of the figures are down; those are up.

**Hon. N F Costa:** Mr Speaker, hand on heart, as I do every time I answer a question in this House, not ever, not once, have my team or I been told that the air terminal building is a contributing factor *at all* in deciding whether or not to fly to Gibraltar. I can assure the hon. Gentleman opposite that it is *not true*. The airport building plays no part at all as to whether a new flight starts.

I accept that a new airport building takes larger capacity and we are working to build the numbers, but I can assure you that during the course of my negotiations with any of the airlines, including the newest airline which is Royal Air Maroc, at no point has the Chairman, the Vice President, a marketing manager, an air route development said, 'By the way, that building, that is the reason why we are going to go to Gibraltar. If you did not have that building we would not fly to Gibraltar.' That has never been said. In fact, it never forms part of the discussion. That content of the narrative is *absent*, I can assure him.

Is it welcome that the airport can handle more passengers and that we are building towards increasing passengers? Absolutely. But let me also tell him that the reason why more routes are being developed in these four years, it is not a coincidence, as I will explain to the Hon. the Leader of the Opposition. It is not a coincidence. But it is not a coincidence because of the reasons that he thinks. In other words, it is not because we have a magnificent crystal palace built for reasons which are completely unclear to me. It is because we have pursued implacably the philosophy of not allowing leads to cool, of chasing e-mails, of following up on phone calls, on chasing up the top industry players, of displacing ourselves on short notice to meet the people that make the decisions.

And the reason why we have – if I may have a vain glorious moment – one new route per year on average under this administration – Birmingham, Bristol and Tangier – is because we have not let matters drop and we have continued when the iron was hot, to *strike*.

I dare say that if the former Administration had pursued so consistently that policy, new airport or no new airport, hole in the ground or Heras fencing, they would have had more luck.

**Hon. D A Feetham:** But, Mr Speaker, nobody is suggesting that people use Gibraltar because they want to come and watch the new crystal airport – (*Interjection*) crystal palace exactly – airport terminal. Nobody is suggesting that. But *surely* there is a link between the fact that we have built a new terminal that can handle increased capacity with the ability of a Government to attract new airlines. That is the only question that I posed and that must surely follow. And it must surely follow that in fact, if we had had the old terminal with its incapacity to handle greater volumes, that the current Minister for Tourism would have been hamstrung in his ability to attract new routes to Gibraltar.

Now that must be a logical deduction from just simply looking at the facts. The facts speak for themselves.

**Hon. N F Costa:** Mr Speaker, that is to completely ignore everything that I have told him. The reason why there are more routes to Gibraltar now than there were before has nothing to do with the crystal palace, nothing at all. They come because they have every confidence in this Government to be able to pursue the leads that exist at the time.

Once a discussion starts to open a new route, this one in particular, Bristol, took two years and it could have taken longer had we not pursued the matter diligently and sometimes almost daily. And when matters go quiet and we do not receive phone calls from the airlines, when I pick up the phone or when they call me to pursue the matter, it is not 'actually having re-thought the matter, that beautiful crystal palace is so amazing, we are going to be flying there.' It never forms part of the discussion.

It only comes about because of our personal contacts and pursuing the negotiation. It has nothing to do... So the logic he ascribes that, as a result of greater capacity there are more airlines flying to Gibraltar, I tell him that had the old air terminal shed that existed still been in existence, we still would have had a new Bristol route, the Birmingham route that we started and the Tangier route that is starting next year. I am *absolutely confident* of that.

**Mr Speaker:** Does the Hon. Mr Bossino have any further supplementary in the light of anything since his last one?

No, next question then.

#### Q630/2014

#### EasyJet –

#### Terms of agreement with Gibraltar Tourist Board

**Clerk:** Question 630, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism provide details of the terms of the agreement between the Gibraltar Tourist Board and easyJet which he referred to in the context of the announcement of the new flight to Bristol?

**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, as I have answered before with similar questions of this nature, I refer specifically to Questions 826/2012 and 348/2014, all commercial discussions are commercial in confidence as part of the Government's strive to increase air connectivity.

**Hon. D J Bossino:** Mr Speaker, I appreciate the hon. Member's restriction in that regard, but can I press him a bit further? The reason why I pose this question is because it did not form part of the press release which announced the new route, but it did form part of an answer that he gave to Kelly Anne Turnbull, the GBC interviewer, when he was being interviewed I think in London, when he said that... The question posed was why is he so confident about this flight connection when compared to, for example, the recent and failed Marrakesh flights, and he said that the distinguishing feature is that in this case – and I am quoting from him – 'this is an agreement between the Gibraltar Tourist Board and easyJet.'

So subject to the restrictions which he has already alluded to, can he give me any further information in relation to what he said to the GBC interviewer?

**Hon. N F Costa:** Mr Speaker, I am almost tempted to read from *Hansard*, given that that is almost exactly the supplementary he asked me on the last occasion.

**Mr Speaker:** Resist the temptation! (*Laughter*)

**Hon. N F Costa:** But I will not, Mr Speaker. I shall pass it to him later.

The previous Government, in 2008, reduced landing fees at the airport, which was a very welcome thing. That I agree does contribute directly to why new routes want to start to Gibraltar. The previous Government started an incentive scheme on discounts on fees and departure charges. Again, they introduced that and we have continued that policy and unlike the crystal palace, this does have a direct bearing on negotiations with airlines.

So as a result of that regime, the Government, the GTB in particular, has an ability to be able to discuss with any particular air operator whether they wish to obtain a discount on landing fees or on departure charges or both and that is what forms part of the discussion.

For the reasons that he has said before, I know that he accepts that such agreements with an airline are commercially sensitive and in confidence, but I can tell him, as I told him last time as well, that they are limited in time. So each airline will have an agreement with the Tourist Board which is limited in time and each agreement is different.

But of course, it is part of the commercial discussions that we have that (1) the airlines know that we accept the sensitive confidential nature of such agreements and they know that we will not disclose that either publicly or to anyone else; and (2) the Government needs to have the ability to be able to negotiate *qua* a new airline without reference to the other, because of course, if one airline knew what the other airline had, they may insist on obtaining the same deal or a better deal. So it is in the best interests of everyone involved, the Gibraltar taxpayer, and the airline and of course the Tourism, to obtain more passengers to fly to Gibraltar, that these remain commercially in confidence.

I am happy, and I have told him this before, to provide to him a copy of the incentive scheme which we provide to airlines and that will detail to him the ability that we have in terms of what we can offer an airline. But it is very defined and there is only so much room for manoeuvre.

**Hon. D J Bossino:** I am grateful for that reply and just so that I understand this, the negotiation is limited to that particular discrete issue, which is the playing around – for want of a better expression – as to where to pitch the costs of landing in Gibraltar, and I fully understand and accept the explanation he has given.

But when I heard what he said on television, I just wanted to know whether there was anything further beyond what he has just explained, for example – and I put it to him by way of example in terms of my thinking at the time when I watched him and heard him – which is whether there was any direct financial assistance being provided either directly by the Government, which I would doubt, or indeed by... he well knows the debates we have had in this House in relation to Credit Finance Company Limited, whether anything has come from that particular quarter. I would like him if he could, for the sake of *Hansard* to confirm whether my understanding is in fact correct.

**Hon. N F Costa:** Mr Speaker, first of all let me explain that when I made the comment in relation to the fact that this particular agreement is between an airline and the Government, it was in reply to the question of the Marrakesh flight. It was within that context that I explained that the Marrakesh operation was by a private entity and therefore it was not, as I explained then, our baby, our project. We did not negotiate with RAM. It was a private company that negotiated with RAM and then the Government supported it, but it was not a direct agreement between the GTB and a particular airline.

Therefore, it was within that context that I said the reason why the Tourist Board and my Ministry is confident that this route will work is because *we* have crunched the numbers, *we* have sifted the data, *we* have gone through the numerical analysis – as of course has easyJet.

As I also said in that interview – and of course I am very glad that the hon. Gentleman does follow my statements – if easyJet, after two years of discussions, is finally persuaded to fly to Gibraltar, it can only be because after two years of data crunching, they are satisfied that there will be sufficient traffic to make the route sustainable and of course profitable for them. That is the answer to the first part of the question which relates to the Marrakesh flight.

I said to him in a previous answer relating to a similar question that apart from the incentive package that we are able to negotiate with an airline, we also provide marketing funds. So there is an incentive package which is agreed with the airline and then we also agree – which was actually interestingly or ironically the meetings which I held at the World Travel Market – how we market the route.

So that is the extent of the contribution. An incentive which means that there is absolutely no direct cash given at all whatever, it is simply that they get discounts, and we agree with the airlines how we market the route. That is the absolute full extent of the assistance. That is it. (*Interjection*) Which is what I said in my first answer, to be totally fair, the policy that was started by them in 2008, which I think works quite well.

**Hon. D J Bossino:** Yes, Mr Speaker, my hon. and learned Friend makes a valid point to me privately which is in relation to the Marketing Fund: he says no financial assistance, so can he explain that further. Is there money passing between the Government, put in as broad as possible terms, and any company wishing to set up an airline route to Gibraltar in relation to that specific issue which he has referred to, marketing funds, and simply, by way of clarification, I assume that ‘RAM’ means Royal Air Maroc – I assume. Just for the sake of *Hansard*, he maybe ought to confirm that and explain that further.

**Hon. N F Costa:** Mr Speaker, every air carrier has an incentive package and of course with some it may have already expired. But where even if an incentive package has expired because three years have gone by, or two years, whatever has been agreed, the GTB is always committed to provide marketing funds every year.

I do not know exactly how the Accounting Department or the GTB works that out. What I do know is that we agree the marketing package with the airline – with BA, Monarch, now with Royal Air Maroc and with EasyJet. So we sit down – well, my marketing team and the accounting team sit down and they decide ‘Right, we have so much money in terms of marketing: this is the value. How do we do it?’ and then from that amount, a package is worked out.

Whether that is invoiced at the beginning, during or at the end, I am not sure but it is – well, we talk about marketing funds. This is not a pseudonym. This is not something to hide something else. These are marketing funds. If we are to hold, for instance, a boutique event which we did for BA at Gibraltar House, where we invited BA’s corporate clientele to Gibraltar House so that they were able to meet the Tourist Board and the Gibraltar Government, that would be part of those marketing funds. But it is pure marketing.

**Hon. S M Figueras:** Yes and I think we probably now grasp the concept but is the Minister effectively saying that it is essentially an allocation to a marketing budget of sorts in the context of the flight itself, is that what he is getting at?

**Hon. N F Costa:** Yes, Mr Speaker, it is a capped amount which means that in one year it could be less. It is a capped amount and it relates to a specific route.

**Mr Speaker:** Next question.

**Q631-632/2014**  
**Gibraltar Bus Company –**  
**Details of blue and red buses**

**Clerk:** Question 631, the Hon. S M Figueras.

530 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the weight of the blue buses currently in service with the Gibraltar Bus Company, to include the weight of the buses specifically serving the areas of the Upper Town?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I shall answer this question together with Question 632.

540 **Clerk:** Question 632, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the weight of the new red buses now entering service with the Gibraltar Bus Company, as well as the weight of the vehicles it is anticipated will be servicing the Upper Town in the future?

545 **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, the weight of the blue buses currently in service is as follows:

550 Mass of the vehicle in use: 6,750 kilos without passengers; permissible maximum laden mass, 12,000 kilos – maximum passengers.

Buses serving the upper city area: Toyota Coaster – mass of the vehicle, 2,780 kilos without passengers; permissible maximum laden mass, 5,020 kilos – maximum passengers.

Mercedes Benz – mass of the vehicle in use, 3,570 kilos without passengers; permissible maximum laden mass, 5,350 kilos – maximum passengers.

555 Man Midi-City – mass of the vehicle in use 9,500 kilos without passengers; permissible maximum laden mass, 13,500 kilos – maximum passengers.

Government is currently conducting road tests on bus types which it considers to meet the specifications to ably negotiate the narrow road network of the upper town.

560 After this answer was drafted, Mr Speaker, with your indulgence, simply to add that just yesterday we tested a second new bus for the upper town.

**Hon. S M Figueras:** Mr Speaker, there is a Question in the Order Paper, Question 633, which probably deals with the matters that I might ask in supplementary, so it may in fact be a good idea just to proceed on to the next question.

565 **Mr Speaker:** You would like Question 633 to be called.

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

**Q633/2014**  
**Gibraltar Bus Company –**  
**Routes of red buses**

570 **Clerk:** Question 633, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Transport say which routes the new red buses are currently serving and if there are any not being serviced that were serviced by the original Dennis blue buses, can he say why not?

575 **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, the Gibraltar Bus Company Ltd has deployed the new buses as and when required, replacing the old buses that were becoming unusable. Further, all routes are being serviced.

580

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

Can the Minister then – and he has alluded to it in his answer to the question on the Order Paper – confirm then that there are no issues whatsoever with the new buses in the context of the weight of the new buses and their use in particular areas in Gibraltar, namely the southern most parts of Europa Road?

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman I know is a transport enthusiast so I am sure that he appreciates that when the new bus fleet was brought here in 2004, the maximum permissible laden mass in fact far exceeded the allowed weight on all of our roads. And between 2004 and 2011 they did nothing to reinforce those parts of the road that required reinforcement. In fact when we came in –

**Mr Speaker:** No, no, that is totally irrelevant. Totally irrelevant. You are referring to 2004 to 2011 – totally irrelevant.

**Hon. N F Costa:** Mr Speaker, it goes to the answer that I am going to give.

**Mr Speaker:** Get to the point.

**Hon. N F Costa:** Yes. The point is that as a result of certain parts of Gibraltar's roads requiring reinforcement as a result of the blue buses, we gave instructions to reinforce certain parts of Line wall Road. So for example, the Smith Dorrien Bridge and other parts of Line wall Road which have been continuously used by the buses have required reinforcements.

Similarly, the Technical Services Department advises me that perhaps one or two points at Europa Road may require – in which case we have also instructed, Mr Speaker, that such works be done should they be required and these studies are being conducted as we speak.

The preface to that, Mr Speaker, was only to explain that it was not just part of Europa Road but in fact part of the entire road network that are being currently and have been used by the buses. That was the reason, Mr Speaker.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say then categorically that there is no concern currently as far as Government is aware in relation to the continued use of the red buses. I know the Hon. Minister suggests that he has already answered the question, but I am merely asking him to confirm because he has explained that they are aware of the issues and that there is a report being prepared in relation to specific areas of Europa Road and I am very grateful for that answer.

But my supplementary is a little different in that I would like him to confirm, Mr Speaker, that there is no concern about the immediate possibility of a hazard or any kind of undue risk in continuing to use the red buses in those particular areas.

Would the Minister be so kind as to confirm that?

**Hon. N F Costa:** Well, Mr Speaker, this was why I started the answer the way that I did. The point that I am making to the hon. Gentleman opposite is that the blue buses already exceeded the maximum permissible weight on our roads and they have been using our roads since 2004. So if we do have concern, it is only to the extent that we need to find out whether certain points in Europa Road, which have been serviced by those buses since 2004, now represent a greater risk because there is 1,000-kilos difference between the old and the new. But that is why we have instructed our Technical Services Department to confirm whether that is the case or not.

If it is the case that one or two points of the stretch of Europa Road in their view requires some reinforcement, we will do so in the same way that we were able to do the reinforcement at Smith Dorrien Avenue Bridge and the other parts of Line wall Road.

**Hon. S M Figueras:** Mr Speaker, yes, one final supplementary but dealing first with the answer that the Hon. Minister has given us, the reason why I am asking today, Mr Speaker, is because as we have been informed the new buses are a ton and a half heavier when they are in maximum use. Well, I know the details now, Mr Speaker, but it has been suggested to us by a number of concerned constituents that there was potentially an issue arising from the weight of the buses.

Therefore, having now confirmed that that is the case, Mr Speaker, and that the red buses are in fact, when in service with the maximum number of passengers, a whole ton and a half heavier than the blue buses which have been using our road network from 2004 to 2011, I thought it appropriate to raise the issue in the House because clearly, the concern must be slightly greater than it was perhaps when the buses were slightly lighter.

I would then ask, Mr Speaker, the final supplementary, when is it anticipated that the report will be conducted and a determination made as to what works if any, need to be done?

**Hon. N F Costa:** Mr Speaker, let me just tell him that some of the blue buses are still operating today so they did not stop in 2011. We came into Government in 2011, but the blue buses continued. Yes, and on that magnificent day the blue buses continued to service the existing routes and, as I have already told him, the blue buses exceeded the permissible weight by 2,500 kilos, so the concern has always been there – or should have been there certainly – before and when we were notified, one of my first meetings in fact with the Hon. the Minister for Traffic was, if that is the case we need to make reinforcements to the roads and it has been confirmed that the Line wall Road, the parts of it which in the view of the Technical Services Department were not suitable, have been upgraded to take up to 16,000 kilos. Mr Figueras may –

*(Interjection)*  
In the event that the report which I have been told should take between four to six weeks it was started two weeks ago, if I recall correctly. Time is a bit of a blur – it could have been before, it could have been later. If there is a need to reinforce, then we shall move to do so in the same way that we did on the last occasion to reinforce up to 16,000 kilos.

**Hon. D A Feetham:** Now, Mr Speaker, so can he just confirm for my benefit that the red buses are not being used on Europa Road until such time as the Government conducts this study to ensure that the roads are resilient enough or those stretches of the road affected are resilient enough in order to take these red buses? So the red buses are not being used in Europa Road or in that stretch of Europa Road near I think it is the library up there, that is being affected by this.

**Hon. N F Costa:** Mr Speaker, when I received the question, I asked the bus manager on what routes the red buses were being used and he informed me that the buses were being deployed depending on the popularity of the route. As I understand it, those routes do not currently include the Upper Rock. So they are being deployed where the buses are most in use – not Europa Point.

**Q634/2014**  
**Gibraltar Bus Company –**  
**Employees**

**Clerk:** Question 634, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the full complement of staff employed by the Gibraltar Bus Company on a month by month basis, since December 2011?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have just realised that there is a table but perhaps it would be easier if the lady usher could kindly make a photocopy rather than read the entirety of the table and perhaps the hon. Gentleman could consider and ask me supplementaries with your indulgence, later.

	2011	2012	2013	2014
January		63	56	61
February		62	56	61
March		59	56	64
April		59	55	62
May		59	55	62
June		59	55	61
July		60	57	61
August		60	57	63
September		56	57	63
October		57	56	63
November		57	59	
December	63	57	61	

**Q635/2014**  
**Gibraltar Bus Company –**  
**Employee policies and staff handbook**

**Clerk:** Question 635, the Hon. S M Figueras.

685 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the Gibraltar Bus Company's employee policies and, if these are detailed in a staff handbook, provide me with a copy of said staff handbook?

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

690 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the former directors of the bus company did not agree a handbook with Unite. As a result the handbook is a draft document which the current manager and employees use as guidelines, but which all parties accept is the touchstone to any employment issue.

695 It should be noted that the bus company manager and I are currently in discussions with Unite to agree the contents of the handbook and to implement these. The handbook contains policies that one would ordinarily expect to be contained in an employee handbook, such as an equal opportunities policy, a health and safety policy, a training policy and other conventional employee policies.

700 I am, however, also informed that the handbook sets out the terms and conditions of employment applicable to these employees. May I just say that I am not entirely sure why it reads, 'I am, however, informed'. I have read the handbook now at least four or five times so I *know* that the handbook sets out the terms and conditions of employment applicable to the employees.

705 I am advised that the handbook is a private and confidential document and that therefore it is not appropriate to hand a copy to the hon. Gentleman across the floor, but I am happy to share it with him confidentially if he so wishes.

**Mr Speaker:** I notice that the manner in which the Answer... in fact it follows from the next Question 636, there is also statistical information covering four years. Would the Hon. Minister like to anticipate that and also make available a photocopy for convenience? It is conducive to better business.

710 **Hon. N F Costa:** Yes, of course, Mr Speaker.

**Mr Speaker:** Now, we return to Question 634, and the Minister should actually go through the answer, otherwise it will not appear in the *Hansard*. If it is just a case of handing over, it will not...

715 The Clerk will arrange for it to appear. Very well.  
Now, does the Hon. Mr Figueras then have any supplementaries?

**Hon. S M Figueras:** Mr Speaker, I have not received the table yet.

720 **Mr Speaker:** You have not received it. It is on its way.

**Hon. S M Figueras:** Thank you.

725 **Mr Speaker:** You will be getting statistical information on two Questions, 634 and 636. Question 636 will come after you have asked the Question obviously.

**Hon. S M Figueras:** Yes, Mr Speaker, with your indulgence I would be grateful for an opportunity to ask supplementaries on 635 before moving on if that is alright.

730 **Mr Speaker:** Well yes, very well.

**Hon. S M Figueras:** Thank you. Mr Speaker, in relation to the staff handbook, I am grateful for the Hon. Minister's offer of sharing it confidentially, an offer which I will certainly take up.

735 Can, however, the Hon. Minister say whether there has been any professional advice engaged in relation to the discussions or the preparation of the drafting of the handbook itself in anticipation of discussions with the Union and agreement of a final version of it?

**Hon. N F Costa:** Mr Speaker, I will have to check, I think the answer is yes. I think if I recall correctly – please, I ask him not to quote me, but – I think the handbook was originally drafted by Mark Isola of



740 Isolas and I am not certain whether further revisions were done by him, my in-house counsel or a further firm. But if he were to ask me either at the next session or write to me, I will provide him with the answer.

**Q634/2014 continued –  
No supplementary questions**

**Mr Speaker:** Now, does the hon. Member have the statistical information relating to Question 634?

745 **Hon. S M Figueras:** I do, I have just received it.

**Mr Speaker:** Well, look at it and if you wish to ask any supplementaries...

750 **Hon. S M Figueras:** Mr Speaker, on reflection this is perhaps a question that would better have been asked for answer in written form. In that vein, I do not propose to ask any supplementaries myself in relation to this question. So unless any of my hon. and learned Friends have supplementaries to ask, I will propose that we move on to the next question.

**Mr Speaker:** Any supplementary questions?

**Q636/2014  
Gibraltar Bus Company –  
Road traffic incidents reported by employees**

755 **Mr Speaker:** Call Question 636.

**Clerk:** Question 636, the Hon. S M Figueras.

760 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the number of road traffic incidents/accidents reported by the employees of the Gibraltar Bus Company, on a month-by-month basis since January 2010?

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

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

**Mr Speaker:** The answer then should be, ‘The figures are...’

770 **Hon. N F Costa:** Yes. Mr Speaker, I hand now to the hon. Gentleman a schedule with the information that he requests.

	2010	2011	2012	2013	2014
Jan	0	1	2	3	2
Feb	1	4	1	0	1
Mar	0	1	5	0	1
Apr	1	1	0	1	2
May	0	0	1	1	0
Jun	0	2	0	1	1
Jul	2	1	0	2	2
Aug	0	3	0	1	1
Sep	3	0	0	1	0
Oct	2	1	1	0	2
Nov	1	0	0	3	
Dec	1	0	0	2	

775 **Hon. S M Figueras:** Mr Speaker, I am happy to move on to 637 whilst that is handed to me. Mr Speaker, if I could perhaps with your indulgence just one moment have a look through...

**Q637/2014**  
**Gibraltar Bus Company –**  
**Cost of new buses**

**Clerk:** Question 637, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say how much the new buses are costing the taxpayer?

**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, the cost of the new MAN Caetano bus fleet is £4,790,000.

**Hon. S M Figueras:** And, Mr Speaker, perhaps he can just refresh my memory: is it 20 buses that make up the fleet?

**Hon. N F Costa:** That is correct, Mr Speaker.

**Q638/2014**  
**Gibraltar Bus Company –**  
**Cost of improvements to new red buses**

**Clerk:** Question 638, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say how much cost additional to the cost of each of the buses the Gibraltar Bus Company is anticipated to incur in the making of improvements for access to rear seats and other modifications planned to improve accessibility and usability of the new fleet of red buses?

**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, the Government is not aware of any accessibility issues with the rear seats of the new buses, and therefore has no plans to make any alterations.

**Hon. S M Figueras:** Mr Speaker, perhaps the Minister catches me off guard and he will correct me if I am wrong, I am happy to be corrected if that is the case. Had the Minister not publicly said that certain alterations are being looked at in terms of access to the rear of the bus, within the bus?

**Hon. N F Costa:** Mr Speaker, the way that I understood the question, I am not trying to be obtuse, is that the hon. Gentleman was referring to the rear of the seats. There are no issues with the rear of the seats.

What I have said in an interview, was that we are aware of difficulty of access in respect of one part of the bus, not the rear of the bus and that we are looking at modifications to ease that part. Is that what he is referring to?

**Hon. S M Figueras:** Yes... *[Inaudible]*

**Hon. N F Costa:** There is no issue –

**Hon. S M Figueras:** Mr Speaker, yes I will try and articulate what it is I am getting to. As I understand it, and again I may be misinformed and I am happy to be corrected, Mr Speaker. I understand that the difficulty that we are getting to is in accessing the rearmost half of the bus and in particular, the one step from the level platform which is level with the disabled access and for push chairs. The step up to the rest of the seats at the back of the bus is where we are informed there is significant difficulty in gaining access.

Has the Hon. Minister referred in the interview to access to this particular area of the bus and that is the issue that they are in fact planning to deal with?

**Hon. N F Costa:** Yes, Mr Speaker, by way of update, as I think I explained that in the interview, I do not remember if I did, the manufacturers were invited to Gibraltar where we met with the OT, the Care Agency and all the other related professionals who advise the Government on such matters and we have come up with a first possible solution. We are not in a position therefore yet to give him costs. We will not be able to do so until we agree on the solution.

As I said during the course of the interview, the reason for bringing the buses over as quickly as we had to was because the Bus Company informed me in no uncertain terms – and the hon. Gentleman and I have in fact discussed privately the state of the blue buses on previous occasions and he knows – that the blue buses by this point were having some serious difficulties; not all of them, some of them. He is aware, because I have put this in the public domain and he has asked me by way of a written question, the cost of repairing the Dennis Dart bus fleet.

So the decision was taken to bring as many as possible as quickly, even if the step as we asked for had not been installed.

Of course once they arrived we knew that this could well become an issue and we were informed immediately. Given however that the buses were here, we might as well thought given there is an issue let us maximise the opportunity, so we once again brought in the professionals to see how we could even further improve on what we had originally envisaged.

We have received a possible solution, it is currently being looked at by the professionals and we should be able to move quickly enough so that hopefully by before the end quarter of next year all of the new buses will have whatever new modification is agreed by then.

**Hon. S M Figueras:** I am grateful to the Hon. Minister for that answer.

There is an aspect of the usability of the bus fleet that we have not alighted upon yet, but which I would quite like to raise in the context of the original question and that is that certain concerns that have been raised with me directly and which have been observed on social media, in relation to the usability of the bus in a particular manoeuvre, which is at the bottom of Red Sands Road and the junction with Rosia Road when they are turning to head northbound.

We are informed, Mr Speaker, and perhaps the Hon. Minister is already aware of this, that there is an issue in relation to the visibility for the driver of the bus in negotiating that manoeuvre and perhaps the hon. Minister will be so kind as to let us know whether (a) he is aware of the issue; (b) whether it is in fact an issue at all and (c) if it is, what is proposed to be done to address it?

**Hon. N F Costa:** Mr Speaker, in respect of the immediate supplementary that he asked me, I am informed by the Bus Company manager that has been resolved. So I am sure the hon. Gentleman will be happy about that, as certainly am I. The moment I was informed, we met to see what the issue was and I am informed reliably by the Bus Company manager that that is no longer an issue.

I would like to say to the hon. Gentleman, and I know that he will appreciate the answer, because again he is an enthusiast about transport and motor vehicles, that he will know that Gibraltar is not hamstrung, but Gibraltar has to abide by European Regulations. He knows that Gibraltar had to buy, at this juncture, the best available technology which was the Euro 6. He will know from his own reading that the Euro 6 and the catalytic converter are big pieces of equipment and that fitting that into a tight configuration... Remember that the buses can only be of certain length in Gibraltar because otherwise they are unable to negotiate, for example, the corner of the Supreme Court and other parts of Gibraltar. If Gibraltar had wider roads, and did not have these difficulties, we could have ordered a longer bus and therefore the configuration inside would not have been determined by the width of our roads. So that is the conditionality on which any bus negotiating those roads has to be built. And of course you need to incorporate the catalytic converter in order to reduce emissions. It is an EU Regulation which we must adhere to.

Our second point to make which I know the hon. Gentleman also knows, but I am also saying it for the record of *Hansard*, the EU mandates a certain ability and certain dimensions for people who are wheelchair bound to be able to negotiate and turn around in a bus independently.

Now, if you take into account those EU mandatory guidelines in respect of the ability of a person in a wheelchair to be able to turn around, if you take into account the length of the road, the configuration of the bus suddenly becomes quite a limited feast indeed and we had to work within those parameters. But again, having said that and being satisfied that a wheelchair user is perfectly able to independently manoeuvre inside the bus and turn etc and in fact it may interest the hon. Gentleman to know, that in yesterday's test we had the President of the Senior Association and also a wheelchair user in a small bus to in fact make sure that the small buses servicing the Upper Town were as accessible and as friendly as they could be.

The small bus also has inevitably a small step, because of course the narrowness of the Upper Rock, Upper Town streets are so narrow that it is impossible to have a bus with the best engine on a flat ground level unless of course we could make them longer, which we cannot in Gibraltar. And I now, I wish I had

890 invited him to the test because there were parts of those routes in the Upper Town which really are extremely narrow and it takes great manoeuvrability to be able to negotiate them!

So the configuration – what I am trying to say perhaps in a clumsy, long winded way – is mandated by certain laws that we need to adhere to, which is why we came up initially with the idea of this step. But given that we had representations in the same way as he had, we thought that there was actually a further opportunity to try to better it and we think that the solution we are studying now, which of course will be approved not just by the professionals but also the by Senior Citizen Association etc, will be the right solution.

895 And I appreciate it if the hon. Gentleman were to ask me next month whether we have been able to implement them, I will be able to give him details, not just of the configuration which we will be happy to explain to him even before, but also the cost.

900 **Mr Speaker:** I have been liberal in allowing the Minister to make this wide-ranging answer because the question of the buses is a matter of public interest. But I think we have to be conscious of the fact that this is a question about additional costs in respect of certain modifications and that we cannot discuss the whole ambit of where the buses are going to be, the different routes and the problems of all routes.

905 So I have been liberal but I think that unless the hon. Member has a specific supplementary arising, we have to make further progress and move on.

**Hon. S M Figueras:** No, Mr Speaker, I am entirely grateful to the Minister for a very comprehensive answer which I have found extremely helpful. I am grateful.

910 **Mr Speaker:** Okay. Next question.

**Q639/2014**  
**Gibraltar Bus Company –**  
**Revenue from advertising**

**Clerk:** Question 639, the Hon. S M Figueras.

915 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say what revenue the Government of Gibraltar has received by way of bus and related advertising by the Gibraltar Bus Company on a month by month basis, since January 2010?

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

920 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, revenue received by the Gibraltar Bus Company is not structured on a month-by-month basis but I can provide the figures based on revenue received by financial year.

925 April 2010 to March 2011 – £65,773.75; April 2011 to March 2012 – £43,500.75; April 2012 to March 2013 – £30,231.25; April 2013 to March 2014 – £8,473.88; April this year to date – £6,873.

The Gibraltar Bus Company currently awaits the production of audited accounts from the contracted party in order to determine what further amounts are due.

930 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister provide an explanation and I will accept from him the possibility that he may not have been made aware of the reasons why, but certainly if he has the information, could he provide more details to this House as to what the significant decline from £65,000 in the financial year 2010-11 to £8,000 effectively in the last financial year 2013-14 to what it can be attributed?

935 **Hon. N F Costa:** Mr Speaker, I am advised that there is a difference of opinion as to the amount owing, which is why the company has asked for audited accounts. I am also advised that once that figure, that difference is agreed, there should of course be substantial more revenue to the Bus Company. I personally have asked for a full report on this and requested the reasons for the outstanding amounts.

940 **Hon. S M Figueras:** Could he confirm just for clarification's sake that the company that has been asked for audited accounts is the current supplier of the service to the Gibraltar Bus Company, i.e. Big Publications Ltd?

**Hon. N F Costa:** Yes, Mr Speaker.

945

**Q640/2014**

**Gibraltar Bus Company –  
Government contribution to advertising contractor**

**Clerk:** Question 640, the Hon. S M Figueras.

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**Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say what contribution the Government has made to the contractor managing the advertising on the buses since they were awarded the contract in 2012?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as I noted to the hon. Gentleman in Question 213/2013, upon commencement of the agreement Big Publications Ltd received the sum of £15,000 to cover initial costs relating to the production and installation of the advertisements. These costs were, when I answered the question in 2013, paid back in full to the Gibraltar Bus Company Ltd.

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**Hon. S M Figueras:** And for the avoidance of doubt, Mr Speaker, can the Minister say therefore that the £15,000 paid back to the bus company was as an independent transaction to the receipt of revenue by the Gibraltar Bus Company?

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**Hon. N F Costa:** That is correct, Mr Speaker.

**Mr Speaker:** Next question.

**Q641/2014**

**VemaOil –  
Ship to ship bunkering at night**

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**Clerk:** Question 641, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if VemaOil is conducting ship-to-ship bunkering at the Detached Mole during the silent hours – that is from 11.00 p.m. to 7.00 a.m. – and if so, could this practice stop so that the noise emanating from the pumping from ship to ship does not continue to stop the sleeping habits of people in the Westside of Gibraltar?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I do not accept, with respect, the premise of the question posed by the hon. Gentleman, that the sleeping habits of Westside residents are disturbed by the noise emanating from the pumping.

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If, however, the hon. Gentleman has any evidence to substantiate his assertion, which I do not accept for the reasons I will develop later to him, I would be very grateful for that information.

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Bunkering operations are conducted at all times of the day and therefore VemaOil does conduct ship to ship bunkering operations during silent hours. The latest report from the Environmental Agency, which recently conducted noise level readings during the silent hours, indicates that whether operating or not, the noise levels from the Vemaspirit remained at acceptable level at all times.

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Mr Speaker, if I may add, stopping bunkering operations during silent hours would have a very negative impact on the bunkering industry in Gibraltar. It is worth noting that VemaOil's business accounts for 24% of the bunker supplied.

To further assist the hon. Gentleman, the GPA – the Port Authority – has not received any complaints that are specific to bunkering operations from the Vemaspirit, but should there be any complaints, we will

995 of course be happy to co-operate with our colleagues at the Environment Department to reduce any impact on the public.

With respect to the hon. Gentleman, I think he may be confusing the noise levels emanating from the generators of arrested vessels which have previously been held at the Detached Mole and in the Western Anchorage, but have since been repositioned further away from populated areas in the Eastern Anchorage.

1000 Although not in the Answer, Mr Speaker, it is just to say that the complaints received relate specifically to that: to the noise of generators.

**Hon. J J Netto:** I am grateful, Mr Speaker, for that explanation.

1005 In relation to one of the statements made by the Hon. Minister in relation to the information I have, I had representations made to me which I am not at liberty to be able to pass on to the Government because they very clearly told me that they want to keep it in that particular way.

1010 However the Hon. Minister does confirm the fact that this particular work does occur during the silent hours and obviously to a lot of residents in that particular area of Gibraltar, the Westside of Gibraltar, no doubt it is a nuisance, despite the fact, which I take on board that the Hon. Minister does say that the Environmental Agency maintains the view that they are within acceptable levels.

Now, despite that sort of difference of view between the representation I have had and the views of the Environmental Agency, could I not perhaps ask the Minister whether he can actually look at the specific contract with the particular company involved in this particular work to see whether the work can be done during normal working hours as opposed to the silent hours?

1015 I am not a lawyer, I do not know what sort of legal issues do emerge here, but if there is a particular way that the work can be done during normal working hours as opposed to the silent hours, I suppose then we could find a win/win situation for everyone. So could I leave it to the Minister, if he could actually look into this matter?

1020 **Hon. N F Costa:** Mr Speaker, let me start by saying that I wish to clarify that it is not that the Environmental Agency has taken a view; the Environmental Agency has in fact conducted a test. So it is not a human being going and listening. It is actually a test which the Environmental Agency tells me are at acceptable levels in respect of the bunkering.

1025 If the Environmental Agency has said to me that during the night the bunkering sound was emitting a noise decibel level which would detrimentally impact on residents of Westside area, I would have immediately intervened and he has my personal assurance on that. And if I had not, the Hon. the Minister for the Environment certainly would have.

1030 What the tests of the Environmental Agency and what the Port Authority advises me and that certainly is a view from the Port Authority, as opposed to a test conducted by the Environmental Agency, is that the noise that emanates sometimes at night, relates to generators and the generators are of arrested vessels.

I am assured, Mr Speaker, it has nothing to do with the Vemaspirit. As I said, if it did, both the Minister for the Environment and I would have acted immediately.

1035 What we have done, when we were advised that as a result of the forensic tests the noise level emanated from the generators, the Port has repositioned these arrested vessels further away and where possible, the Eastside. In the same way that he has received representations which I totally believe because I have received representations, it was as a result of those representations that we conducted the investigation that we did and which is why we are satisfied that it is nothing to do with the Vemaspirit and everything to do with the generators.

1040 So if I thought there was an issue, I would certainly have looked at the contract but because it is not anything to do with the Vemaspirit, there is no need for me to do that, which is to answer specifically the supplementary of the hon. Gentleman.

**Hon. J J Netto:** Mr Speaker, if I could ask just one more supplementary question.

1045 Can I now concentrate on this latter part which is on the vessels which have been arrested and have now been moved away as a result of the noise emanating from the generators?

Does the Minister have in mind a date when this decision took effect as to moving away the ships? Are we talking about weeks, months or more than six months perhaps? Just to have an idea basically.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** If I may assist, Mr Speaker.

1050 I held a number of meetings with the representatives of the Port and the Environmental Agency and so on. This decision is probably several months old, but that is in relation to one particular vessel which had to come back for a short period. I am not sure whether it was to shelter from heavy seas and therefore there might have been a little incident over a short period of time when it had to come back to the west. However, I have no knowledge of arrested vessels on a day-to-day basis.

1055 The thing is that arrested vessels are often not in very good condition and it is quite often that it is these vessels that have generators which are particularly noisy. But we took steps quite some time ago but if there have been any cases recently, it may have been that they have come into the Westside either to shelter from severe weather on the Eastside or perhaps for fuel or something else. But obviously I do not have the exact details here.

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## HEALTH AND THE ENVIRONMENT

**Q642/2014**

### **Bunkering at Detached Mole– Monitoring air pollution levels**

**Clerk:** Question 642, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there is on-sight sampling of air pollution of the Detached Mole or in the Westside of Gibraltar taking place, in order to monitor the air pollution emanating from the bunkering activities and if so, please provide a statement as to the levels of pollution taking place throughout the last 12 months?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no on-sight sampling of air pollution on the Detached Mole. There are diffusion tubes forming part of the passive monitoring programme that monitor volatile organic compounds in the area of North Mole, Harbour Views and Queensway.

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Levels recorded in the past few years have been consistently low.

**Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question, the Hon. Minister for the Environment mentioned the fact that there are diffusion tubes recording the levels of pollution taking place and whilst accepting what the data shows is within permitted levels of pollution, can I not put to the Hon. Minister that perhaps we ought to try and impose on the different contractors in this field better technologies in relation to the capture of toxic fumes in order to avoid even lower levels of pollution taking place, particularly in the west of Gibraltar.

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If my memory serves me right, I think the Hon. Minister himself alluded to this technology at his Budget speech. Perhaps this would be an opportunity for them to give us an updated statement on progress on this front.

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**Hon. Dr J E Cortes:** Mr Speaker, that is not exactly what the question is about, but I believe that I would need confirmation on this that bunkering operations already use vapour recovery technology. Certainly we have not had complaints of smells associated with bunkering that there were some years ago, so I can only assume, but I would have to confirm this because I am asked about air pollution monitoring not specifically what comes out of the bunkering vessels, but I am fairly sure that there are vapour recovery systems in place but I would need notice of that question, and I would have thought that my colleague, the Minister with responsibility for the Port would provide that information.

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**Hon. J J Netto:** I am quite happy Mr Speaker for the Hon. Minister to provide that kind of confirmation without necessarily having to put another question next month, so long as he can provide the information.

**Q643-644/2014**

### **Fishing with long lines in British Gibraltar Territorial Waters – Monitoring since January 2012**

1100

**Clerk:** Question 643, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the Department of the Environment or any other official entity has kept a list of vessels and its owners with regard to fishing with

1105 long lines, since January 2012, the monitoring of fish stock caught, quantity and the sustainability of such stock in the foreseeable future in British Gibraltar Territorial Waters?

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

1110 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this Question together with Question 644.

**Clerk:** Question 644, the Hon. J J Netto.

1115 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the Spanish fishermen have been fishing with long lines in British Gibraltar Territorial Waters since January 2012 and if so, provide the total figure broken down by month?

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

1120 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, may I as a preamble to the prepared answer just say that long line fishing was not caught and not covered by the Nature Protection Act and therefore not regulated until the new regulations come into force at the beginning of next year.

1125 Mr Speaker, the fishing report as it is colloquially known, performed an assessment of marine stocks in BGTW. Anecdotal evidence has been received since then, but one of the main conservation measures delivered through the new legislation is, or will be, the collection of robust data of fish stocks which will in turn ensure truly sustainable management of this resource.

The Department has both anecdotal evidence as well as some visual observation of Spanish fishermen fishing with long lines in BGTW. The Department does not have records broken down by months.

1130 **Hon. J J Netto:** Could I therefore translate the answered statement given by the Hon. Minister to saying that there is no official record as to fishing with long lines by Spanish fishermen and there is no evidence in the past as to the quantity and sustainability of such stocks at the moment?

1135 In other words, what the Minister is actually saying is that as a result of the new regulations, we will start monitoring what actually has been fished with long lines and the sustainability of such stocks in the foreseeable future. Is that the correct interpretation of what the Hon. Minister has said?

1140 **Hon. Dr J E Cortes:** Mr Speaker, that is certainly what the regulations set out to do. Clearly the practical nature of this sort of monitoring is not simple. It is not something that can be done without a certain amount of work but certainly the intention is that there will be monitoring of this, which has not been monitored in the past, because it was absolutely not covered by any law. Therefore there was no regulation whatsoever, but that is the intention.

1145 **Hon. J J Netto:** Mr Speaker, given that that is the intention, can I then ask the Hon. Minister as to when anyone wishing to fish with these sort of customs, with long lines, will be issued with a licence?

**Hon. Dr J E Cortes:** Mr Speaker, the requirement of the new marine regulations which were recently published makes it clear that in order to fish with long lines, as from the date when they come into effect, people will require licences.

1150 **Hon. J J Netto:** Will this include Spanish fishermen also fishing with long lines as well?

**Hon. Dr J E Cortes:** Mr Speaker, the law does not distinguish between nationality.

1155 **Hon. J J Netto:** I take it from the regulations that the permit issued will be for three years. Therefore, during the course of hopefully the next 12 months, sufficient data will be recovered in the monitoring of such stocks to be able to view and give the Department an informed view as to re-providing licences in the future.

1160 But when does the Minister think the Department should be in a position to have sufficient scientific data to be able to know the level of licence to be issued or indeed if any licence should be issued at all?

**Hon. Dr J E Cortes:** Mr Speaker, clearly when the data are sufficient. We are talking about a completely new area. We are talking about things, as I said earlier, which are not simple and the collection of data on fish stocks is complex at the best of times, and therefore I cannot give a date. But at least there is now an attempt to have such data, which there has never been in the past.



1165 **Hon. J J Netto:** Mr Speaker, I obviously take on board what the Hon. Minister is saying that this is new ground and they have to do a lot of work. So in that particular way, I am quite lenient as to allowing him to make that statement.

But given that the actual regulation – and I am talking about clause 7(2) – makes it clear that:

‘permission to fish with long lines granted pursuant to this chapter shall be valid for a period of three years which may be renewable in the light of available evidence on the sustainability of marine stocks within British Gibraltar Territorial Waters’.

1170 Therefore, if licences start to be issued say from next week, for anyone that is fishing with these particular practices, either people who do it in Gibraltar or people who do it from La Linea or Algeciras or whatever, there has to be a point in time during the period of which the licence has been issued that will allow the officials to be able to gather the data and then make an informed decision as to renewing the particular licence.

1175 What I am trying to get at is a reasonable answer. I am not trying to pin him down as to it has to be 12 months or three months, but some kind of reasonable answer as to by when the fishermen are in a position, long before they have to renew the licences again, to be able to say, ‘Well, now we have got the data and now we can take the decision whether we will renew the licence or not.’ That is all I am asking.

1180 **Mr Speaker:** Yes but I cannot allow the hon. Member to ask a series of questions arising from the regulations which are not related to the two questions that he has asked. He cannot continue to do that.

What he can do, by all means if he wants to, is have a debate on the whole question of the fishing regulations that have recently been published by the Government. Nothing stops the hon. Member from doing that.

1185 But under the guise of these two questions, which are specific, he cannot deal with every aspect arising from those fishing regulations. He cannot do that.

**Hon. Dr J E Cortes:** Mr Speaker, I am happy to offer a comment on that, if I may.

1190 **Mr Speaker:** And I will allow the Hon. Minister certainly to do so. I think the point should be clear that what we cannot have now is a series of supplementaries, bringing up certain issues in those fishing regulations which are very, very detailed. We cannot have that now.

**Hon. Dr J E Cortes:** Mr Speaker, I refer specifically to the supplementary question that I have been asked. Any use of scientific data has to go through a number of processes.

1195 Firstly is the collection of the data – and the collection of the data in these situations clearly is not simple. Secondly, the analysis; and thirdly the data as analysed has to statistically be significant in order for that to be realistically and accurately used in order to inform policy.

1200 So all these variables have to fall in place. This is not easy, this is a challenge but the challenge is there. We have put this in. We want to do it in this way, but clearly in science you cannot know what the results of your analysis is going to be until you have carried out the analysis. So I cannot be more specific than that.

**Mr Speaker:** Next question.

1205 **Hon. D A Feetham:** Mr Speaker, I have –

**Mr Speaker:** Yes.

1210 **Hon. D A Feetham:** Yes Mr Speaker, perhaps the Hon. Minister would assist me with this. When we talk about licensing in relation to long lines, what we are really talking about is the drawing up of a list of boats and those boats are then deemed to be licensed to fish with long lines, commonly known as *palangres*. That is the case is it not?

1215 **Hon. J E Cortes:** Mr Speaker, I do not have the regulations in front of me, but I believe that in the section on long lines we are talking about the boats. I believe so, but I do not have the regulations in front of me.

1220 **Hon. D A Feetham:** Yes, but what I mean is that effectively somebody will go to the hon. Gentleman’s Department and say, ‘I have got a boat. I have fished with long lines historically. I want my boat to be listed, in whatever schedule or list pursuant to the regulations, in order to be able to fish with long lines. That is effectively in a nutshell what the procedure is, is it not?’

**Hon. Dr J E Cortes:** I repeat, I believe that is the case but I do not have the regulations in front of me. They are very extensive. My memory is still good but I do not have it but I believe that is the intention.

1225 **Hon. D A Feetham:** Mr Speaker, bearing in mind that the hon. Gentleman in answer to an earlier question said that there were Spanish fishermen that were fishing in British Gibraltar Territorial Waters with long lines, the same procedure will apply to those Spanish fishermen. If they want to fish with long lines in British Gibraltar Territorial Waters, they will have to come to Gibraltar in order to effectively have their boat added on to the list.

1230 Or is it, Mr Speaker, that perhaps the Government envisages that some kind of arrangement with the heads of *Cofradias* of La Linea and Algeciras for them to provide a list of boats to the hon. Gentleman's Department?

1235 **Hon. Dr J E Cortes:** Mr Speaker, in relation to long lines, which is what we are talking about now, the latter is not correct. The former is correct – and I am qualifying it that I am going on memory – because there will be no distinction between nationalities.

**Hon. D A Feetham:** Mr Speaker, in terms of enforcement is it the Wildlife Wardens who will be enforcing this particular piece of legislation or will it be the Police?

1240 I ask because I saw – as indeed many people in Gibraltar saw – an interview by Chief Superintendent Mifsud just before the *Viewpoint* programme, in which he appeared to indicate that the enforcement of the regulations was a matter for the hon. Gentleman's Department, not for the Police and that the Police would be more in an assisting role but the enforcement would be the hon. Gentleman's Department. I just wonder whether the hon. Gentleman could comment on that?

1245 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a supplementary arising from this question. The only thing I will offer is that clearly the Department of Environment's officials do not have powers of arrest.

1250 **Hon. D A Feetham:** And, Mr Speaker, can I ask the hon. Gentleman, he would expect that this particular legislation would be enforced as against Gibraltarians in exactly the same way as they were enforced against Spanish nationals coming in to our waters, and that if there are Spanish boats coming in to our waters laying long lines without being registered and licensed in accordance with the regulations, that the Hon. Minister would expect that they be treated with the full force of the law in exactly the same way as Gibraltarian nationals fishing in these waters without a licence would be dealt with.

1255 **Hon. Dr J E Cortes:** Mr Speaker, the law does not distinguish between nationalities.

#### Q645/2014

#### Fishing arrangements within British Gibraltar Territorial Waters – Nature Conservancy Council discussions

**Clerk:** Question 645, the Hon. J J Netto.

1260 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide a date since January 2012 in which the Nature Conservancy Council has met in order to discuss the fishing arrangements within British Gibraltar Territorial Waters, and provide Parliament with a statement of its deliberations and conclusions?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as I have repeatedly stated in this House, the Nature Conservancy Council is a statutory consultee which runs independently of the Ministry and Department.

1270 I therefore do not have information as to when they meet, nor regarding their deliberations.

**Hon. J J Netto:** Well, Mr Speaker, with the greatest respect to the Hon. Minister, that is not entirely true because while it may be true that he does not sit when the Nature Conservancy Council is actually meeting, he certainly has his Head of Department who does sit in the Nature Conservancy Council and presumably, one would have thought that the Head of Department would make regular reports to the Minister in this field, as indeed in many other fields, in order to keep the Minister abreast of information

taking place in what is an extremely important body, which is there set out to advise the Minister in matters pursuant to the environment. So that is not entirely correct.

I think it is also true to say, and it is quite reasonable to say, that if we are talking about transparency on such important matters, then the Minister ought to really provide Parliament with the kind of information which I am seeking, and giving advanced notice, so that we can have proper discussions, so we can have proper debate on matters that affect Gibraltar and not try to hide away on this kind of artificial barrier that he does not sit in the meeting.

Could the Hon. Minister just simply brush away the artificial barrier and provide Parliament with a decent answer?

**Hon. Dr J E Cortes:** Mr Speaker, it is really incredible the Member opposite is factually incorrect. He may think that my Head of Department sits in on the Scientific Authority because that in fact is what he wanted to do when he was Minister for the Environment and the Scientific Authority was an independent scientific body and he wanted to change it completely. I believe he wanted to *chair* the Nature Conservancy Council and he wanted his officials to be members of the Nature Conservancy Council.

I have gone down a completely different avenue precisely because I believe in independence and transparency and the Nature Conservancy Council now is made up of independent experts. *No* public official is a member, they run themselves independently, they meet independently, I ask them for an opinion when I need their opinion, they offer an opinion when they think that I should have one but I do not get involved in running them. I do not control it, I do not wish to control it, I think they have to have the independence of mind, to be able to debate things scientifically and to give me sound advice without any political interference.

If what the Member opposite is saying that I should interfere politically in what is an independent scientific consultative body then, Mr Speaker, I am afraid that is not the kind of Minister that I am, nor is that the kind of Government that I belong to. It is absolutely incorrect and therefore I completely reject his statement. *(Banging on desks)*

**Hon. J J Netto:** Mr Speaker, the hon. Minister is actually talking nonsense. *(Laughter)* He is actually talking nonsense because by definition, those people sitting on the Nature Conservancy Council, as he has just rightly pointed out, are scientific academic people – people who are used by the very nature of their careers, to be able to make decisions based on evidence and be able to publish it.

There is nothing wrong with people who are scientists to publish that information and it would be good for democracy and it would be good for transparency and it would be good for Parliament, if such information made by scientists would be provided not just to Parliament but indeed to the whole society so that the whole society could have a proper discussion on what is an extremely important matter.

I put it once again to the Minister: the Minister is simply hiding away with a lot of nonsense he is uttering, in order not to provide the information. And what brings me back to my question, is that there are particular references in the actual regulations like 12(2) which actually argue that the Minister shall, after consultation with the Nature Conservancy Council, have the power to terminate the fishing period, etc, etc.

In other words, the Minister shall have consultation with the Nature Conservancy Council so *he* can have it. He can then say it is independent but he can have it – but Parliament cannot have it. I think, Mr Speaker, it is most unreasonable and the Minister ought to reconsider his position.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, for matters unrelated to anything that has been discussed, can I just invite the House to recess for 10 minutes to give you an opportunity to recess for 10 minutes.

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

*The House recessed at 11.10 a.m. and resumed sitting at 11.19 a.m.*

**Clerk:** We carry on with supplementary answers to Question 645.

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

Mr Speaker, if the Nature Conservancy Council, as the independent body that it is, wants to publish its deliberations, it is free to do so. Mr Speaker, they are an advisory body to me. I will listen to their advice and I will I think, usually follow it, but I am free not to, and then I am answerable for those decisions. I am answerable for the decisions that I take based on the advice, whether I follow it or not. But the Nature Conservancy Council is not answerable to Parliament, nor am I answerable for the Nature Conservancy Council's deliberations and views.

1335 Therefore, I think that my statement is perfectly justified, I will remain answerable for whatever I do following consultation, but the Nature Conservancy Council cannot be held to account for the views that it holds as an independent scientific body. Well, they can be held responsible for them but they are not answerable to anybody other than themselves.

1340

**Q646/2014**  
**Wildlife Wardens –**  
**Offences against Nature Protection Act**

**Clerk:** Question 646, the Hon. J J Netto

1345 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state, since the inception of the Wildlife Wardens, how many vessels have been stopped and searched, found the owners to be acting against the Nature Protection Act and have been prosecuted, broken down by nationality, nature of offence, the fine imposed and date?

1350 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, none, sir.

1355 **Hon. J J Netto:** Mr Speaker, given the powers given to the Wildlife Wardens in terms of matters of being able to search vessels, is that not being given any priority by the Department of the Environment?

**Hon. Dr J E Cortes:** Mr Speaker, the Wildlife Wardens were... Well there were not Wildlife Wardens appointed; there were powers of Wildlife Wardens given to employees of the Department of the Environment. It is a slight difference, but I think it should be pointed out nonetheless.

1360 They were appointed some time ago, but their ability to go out at sea only commenced a couple of months ago on the acquisition of the vessels about which there is another question later on. At this point in time, priority is being given to getting the vessel in running order, to monitoring and gathering observations and data.

1365 The enforcement is something that they are able to do within the law, as I said they have no powers of arrest and their role will develop as time goes on. This is a very new body with very new utilities and therefore it is a role that is being developed that is not fully rolled out yet.

**Hon. J J Netto:** Well, Mr Speaker, given the fact that there is another question in the Order Paper which is Question 648, I might as well leave it until that question arises.

**Q647/2014**  
**Climate change –**  
**Gibraltar's latest submission to combat**

1370

**Clerk:** Question 647, the Hon. J J Netto.

1375 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with the latest copy of Gibraltar's submission to combat climate change in compliance with the EU requirements for 2020?

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

1380 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no one document which can be classified as Gibraltar's submission to combat climate change. The Government is working on various fronts to this effect. If the Member opposite could clarify if he is referring to a particular report or process, I can then provide an answer.

1385 **Hon. J J Netto:** Perhaps Mr Speaker, if I can put it in a different way, what are the documents that the Hon. Minister is referring to?

**Hon. Dr J E Cortes:** Well, I think that really the onus should be on the Member opposite to tell me which documents he wants to see. I can tell him that there are various energy reports as well as the report which the Climate Change Taskforce is working on and will present to Government, which will then feed into the Revised Climate Change Programme. So there are a number of things that we are doing in relation to climate change, but without knowing specifically...

The Member opposite asked for the latest copy of a submission which does not exist in the way that this has been formulated. I do not really know what submission – submission to whom? There is no such one report and therefore as I say, there are a number of areas in which we are working, but I cannot pin down from the question what he is actually referring to.

If he wants to be more specific and ask me for next time, I will be very happy to provide.

**Hon. J J Netto:** Mr Speaker, I will take this matter further by writing to the Minister.

#### Q648/2014

##### Marine research and monitoring programmes – Purchase of two vessels for Department of the Environment

**Clerk:** Question 648, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, since the purchase of the two vessels for the Department of the Environment, can the Minister for the Environment state what marine research and monitoring programmes have been conducted, or are envisaged to be conducted, in the next 12 months?

**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 two vessels that have been purchased by the Department of the Environment have, and will be used, in order to carry out monthly coastal monitoring and sampling.

In addition, both vessels have and will continue to be used, in relation to sub-tidal and marine ecological surveys, as well as reef surveillance conducted by the Department.

**Hon. J J Netto:** Mr Speaker, perhaps if the Hon. Minister could provide more information in relation to this particular aspect of new work which the Minister is actually alluding to: does this involve the powers of search of vessels fishing in Gibraltar?

**Hon. Dr J E Cortes:** Mr Speaker, the question specifically refers to marine research and monitoring programmes, and I have answered on marine research and monitoring programmes.

To expand, this includes sampling of sea water for analysis. It involves monitoring, carrying out ecological surveys along the shore and reef areas. It allows the Department to carry out work in its own vessel, whereas in the past it would have to hire or borrow the use of vessels from either private entities or other Government agencies.

The power to follow up possible infractions of marine regulations at sea is not a power that the vessel has, but the people on the vessel have. Those powers, as I said earlier exist, no powers of arrest and the body is developing and gathering information and planning a strategy which we need to roll out in the fullness of time.

**Hon. J J Netto:** Mr Speaker, I am actually bringing back the previous question which I mentioned before and I am putting the two together. We do know from the regulations, that is clause 45, that they do have the powers of search and what I am trying to get at with my questions is, whether that power to search is being carried out.

In other words now that they have the vessels at their disposal, since the time that they have had the vessel at their disposal, are they actually going out – amongst other things that they may be doing, which I take for granted – searching vessels in compliance with the Nature Protection Act? Are they doing that, yes or no?

**Hon. Dr J E Cortes:** Mr Speaker, so far no vessel has been searched.

**Hon. J J Netto:** Is it the intention to search vessels over the next 12 months?

**Hon. Dr J E Cortes:** I cannot predict what may or may not happen, Mr Speaker. They have a power, they have not yet used it. Those are the facts. (*Interjection*) Precisely, we make the law and as I say the powers are there, they have not yet been used.

**Hon. J J Netto:** Mr Speaker, given the context that we have a set of new regulations where it talks about the sustainability of fish stocks, where it talks about the power being given to the Wildlife Wardens in relation to be able to monitor and have the powers of search, is it not reasonable, given that the Government has provided both the resources and the legislation to carry it out, that it would be a priority then, amongst other things, to be able to search boats which are fishing in accordance with the Nature Protection Act? I would have thought that the answer is yes.

Is it that they have no interest whatsoever or is it that the Government does not want to instruct them to do any actual search at all?

**Hon. Dr J E Cortes:** Mr Speaker, really I am quite overwhelmed at the interest that the Member opposite has in protecting our marine life. I can only assume that these questions are trying to urge us on to increase the population of marine life in our waters and do not have some other less obvious political motive in order to just cause mischief.

Mr Speaker, I have said it quite clearly, there are powers. I am not going to tell anybody, nor would anybody who has any connection to law enforcement or anything like this, tell people what you are going to do and when you are going to do it and whether or not you are going to do it.

Mr Speaker, the law is clear and we have the power to do certain things. We have not used that yet and time will tell.

**Hon. D A Feetham:** Mr Speaker, can the hon. Gentleman help me with this: how are the roles of the Wildlife Wardens and the Police going to be defined in the context of enforcement? Because the word enforcement encapsulates a wide series of situations.

Search of a vessel: that can be classified as enforcement of the Nature Protection Act, as indeed the regulations – they have not come into operation; they come into operation next year. But how is there going to be this interplay between the Wildlife Wardens and the Police?

I ask because there is confusion out there in relation to this particular issue. You heard the interview of Chief Inspector Mifsud before the *Viewpoint* programme in which he was under the impression that the enforcement of the marine regulations, for example, was going to be a matter for the Wildlife Wardens and for the Environment Department. But of course they have no powers of arrest and I just wonder whether he can provide some information in relation to that?

**Hon. Dr J E Cortes:** Mr Speaker, again I do not think this is a direct consequence and a direct supplementary, but nevertheless I will assist.

This is a very new concept in Gibraltar. If we were just talking about a marine protected area anywhere else in the world, it would be much simpler, but we know the complexities of Gibraltar and the fact that we have a neighbouring state with certain views and claims as to sovereignty and so on. But it is a new concept and the interaction and the procedures are being developed. This is a relationship which is being developed and is under discussion at the moment, so I am not able at this point in time, nor do I think it would be correct for me at this point in time, to give more specific details of the interaction between the different elements.

**Hon. J J Netto:** Mr Speaker, is it the intention of the Department to ensure that compliance with registration in accordance with the vessel's details, are actually monitored as the law says by the Wildlife Wardens?

**Hon. Dr J E Cortes:** Mr Speaker, the law says (**A Member:** What it is.) what it is, exactly. The intention is that whatever the law says within the capabilities of the Department, if it falls upon the Department, these things will be done. Am I going to have to now go clause by clause to say exactly what we are going to do, when we are going to do it, what priority it will have?

This is a massive piece of legislation. I think frankly, it is a work of art and I must praise the work that has been carried out by the Department of the Environment, the countless sessions with all the different stakeholders in bringing this together, in working something which has been broadly acceptable by the stakeholders, as you could see on the *Viewpoint* programme just last week, how everybody there was praising the work of the Department.

But I cannot now go clause by clause and say when we are going to do this, when we are going to do the other. Firstly, it would be an absolute waste of everybody's time and secondly, it is not something that we

should publicly state. But clearly, the law is there, the intention is there and we will do our very best to do it in the interest of both marine stocks and those who enjoy exploiting it.

1505

**Q649/2014**  
**Attack by macaque –**  
**Investigation**

**Clerk:** Question 649, the Hon. J J Netto.

1510

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if an investigation has been conducted as a result of the macaque that attacked Mr Stuart Gravenell which left him with 40 stitches to his arm and if so, please provide Parliament with a copy of the said report?

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

1515

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Mr Stuart Gravenell has stated that he is seeking legal action and therefore I am not in a position to comment on the matter, other than to say that a report is being prepared.

1520

**Hon. J J Netto:** Mr Speaker, I take on board what the Hon. Minister has just said, in that Mr Gravenell is taking legal action. But could perhaps the Hon. Minister go as far as to confirm that the attack took place and that 40 stitches had to be placed on the arm of this particular gentleman as a result of the macaque attacking this particular person? Can he go as far as confirming that?

1525

**Hon. Dr J E Cortes:** Mr Speaker, I do not think so. Legal action could actually dispute the facts and therefore I do not think that I should go into that area at this point in time.

1530

**Hon. J J Netto:** But he can confirm the fact that a gentleman by this name actually went to the Accident and Emergency Department of the Hospital, or someone with an incident similar to the one reported in the press.

**Hon. Dr J E Cortes:** Mr Speaker, a report is being prepared and I think I would be on dangerous ground if I were to say anything and it could prejudice the position if legal action in fact is instituted.

**Q650/2014**  
**Attacks by macaques since January 2012 –**  
**Statistics**

1535

**Clerk:** Question 650, the Hon. J J Netto.

1540

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please provide Parliament with the statistics available in the A&E Department of the GHA and GOHNS as a result of attacks by macaques to persons since January 2012 on a monthly basis, by all categories, broken down by minor and major incidents?

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

1545

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the schedule attached, which I now hand over, refers to incidents which cannot necessarily be described as 'attacks', as some may have been occasioned by the inappropriate action of the person.

It is difficult, especially in retrospect, to define these as major or minor, but in order to assist, the following will be useful. Of the incidents listed in the schedule, 14 were scratches; 69 had antibiotics prescribed; 7 required sutures; and one person was admitted.

1550

**Answer to Question 650/2014**

Ape related incidents recorded at A&E.

	2012	2013	2014
January	1	3	1
February	1	2	4
March	5	5	4
April	4	3	6
May	5	5	8
June	9	9	14
July	9	14	23
August	18	21	21
September	9	11	18
October	5	23	
November	7	3	
December	2	7	

**Note:** The figures for 2012 vary slightly from those provided in answer to question 17/2013 due to the updating of the records, which include scratches.

**Q651-652/2014**

**New Marine Protection Regulations –  
Reporting by fishermen to official authorities**

**Clerk:** Question 651, the Hon. J J Netto.

1555 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how the catch of tuna prescribed in the new Marine Protection Regulations will be reported to the official authorities?

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

1560 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 652.

**Clerk:** Question 652, the Hon. J J Netto.

1565 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how the data provided by the fishermen with regard to compliance with Marine Protection Regulation be verified by the persons responsible for the production of statistics?

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

1570

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, it is a requirement of the Tuna Preservation Regulations for all catch data to be reported to the Department during open season, on each occasion that a specimen is landed in Gibraltar. Reporting forms are being finalised and will be published on the Department website ahead of the tuna season.

1575 The data will be verified by collaboration between the different sections of the Department. Monitoring will be done through spot checks at sea by the protection and enforcement team. I will also remind the hon. Member that it is an offence to falsify data with a penalty leading to the possible revocation of the licence.

**Q653-654/2014**

**Old St Bernard's Hospital site –  
Control of dust permit application; site inspection by Environmental Agency**

**Clerk:** Question 653, the Hon. J J Netto.

1580

**Hon. J J Netto:** Mr Speaker, further to the answer given to Question 505/2014, can the Minister for the Environment state if GJBS submitted an application under the Environment (Control of Dust) Regulations 2010, prior to commencement of works at the old St Bernard site and if so, did the Environmental Agency issue the necessary permit?



1585 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 654.

1590 **Clerk:** Question 654, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state on how many occasions the Environmental Agency has visited or inspected the construction site at the old St Bernard's Hospital since commencement of work, broken down on a monthly basis?

1595

**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 Environment (Control of Dust) Regulations 2010 came into effect on 15th July 2010. GJBS had a comprehensive generic plan approved by the Environmental Agency and the existing Certificate No. 25/13 is valid from 17th April 2013 to 17th April 2015.

1600

The Environmental Agency has not inspected the construction site at the old St Bernard's Hospital on a monthly basis. Inspections have been carried out to the north and south wing sheltered housing and dementia centre of the old John Mackintosh wing for the issuance of Certificates of Fitness in respect of the completed works in February and July 2014.

1605

**Hon. J J Netto:** I am grateful, Mr Speaker, for that answer.

The Hon. Minister says that the necessary permit was issued, if I understood him correctly, in April 2013. Is that correct?

1610

**Hon. Dr J E Cortes:** Mr Speaker, I would just like to rectify, I was reading a prepared text. This is not a dementia centre. It is currently being used for residents of the Jewish Home and also some sheltered housing, just to correct that.

Mr Speaker, it was valid from 17th April 2013 to 17th April 2015. This is the current one but the original one will have been issued when the law came into effect sometime in 2010.

1615

**Hon. J J Netto:** Yes, my understanding is that the law came into effect in 2010, the construction started I believe at the beginning of the summer 2012, so that would have been the date when the first permit might have been issued, although the Minister made reference to the second permit which he says was from April 2013 onwards.

1620

Now he may not have at his disposal in his notes there, whether one of the conditions in the permit was that in erecting the scaffold around the works for the demolition particularly that had to be carried out, it was a requirement to provide dust sheeting to avoid dust moving onto the adjoining area where residents live.

1625

Could he actually confirm whether that was a requirement or not, if he has got the information available to him there?

**Hon. Dr J E Cortes:** Well, Mr Speaker, I do not have that information. What I can say is that I believe that the works at the old St Bernard site, and this is the John Mackintosh Wing, started in 2009 which was prior to the legislation coming into effect and its first Certificate of Approval, which was Certificate No. 14/11 was in fact, according to my notes, issued in February 2011. I can only assume that there was a subsequent one which covered – or that one will have covered the period to 2013, would have probably have been two years and then they are covered now by the second one.

1630

I can repeat what I said in an intervention at the last meeting, that the Agency has not received any complaints in relation to dust emissions, and has only received one complaint about the site which was in connection with noise nuisance on 14th August this year, which was dealt with. The Agency is not aware of an issue with dust, but clearly they are covered by the certificate.

1635

**Hon. J J Netto:** Okay, so the Agency is not aware of an issue as a result of no particular resident in the neighbourhood making a complaint but that does not deter the fact from whenever the work started there was, prior to 2009 or onwards, the fact that at the commencement of the works, as is the practice all throughout any particular contractor doing works of a similar nature, they have to, require the a permit.

1640

The Agency has to consider the nature of the works, which amongst other things in this case was demolition, which does mean a lot of dust being bandied around in the neighbouring area. So one would

1645 have assumed that that would have been uppermost in the mind of the officials when considering putting dust sheets covering the scaffolding.

Now I put it to him, to the Minister again, which he may not have information available within his notes, whether that was a requirement whenever it was the beginning of the work being carried out.

1650 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information but I would assume that if he assumes that that happened, that would have happened when the site opened in 2009 and when its first Certificate of Approval was issued in 2011, so perhaps he should be asking somebody on that side of the House.

As regards whether or not it was required at the time of any permit issued during this administration, I would have to go back and check. But I can only assume that this was...

1655 If a certificate is issued, the Environmental Agency will be satisfied that the necessary steps are being taken, otherwise they would not issue the certificate. So I can only assume that the necessary steps had been taken and have been taken, to ensure that dust is not a nuisance, and the absence of complaints from the neighbours, when we all know in Gibraltar that if there were any real issues, they would have been complaining or there would have been other ways of getting the information to the Environment Agency or to myself as Minister... There have been no complaints so I can only assume that the Agency was justified in issuing the certificate because the conditions were correct for the certificate to have been issued, which has resulted in no complaints up to date. I think, Mr Speaker.

1660

**Hon. J J Netto:** Well, Mr Speaker, the hon. Gentleman's juxtaposition, the question of no complaint as an attitude of the officials not necessarily in the first place analysing the nature of the work to be carried out. I am not interested in the past. (*Interjection by Hon. Member Dr J E Cortes*) I am not interested in the past; I am interested in the present.

1665

Now the point I am making now, given that this is an issue that has been raised last month and this particular month, has the Minister asked the Environmental Agency, with the continuation of the work as it is going on right now, whether the nature of the works to be carried out will continue –

1670

**Mr Speaker:** May I interrupt, the recording equipment has crashed. We need to recess for a few minutes. Hopefully for a few minutes.

*The House recessed at 11.50 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 2.00 p.m. – 6.10 p.m.**

**Gibraltar, Thursday, 20th November 2014**

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# The Gibraltar Parliament

*The Parliament resumed at 2.00 p.m.*

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

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

## Questions for Oral Answer

### HEALTH AND THE ENVIRONMENT

**Q653-654/2014**

**Old St Bernard's Hospital site (continued)**

**Clerk:** We carry on with Question 654.

5 **Hon. J J Netto:** Yes, I think, Mr Speaker, I was in mid flow when we started with the problems with the microphones, so just to recap on my latest supplementary question. One of the things in the original answer that the Hon. Minister gave was that there has been no on-site visit by any of the officials of the Environmental Agency on this site.

10 Can I therefore ask the Hon. Minister whether a site visit can take place, because undoubtedly there is work going on and by the very nature of the work means more dust is going to be dispersed in the surrounding area, and I think it is only right and proper that this is considered, and if necessary, a variation to the permit contract is done, so that the contractor can put the dust sheets to avoid any more dust being flown around in the neighbouring area.

15 But can I also point out to the hon. Gentleman that the scaffolding has not got either any netting whatsoever. Now, netting by definition, as we know, is there simply to avoid any particular item of construction from a particular construction site from falling over and injuring, whether it is a worker within the site or members of the public. And we have had already an incident, which is being investigated in Governor's Meadows, which he is going to investigate and that is fine.

20 But surely there should be some sort of netting as well in the old site of the old St Bernard construction taking place there, with a view of putting netting to avoid any incident that may seriously injure a worker or a member of the public.

25 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, what I said in my answer was that the Environmental Agency had not inspected the construction site on a monthly basis. When the Member opposite raised the issue in the last meeting, I immediately contacted the Environmental Agency. They confirmed that there had been no reports of dust specifically, and I believe that they visited the site subsequently, just to ensure that they did not detect a problem themselves. But what I said was that they had not gone on a monthly basis, because the Member opposite had asked for a breakdown on a monthly basis.

30 I think it is clear that it is the contractor's responsibility to comply with the conditions of the regulations. Obviously the Environmental Agency is the one that issues the certificate, but as I say, it is not that they have not been there at all. It is just that they have not been on a monthly basis.

35 **Hon. J J Netto:** Yes, Mr Speaker, but unfortunately I do not want to necessarily keep asking more supplementary questions, but the latest supplementary answer just simply does not address the very reasonable request which I am making, and that is to say that by the very nature of the work being carried out at the old St Bernard site, by nature, regardless of the fact whether there are complaints by the residents or not, by the nature of the works being carried out, that will mean further dust being dispersed in the surrounding area. And what I am asking is for the Environmental Agency to consider that, the extent of the work that needs to be done with the view of perhaps putting the dust sheets. So that is one issue which I  
40 have asked.

The other issue which I have raised is that there is not netting on the scaffold there. Therefore can I ask that the... It is not something that the Environmental Agency; it is to do with the factory inspector. Unfortunately the Minister for Health and Safety is not here, but could I ask them that he communicate this with his colleague, so that the factory inspector can also look into the netting to avoid simply any item of construction falling over and injuring someone. I think that is a very reasonable request.

**Hon. Dr J E Cortes:** Mr Speaker, the hon. Member should take it as understood that any concerns that come to my notice, be they here across this House, members of the public, or when I access other sources like social media and so on, any concerns I always act upon them and I always take it very seriously. So he should take it as read that I will look into the concerns that have been expressed, whether they are justified or not. I am not in a position to say, but I never, ever hear anything which can be of concern to any of my fellow citizens and just do nothing about it.

**Q655/2014**  
**Macaques –**  
**Preventing entering flats**

**Clerk:** Question 655, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state what plan, if any, the Government has in place to stop the rogue pack of macaques entering into the flats at Knights' Court, St Joseph's Estate and Alameda Estate?

**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 macaque management team has members of staff working in urban areas, whose sole role at the moment is to push macaques out of urban areas back into the nature reserve. These teams are working on this task seven days a week.

**Hon. J J Netto:** Well, Mr Speaker, that is fine to know, but given the fact that we have had in the last couple of weeks a surge of a particular group of macaques entering into the flats, which I have said, I think it will be more pertinent if the Minister actually answered the question, as to what can he tell the residents of those particular areas, as to what is being done in order to alleviate the concerns and the fear that the neighbours have in those areas.

**Hon. Dr J E Cortes:** Mr Speaker, exactly what I have just said. I find that I am having to repeat my answers almost on every occasion. The macaque management team has members of staff working in urban areas, including these areas, whose sole role at the moment, while there is this issue, is to push macaques out of urban areas back into the nature reserve. And they are working seven days a week.

If for this statement I have just made, you read the three sites which the Member opposite has mentioned, that answers the question: they are there seven days a week, causing as much disturbance to these animals as possible, with a certain measure of success, because the fact that they are in Alameda Estate is as a direct result of them having been pushed away from Main Street and the Trafalgar area.

It is a work in process and as I said, we are dedicating more resources than ever to this control and hopefully the situation will continue to improve.

**Hon. D A Feetham:** Mr Speaker, can I tie in a supplementary to some figures that the hon. Gentleman has provided in relation to Question 650?

If he looks at the statistics that he has provided in answer to Question 650, the hon. Gentleman will see that, in terms of incidents recorded at Accident and Emergency as a consequence of ape bites or ape incidents, in 2012 the total is 75 incidents reported to Accident and Emergency recorded at Accident and Emergency. In 2013 there is 106, which is a significant jump. And in 2014 up to September we are already at 99. So that shows an upward trend.

Now, can the hon. Gentleman provide a reason as to why there is this upward trend in incidents relating to apes and ape bites?

**Hon. Dr J E Cortes:** Mr Speaker, I thank the Hon. the Leader of the Opposition for giving me the opportunity to respond. I had some supplementaries prepared when the question was asked, and with your

leave, Mr Speaker, I will, as I was not given the opportunity by the Hon. Mr Netto earlier, I will respond now.

The causes of bites by macaques is usually as a reaction to some stimulus which is normally provided by a person who may make some kind of movement which the macaque misinterprets using their criteria of how a primate behaves. It may be that they have taken something and they are trying to get it back, so you cannot really attribute necessarily any increase or decrease and these are not I think statistically significant in any way to the macaques. You can perhaps attribute at least part of that to the human being.

I think that it is worth pointing out that it is known, and it is known in the scientific literature, that the incidents of macaque bites in relation to interactions between humans and macaques is in fact very low in Gibraltar, and studies which were published some years ago in the *International Journal of Primatology* of which I was a co-author, actually mention that in some of the Asian macaque sites, 11.4% of interactions result in bites; whereas in Gibraltar only 1.2% result in that.

But the Leader of the Opposition may be interested if I go back a few more years, in relation to macaque bites, because he says that in 2013 there were 104 or 106 – I have totted them up so maybe we are out by one or two; in 2012, 67. In 2000, there were 150; in 2007 there were 109; 2008, 122; 2009, 127; and the peak in fact was in 2011, when there were 156. You cannot relate it necessarily to any change in behaviour and you cannot use those statistics to prove anything because if you could, then I would have proved that there are fewer macaques now than there were before 2011 – fewer macaque *bites*, that is.

**Hon. D A Feetham:** Yes, Mr Speaker. And we acted upon it. There were incidents an increase in bites and incidents, and of course then there was culling, and then there was a significant criticism from the Opposition at the time because you were totally against culling. The reality is that if there is an explosion in ape population, it is then going to lead to an increased coming together with human beings, a contact with human beings that is going to lead to an increase in incidents.

Can I suggest – and what does he think about this – that in fact the increase in incidents from 2012-13...? And indeed there is an increase, or there is going to be an increase in 2014, because we are already at 99. We are only seven away, or five on his figures, from the 2013 figures, and there are still three months to go. That what we are seeing effectively is an increase in contact between human beings and macaques, probably because macaques are running wild in certain areas in town, and that is what is leading to an increase in the number of incidents and the number of bites. I am giving him an opportunity to answer that suggestion.

**Hon. Dr J E Cortes:** No, Mr Speaker, not necessarily, as I explained before. It is not directly related to the number of contacts, there can be certain relationships but you cannot make that assumption.

The figures in my opinion are probably not statistically significant, I have not carried out a statistical analysis. This can be done, but I think that the majority of those bites – and sadly I do not have that information, and I do not even know whether that information is correct – that the majority of those bites are occasioned on the Upper Rock and not in the urban areas. So I am not sure that one thing follows the other.

In any case there are now fewer macaques in urban areas, thanks to the successful export of one particular group, and so I think that the danger is probably reduced. But I cannot, as a scientist, say that it is definite cause and effect.

I do not want to cause offence to those lawyers on my side of the House, but it would be much more comfortable for me if there were perhaps more scientists than lawyers in Parliament.

**Q656-657/2014–  
Marine life in British Gibraltar Territorial Waters –  
Damage by nets**

**Clerk:** Question 656, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Minister for the Environment please state whether his Department maintains any statistics on the damage done by drift and other nets to marine life in British Gibraltar Territorial Waters?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 657.

**Clerk:** Question 657, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, does the Minister for the Environment accept that Spanish fishermen continue to enter into British Gibraltar Territorial Waters in order to fish with nets?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, damage to marine life can be quantified through physical damage to species or to ecosystems. There are also direct and indirect effects. The Department has some data on direct effects of damage, but these however, cannot be attributed to nets alone. Under the Southern Waters Management Plan, threats to marine ecosystems are discussed, and the Department monitors these in compliance with EU legislation.

And in answer to Question 657, yes, sir.

**Hon. D A Feetham:** Well, Mr Speaker, I am grateful for the answer to 657.

I want to ask him this supplementary, but I want to first of all place it into context. It does relate to a matter within his responsibility. But I want to draw his attention to a statement issued by GONHS on 19th September 2011, just two months prior to the last general election. I do not know whether he was the co-author, or just the author of that statement or he had nothing to do with that statement, but certainly he led GONHS at the time, for a considerable period of time. And it said this: it talked about the use of illegal nets, the effect on marine animals, including dolphins; it said that Spanish fishermen had gone virtually unchallenged by the Gibraltar Authorities and then it said this, and I quote:

‘The situation is a veritable mess. There must be a change in the way that it is being handled. What is needed is the courage to enforce the laws of Gibraltar and Europe’.

Is the way that it is handled now any different to the way that it was handled in September of 2011, by the Government and by the Department that he is responsible? And has he had the courage to enforce the laws of Gibraltar and of Europe?

**Mr Speaker:** I am going to allow the Minister to answer that supplementary, but I am not going to allow a lengthy debate on this issue.

**Hon. Dr J E Cortes:** Mr Speaker, as a Government Minister I make the laws; I am not a law enforcer. Do I have the courage? Yes, Mr Speaker, I think I do. I think there is a fundamental difference in that now we are actually actively involved in trying to obtain information which will inform how nature protection laws develop.

We have very recently published, I think, very brave regulations, very courageous regulations, which aim to protect for the future use of future generations our marine resources, including tuna, and therefore I think that we are now introducing a lot more, not just legislation, but also fact finding possibilities.

The strengthening of the Department of the Environment, which is now a completely different Department to the one that I inherited, the Chief Executive is now a scientist and there are more people working directly on environmental matters who are technically qualified.

We are setting up, we are obtaining equipment and facilities in order to inform us better. And therefore all the statements which were made by GONHS at the time will be able to at least be followed up, in the sense that we will have the information as to see how much damage has been done.

As I said in my answer and I said in my answer earlier, it is very difficult to gather these statistics, but nevertheless we are now building up gradually a system and a group of people who will be able to inform us in the future and to better be able to manage our marine resources.

**Hon. D A Feetham:** Well, Mr Speaker, I note the hon. Gentleman’s answer that he is a law maker and is not involved with the enforcement of our laws. But let me read something from the 2011 GSLP manifesto, and I quote:

‘We do not believe it is right to allow illegal fishing in our waters and we will stop this immediately. We will ensure that the ban on the use of drift nets and other nets is enforced’.

Is he now accepting that, in the light of the answer that he has given me just a few moments ago, that the public were being misled by the commitment that the GSLP/Liberals gave at the last general election which I have just read?



**Hon. Dr J E Cortes:** No, Mr Speaker, this is a process. It is my aim and my vision to ensure that the marine resources of British Gibraltar Territorial Waters continue to develop and thrive, and it is my Department's aim to provide the habitat the scientific input and the protection that is required in order to achieve this.

If this takes a little bit longer and if the methods that we employ are a little bit more subtle as long as they result in what our aims and ambitions are, then I will be satisfied that we have fulfilled this and much more.

**Hon. D A Feetham:** But, Mr Speaker, if enforcement of the law is just purely a matter for the Police, and therefore the Government has absolutely nothing to do with a situation where the law is being flouted, either in British Gibraltar Territorial Waters or anywhere else... which I think is a curious statement, I have to say, because no government anywhere in the world will allow its laws to be flouted with impunity without stepping in and saying, 'Well, hang on a minute, law enforcement may be up to the police but this is not being enforced', and I want to do something about it.

Mr Speaker, therefore is he accepting that when they said in their manifesto that they would put an end to illegal fishing in our waters immediately, that they were misleading the people of Gibraltar, because quite clearly, Mr Speaker, he has already admitted that illegal fishing in British Gibraltar Territorial Waters is occurring today?

**Hon. Dr J E Cortes:** Mr Speaker, I do think that we are extending this into a debate, which is not directly related to – (*Interjections*) No, no, but nevertheless, I will comment.

Mr Speaker, the steps taken to protect and enhance marine life in British Gibraltar Territorial Waters started immediately. There may not have been the steps that clearly the Members opposite want to see with whatever intention they have. But I am convinced that already the state of marine life in Gibraltar waters is improved to the one that I inherited, and will be improved further.

Perhaps the Members opposite could do with a little bit more vision and a little less impatience.

## EQUALITY, SOCIAL SERVICES AND THE ELDERLY

**Q658-659/2014**

**Dr Giraldi Home employees –**

**Outcome of disciplinary hearing; bullying and harassment complaint**

**Clerk:** Question 658, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services please state the outcome of a disciplinary hearing of an employee of the Dr Giraldi Home as a result of taking an undeclared packet of 200 cigarettes in her handbag through the Spanish Border, whilst travelling with other employees of the Home and a resident with challenging behaviour, back in February of this year?

**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 question together with Question 659.

**Clerk:** Question 659, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services please state the outcome of a complaint of bullying and harassment made in July of this year by an employee of the Dr Giraldi Home.

**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 am unable to comment on matters that concern specific individuals and make it possible for them to be identified.

The way that the question is framed is misleading, in that it suggests that such an allegation is true. The Care Agency is cautious not to accept allegations made against its employees without proper investigation.

When allegations of misconduct are made towards any employee of the Care Agency, these are dealt with in accordance with the Care Agency's internal policy and procedure, which are subject to the basic principles of employment law. The overriding principle is fairness.

All complaints are thoroughly investigated. In the event that the matter results in disciplinary proceedings the matter will be considered before an independent panel which will consider the evidence put before it, which includes both the evidence in support of the complaint and evidence in support of the employee against whom the allegation is made. It is not simply a one-sided account. The disciplinary panel is required to consider the available evidence put before it and be satisfied that the complaint is proved to the required standard. The outcome of the disciplinary hearing is a matter that is subject to confidentiality and as such it would be wholly improper of me to breach the duty of confidentiality that is owed.

**Hon. J J Netto:** Mr Speaker, could I ask the hon. Lady whether the investigation has now been finalised in terms of the disciplinary hearing is concerned and the particular person in question is now back at work?

**Hon. Miss S J Sacramento:** Mr Speaker, as I said in my substantive answer, I am not at liberty to comment on specific instances, other than to say that we apply the rules and procedures of natural justice and of employment law and every single allegation that is made in relation to the Care Agency is thoroughly investigated. I cannot comment any further in relation to any particular matters.

**Hon. J J Netto:** Well, Mr Speaker, I can assure the hon. Lady that the person sitting to his right and the Hon. Mr Bossano, when I was the Minister for Social Services, they used to question me at length on any allegations that were brought to their attention, and we had sessions here where the Members now in Government used to provide all sorts of details from the allegations made to them.

I am not asking for details of the name of the particular person. All I am saying is where there was such an incident, that a junior manager of Dr Giraldi Home actually took with her certainly one employed care worker of the Dr Giraldi Home, along with another one, who I understand was on a kind of probationary basis not by the Care Agency, but by another company, with a resident of Dr Giraldi Home who this particular person has challenging behaviour, went inside a car of the Care Agency, passed the Border into Spain and when stopped by the *Guardia Civil*, the *Guardia Civil*, when checking the particular bag of this particular junior manager found an undeclared packet of 200 cigarettes.

Now, it may be that the Minister does not want to answer the question. But it is a very serious allegation if a particular employee of the Care Agency has crossed into Spain with an undeclared pack of 200 cigarettes during normal working hours, and surely the Minister ought to come with a statement to state whether the evidence being investigated by the Care Agency backs up the claim made or not.

**Hon. Miss S J Sacramento:** Mr Speaker, the hon. Member can rest assured that everything is investigated, and things are investigated thoroughly, and things are investigated properly, and nothing is swept under the carpet. So if he is going to refer to debates which occurred in previous Parliaments, he may well recall that many questions were asked, but very few answers were given. **(Several Members: Hear, hear.)** *(Banging on desks)*

**Hon. Miss S J Sacramento:** What I am saying, Mr Speaker –

**A Member:** By me particularly.

**Hon. Miss S J Sacramento:** Mr Speaker, what I am saying on this occasion is that he can rest assured that allegations are thoroughly and properly considered and investigated, but that the Care Agency is under a duty to its employees to keep any outcome of any disciplinary matter confidential, because we have a duty to that employee.

I am happy to discuss the matter with the hon. Gentleman in confidence behind the Speaker's Chair, but he has now actually, Mr Speaker, made it almost impossible for me to give him any more information because all he has done is made the situation more specific than it was when he initially started to phrase the question.

So, Mr Speaker, there is no further information that I can give right now, not in this Parliament, without breaching my duty to the employee, other than to say that he can rest assured that if an allegation is made, any allegation no matter how serious, but obviously the more serious, the more serious that it will be taken but every single allegation is taken seriously and appropriate and proper action is taken in that regard.

**Hon. J J Netto:** Mr Speaker, I am very glad that the hon. Lady has been so diligent in looking back all the answers I have given, although I doubt it very much.

315 But could the Hon. Minister tell Parliament why the particular person who has made a complaint of bullying and harassment has been unsuccessful in trying to get to have a meeting with the hon. Lady since back in August of this year? Has she been so worked up that she could not find time for this particular man?

320 **Hon. Miss S J Sacramento:** Mr Speaker, even though this supplementary question pretty much has nothing to do with the first one, I can tell the hon. Gentleman that he can rest assured that while I am very, very busy, extremely busy – and the staff in my office, who used to be the staff from his office can tell him that they are much, much busier now than they have ever been in their life, Mr Speaker – on this particular occasion and without at risk of identifying anybody on this particular occasion, I did see this particular gentleman immediately when he asked to see me. I think I saw him the following day or the day after, and

325 he asked to see me again. I arranged a meeting and this gentleman did not attend. The meeting was arranged at least twice after that occasion and that gentleman did not attend.

So it is not true to say that I did not see that gentleman. I see everybody who asks to see me. I do not necessarily see them within 24 hours but I see them as soon as I am available to see them, regardless of how busy I am. And I am indeed very busy.

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

#### Q660/2014

#### Contract workers in Social Services – Details

**Clerk:** Question 660, the Hon. D A Feetham.

335 **Hon. D A Feetham:** Mr Speaker, can the Minister for Social Services please state how many employees other than those referred to in answer to Question 508/2014 currently working in positions within her areas of responsibility are doing so on contracts of less than a year, providing a breakdown by reference to position nationality – separating British Gibraltarians and others – length of current contract and total length of time that individual has been working in a position for which any Minister has responsibility, if he or she

340 has entered into more than one contract?

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

345 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, there are four employees working in positions on contracts of less than a year, three as care workers, and one as an RGN, a registered general nurse. Three are British Gibraltarians and one is Spanish. The four have 11-month contracts and the four are on their first contracts.

#### Q661/2014

#### Third-party workers in Social Services – Details

**Clerk:** Question 661, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, can the Minister for Social Services, please state how many employees other than those referred to in answer to Question 509/2014 currently working in positions within her areas of responsibility are employed by a third-party corporation such as recruitment consultants, providing a breakdown by reference to position, nationality, length of current contract, and length of time that individual has been working in, or occupying a position for which any Minister in the Government has responsibility?

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

360 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the individuals being referred to are not employees of the Care Agency and as such there is no contract between the Care Agency and them.

And the answer to this question is one, Mr Speaker.

365 To clarify, Mr Speaker, as the hon. Gentleman just said, on the last occasion I did say it was 33, since then to today there is one additional one.

**Q662/2014**  
**Dr Giraldi Home allegations made –**  
**Report by Sir Jonathan Parker**

**Clerk:** Question 662, the Hon. D A Feetham.

370 **Hon. D A Feetham:** Mr Speaker, has the Government received a copy of the report by Sir Jonathan Parker into the allegations made in relation to the Dr Giraldi Home.

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

375 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** No, Mr Speaker.

**TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**Q663-664/2014**  
**Alameda Estate –**  
**Addressing parking concerns**

**Clerk:** Question 663, the Hon. S M Figueras.

380 **Hon. S M Figueras:** Can the Minister for Traffic provide an update to this House of the work he is doing to address the concerns raised with him by the tenants of Alameda Estate in relation to parking?

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

385 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 664/2014.

**Clerk:** Question 664, the Hon. S M Figueras.

390 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Traffic say what contact he has had with members of the Tenants' Association of Alameda Estate in relation to concerns raised by tenants in relation to the dearth of parking in the area, and if he has indeed had contact, could he explain the nature of the contact and when this has taken place?

395 **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 have had contact via correspondence with the Alameda Estate Tenants' Association on the issue of parking on two occasions, once on 19th September and then on 23rd October 2014, regarding the question of parking in the area.

400 Specifically, this was in connection with a request for information regarding the possible implementation of a residential parking scheme for the South District. Both letters were replied to on 16th October and 13th November 2014 respectively. Traffic and parking issues were also raised on three other occasions at Tenants' Association meetings regarding housing matters. These were on 7th June 2013, 25th February 2014, and 7th August 2014.

405 The concept of a residential parking scheme for the whole of the South District, which could or could not include Alameda Estate is being considered under the Government's Traffic and Parking Plan, which, as I have already publicly stated, will be the subject of a public consultation document that will be made available shortly.

410 **Hon. S M Figueras:** Mr Speaker, I am sorry, did I hear correctly when the Hon. Minister said that the Sustainable Traffic and Transport Plan is now going to be the subject of an additional public consultation paper?

415 **Hon. P J Balban:** Mr Speaker, as publicly stated, the Traffic Plan now will go for another round of public consultation once the document is ready.

**Hon. S M Figueras:** I am sorry, Mr Speaker, at the risk of being cornered, when exactly was this publicly stated.

420 **Hon. P J Balban:** Mr Speaker, the last occasion when it was publicly stated, I believe, was in the programme *Direct Democracy* by the Chief Minister on GBC.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether the issue of parking at Alameda Estate is one that has been on the cards to be addressed as part of that plan from the very beginning, and I suspect I know the answer to the question obviously because I have had it about 100 times in the House. Is there an indication of when this particular issue might be addressed by the Hon. Minister specifically in the context of the concerns and difficulties being endured by tenants of Alameda Estate?

430 **Hon. P J Balban:** Mr Speaker, this part together with all the other issues relevant to the Traffic Plan will be... Shortly this will be made and then after the public consultation, it will all come – we are not going to be going... Certain things will be done at different times depending... So for example, the issue of residential parking is something that will be considered and whether we go forward with it or not will depend on exactly that.

435 **Hon. S M Figueras:** Mr Speaker, I did not ask a question – there is no question on the Order Paper about the Sustainable Traffic and Transport Plan because I have heard the answers often enough to know what was coming. But perhaps with the indulgence of the Chair, and if the Minister has the information available – which if, of course, he does not have I will be happy to make the subject of another question next month – this public consultation which was announced on Monday, and of which I was not aware, is there an indication of how long that consultation is expected to take?

**Hon. P J Balban:** Mr Speaker, it was actually prior to the Chief Minister's *Direct Democracy*, it was actually announced in the Party Political Broadcast. I actually did say that the document would be out for public consultation.

445 As to how long it will be out there available, we have not taken that decision yet. But, obviously it is not going to be there for an extremely long time. Remember, the public has already had a lot of opportunity to be able to put their views across.

Especially the initial parts of the plan when all stakeholders were asked, and everyone from Tenants' Associations to people who use our roads were consulted for their own opinions and views, and now that the feedback has come back from the consultants, there are obviously other things that people will appreciate to have an input in. Obviously this is not our plan; it is Gibraltar's plan, so it is important for us to seek any final comments that people may have.

450 It does not mean that people are going to say, 'I want this done', and the Government will go and do that. Obviously, we will be looking at the greater picture in context, but there will be that final opportunity for people to be able to have their final say in 'what about this, and what about that?', just to make sure that it really ticks all the boxes.

## FINANCIAL SERVICES AND GAMING

Q665/2014

Finance Centre website –  
Designer; costs

**Clerk:** Question 665, the Hon. D J Bossino.

460 **Hon. D J Bossino:** Can the Minister for Financial Services state which entity designed the Finance Centre website launched earlier this year, together with details of its cost?

**Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

465 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the Finance Centre website was designed by Maverick in line with the new branding as 'Gibraltar Finance'. The design, build and implementation of the website was delivered in two phases. The cost of the first phase was £19,875.08, and the cost of the second phase was £9,600.04. The website has been hugely successful and it has recently celebrated its first anniversary – so it was not launched earlier this year, it was actually last year –  
470 including, of course, its Facebook and Twitter functions. As the hon. Members will recall, this was launched at the Gibraltar Day in London in October 2013.

**Hon. D J Bossino:** Mr Speaker, Maverick I think is the same company which has done the Tourist Board websites. (**Hon. A J Isola:** Yes.) I think I have understood that correctly. In relation to that, is the  
475 Hon. Minister in a position to tell me whether the opportunity to provide the service went out to tender?

**Hon. A J Isola:** Mr Speaker, in respect of the Financial Centre website, no. Maverick were already engaged in the rebranding of the Gibraltar Finance; it was previously known as the Finance Centre. At the time, the Finance Centre had commissioned some work from another supplier, which we did not believe sat  
480 at all within what we were trying to achieve, and therefore we chose Maverick to continue with our website as opposed to the previous supplier.

There are not that many people in Gibraltar that can design websites. I am aware of one which is the one that was previously doing it, and consequently we went directly to Maverick, who were involved, as the hon. Member will know, in the GFA Campaign which is where they were first really introduced to working  
485 in Gibraltar.

**Hon. D J Bossino:** Sorry, I am not sure if the Minister for Tourism answered this question when I posed it to him: is Maverick an outside company? It is not a Gibraltar company, is that the case?

490 **Hon. A J Isola:** Mr Speaker, it is an international agency based in London, but I believe they have a Gibraltar vehicle with Gibraltar employees, who assist in the provision of services they provide in Gibraltar.

**Hon. D J Bossino:** I did ask these questions of the Minister for Tourism. He did not have that information available to him. But is he able to tell me what the name of the company is? Is this some  
495 business name, and is there a limited company sitting behind that, and if so, who are the shareholders of that particular company are? Does he have any information available to him?

**Hon. A J Isola:** Sir, this is a very well known international brand agency working out of London with a very large number of staff. I certainly do not have the information as to who the shareholders are. I have  
500 met one of the directors on one of my visits to London, when we went to meet with them to discuss these issues. But no, I have got no idea as to who the shareholders are. It is an international agency in London, very well known: if you Google it, they represent some of the best known brands in the world.

**Mr Speaker:** Next question.

**Q666/2014**  
**Gibraltar Government website –**  
**Contracted designer**

505 **Clerk:** Question 666, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Chief Minister state which entity was contracted to design the recently launched website for the Gibraltar Government and why it has not been maintained?  
510

**Clerk:** Answer the Hon. the Minister for Financial Services and Gaming.

**Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the design of the Government website was originally contracted to Elitech Lab, previously known as Elitad Ltd, who worked  
515 on developing the site and its data management system. Once the rebranding of Government had been completed, Maverick and Elitech Lab jointly worked to complete the website incorporating the new

branding and recommended management system. The new website will enable Departments to keep and maintain their own content updated and fit for purpose.

The website has not been maintained, as we were advised that the content had not been entirely reviewed and Government Departments have been given further time to review the data on the site. The amount of information on the website is enormous and we were advised that it was preferable to delay the new website until this exercise had been completed. We therefore reverted to the old website pending this exercise, which I understand is due to be completed next week. We expect it to be done shortly, at which time the new website will go live.

**Hon. D J Bossino:** Mr Speaker, obviously Maverick features in relation to this particular venture as well, as I understand it. But he mentions another company I have taken a very quick note, is it Elitech Ltd he mentioned? (**Hon. A J Isola:** Elitech Lab.) Elitech Lab. Are they also an outside of Gibraltar company? What is the connection between Elitech Lab and Maverick, if there is any? I just need to understand it a bit better.

**Hon. A J Isola:** Elitech Lab, previously known as Elitad, have no relationship with Maverick, it is an entirely different company. They have a presence in Gibraltar and they have a presence in many other countries as well.

**Hon. D J Bossino:** Is it a Gibraltar company?

**Hon. A J Isola:** Yes, I believe it is. It has other companies elsewhere but there is a Gibraltar company.

**Hon. D J Bossino:** And, Mr Speaker, why was the decision to use both entities, as opposed to one, as happened in relation to the Finance Centre website, where he said that a local company had produced something it was not for some reason deemed sufficient and they went to Maverick. So why is it in this case they have decided to go for both entities instead of the one successful entity in relation to his other website which was Maverick.

**Hon. A J Isola:** Mr Speaker, in respect of this site the reason to merge the two providers was because Elitad had already started, then the rebranding came on board and they were then merged together, and the reason why they were merged together was because each one brought something extremely different. The data management system on the Government website is very different. That was provided to us by Elitad and they have consequently been involved throughout the whole process and they still are today.

**Hon. D J Bossino:** Does he have this information? Can he tell me what the cost was, or has been to date in relation to the Government website?

**Hon. A J Isola:** No, Mr Speaker, I do not have that available, but I will happily get that to him.

## EDUCATION, TELECOMMUNICATIONS AND JUSTICE

### Q667-670, 674/2014

#### HM Prison –

#### Details of admissions, occupancy, parole and juveniles

**Clerk:** Question 667, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details of admissions to prison in Gibraltar, i.e. people who have been sentenced and sent or remanded in custody, on an annual basis, from 1996 to 2011, further to answers he gave in this House in March of this year in relation to Question 321/2014?

**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 this question together with Questions 668 to 670 and 674.

**Mr Speaker:** When this group of questions have been dealt with, we will have Chief Minister's questions.

**Clerk:** Question 668, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Justice provide this House with details of the total amount of admissions to HM Prison during the course of 2014 so far?

**Clerk:** Question 669, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Justice bring the House up to date with prison occupancy figures on a month by month basis from March 2014, further to answers given by him to Question 321/2014?

**Clerk:** Question 670, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Justice provide parole figures on an annual basis from 1996 to 2011, further to answers he gave in this House in March of this year in relation to Question 321/2014?

**Clerk:** Question 674, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Justice say how many nights juveniles have spent in total in HM Prison on a month by month basis since December 2011?

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

**Minister for Education, Telecommunications & Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the Hon. Member is set out in the schedule that I now hand to him.

SCHEDULE TO QUESTION 672/2014

2011	Possession	Possession with intent to supply	Drug	Result
January	2	0	2 Cocaine	1 Guilty - Fined £800 (P) 1 Guilty - Fined £400 (P)
February	6	1	7 Cocaine	1 Guilty - 2 years probation (P) 1 Guilty - Fined £600 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £600 (P) 1 Guilty - 2 years imprisonment suspended for 2 years (PWITS) 1 Guilty - Fined £500 (P)
March	2	0	Cocaine	1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P)
April	0	0		
May	2	0	2 Cocaine	1 Guilty - Fined £90 (P) 1 Guilty - Fined £750 (P)
June	0	0		
July	3	0	2 Cocaine 1 Ecstasy	1 Guilty - 6 weeks imprisonment suspended for 18 Months (P) 2 Guilty 6 months imprisonment (P)
August	2	1	2 Cocaine 1 Ecstasy	1 Guilty - 24 months Conditional Discharge (P) 1 Guilty - 8 months imprisonment (PWITS) 1 Guilty - Fined £300 (P)
September	1	2	2 Cocaine 1 Ecstasy	1 Guilty - 21 Months Custody (PWITS) 1 Guilty - Fined £1,000 (PWITS) 1 Guilty - Fined £500 (P)
October	2	0	2 Ecstasy	1 Guilty - 3 weeks imprisonment (P) 1 Guilty fined £600 (PWITS)
November	2	0	Cocaine	1 Guilty - 10 days imprisonment (P) 1 Guilty - Fined £500 and 6 Week imprisonment sus for 1 year (P)
December	4	4	7 Cocaine 1 Ecstasy	1 Guilty - four years imprisonment (PWITS) 1 Guilty - Fined £700 (P) 1 Guilty - six months imprisonment (P) 1 Guilty 36 monthss imprisonment (PWITS) 1 NSP (PWITS) 1 Guilty -2 years imprisonment (PWITS) 1 Guilty NSP (P) 1 Guilty - 3 months imprisonment suspended for 2 years (P)



**SCHEDULE TO QUESTION 672/2014**

2012	Possession	Possession with intent to supply	Drug	Result
January	3	2	5 cocaine	1 Guilty - 2 years imprisonment - of which 1 suspended (PWITS) 1 Guilty - Fined £500 (P) 1 Guilty - 24 months imprisonment (P) 1 Guilty - 12 months imprisonment (PWITS) 1 Guilty - community service order - 100 hours (P)
February	3	0	2 Cocaine 1 Ecstasy	1 Guilty - Fined £700 (P) 1 Guilty - Fined £200 (P) 1 Guilty - Fined £500 (P)
March	2	1	1 Ecstasy 1 Methadone 1 Cocaine	1 Guilty - 2 years suspended (PWITS) 1 Guilty - fined £60 (P) 1 Guilty - Fined £300 (P)
April	1	0	Cocaine	1 Guilty - Fined £900 (P)
May	1	0	Ecstasy	1 Guilty - Fined £500 (P)
June	5	0	1 Ecstasy 1 Methadone 3 Cocaine	1 Guilty - fined £700 (P) 1 Guilty - fined £75 (P) 1 Guilty - 3 weeks imprisonment suspended for 18 months (P) 1 Guilty - fined £500 (P) 1 Guilty - 1 months imprisonment (P)
July	1	0	Cocaine	1 Guilty - 2 weeks imprisonment (P)
August	1	0	1 Ecstasy	1 Guilty - Fined £500 (P)
September	5	0	3 Cocaine 2 MDMA	1 Guilty - fined £600 (P) 1 Guilty - Community Service Order - 80 hours (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £800 (P)
October	3	0	2 Ecstasy 1 Cocaine	1 Guilty - Fined £800 (P) 1 NSP (P) 1 Guilty - Fined £600 (P)
November	2	0	Cocaine	1 Guilty - 1 months imprisonment and £250 D/O (P) 1 Guilty - Fined £600 (P)
December	3	0	3 Cocaine	1 Guilty - fined £600 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P)

**SCHEDULE TO QUESTION 672/2014**

2013	Possession	Possession with intent to supply	Drug	Result
January	1	0	Cocaine	1 Guilty - 5 weeks imprisonment (P)
February	1	0	Cocaine	1 Guilty - Fined £800 (P)
March	0	0		
April	2	0	Cocaine	1 Guilty - fined £500 (P) 1 Guilty - time served one day (P)
May	0	0		
June	3	0	Cocaine	1 Guilty - Fined £250 (P) 1 Guilty - Fined £1500 (P) 1 Guilty - Fined £600 (P)
July	0	2	1 Ecstasy 1 Cocaine	Guilty Fined £500 (PWITS) Guilty - one month suspended (PWITS)
August	0	1	1 Cocaine	1 Guilty - 3 years imprisonment (PWITS)
September	3	0	3 Cocaine	1 Guilty - Fined £600 (P) 1 Guilty - fined £100 (P) 1 Guilty - 3 weeks imprisonment (P)
October	0	0		
November	2	0	Cocaine	1 Guilty - 1 month imprisonment (P) 1 Guilty - Fined £500 (P)
December	0	1	Cocaine	Guilty - 8 months imprisonment (PWITS)

2014	Possession	Possession with intent to supply	Drug	Result
January	0	0		
February	0	0		
March	2	0	Cocaine	1 Guilty - 3 months imprisonment (P) 1 Guilty £500 fine (P)
April	0	0		
May	0	0		
June	1	0	Cocaine	Guilty - £700 fine (P)
July	1	0	Cocaine	Guilty - 4 months imprisonment (P)
August	0	0		
September	0	0		
October	0	0		

**Hon. G H Licudi:** Mr Speaker, whilst the schedule is making its way to the hon. Members, can I correct one matter which has come to light as a result of the information that has been provided to me for the purposes of this information for these questions?

In an earlier question talking about juveniles in prison, I mentioned that in 2013, and I gave that as an example, only one juvenile had been admitted to prison. The hon. Member now has details there in the schedule of the number of nights spent by juveniles in prison. Looking at that schedule that was provided to me, it was clear to me that in 2013 it could not possibly tally to one individual in one particular month, I believe there were 37 nights spent, and that could not possibly be one, and therefore it brought to mind that the information I gave in March, I seem to recall, may have been incorrect, and therefore I enquired. I wish now to correct the earlier information. The number of juveniles in prison in 2013 were in fact three, rather than one as I previously stated.

And the reason for the error is that the law has changed in relation to who is and who is not a juvenile. Previously under 17s were juveniles; now as a result of the Criminal Procedure and Evidence Act which came into force in November 2012, under 18s are juveniles. The information that I was given previously related to under 17-year-olds and therefore that is why I was given the information that only one... Looking at this information, this was compiled on the basis of the law as it is, which showed that in 2013 it was actually three, and that is why I am correcting that erroneous information which was given in a previous answer.

**Mr Speaker:** Are there any supplementaries arising from the information, the statistical information provided by the Hon. Minister?

**Hon. S M Figueras:** Yes, Mr Speaker, in relation to Question 674, which is in relation to the juveniles – and I am grateful to the Hon. Minister for the clarification that he has provided, particularly given that we are dealing with important matters here of juveniles spending time in HM Prison...

I know that it is a subject that we have touched upon in the past, and whether detention in HM Prison of juveniles is something that we, as a community, are satisfied with, and in discussions that we have had in the past there has been agreement across the floor that given the particular circumstances of the prison occupancy figures, and the availability of a particular wing for the juveniles, I do want to resurrect the issue and ask the Minister whether there is in his mind, or the mind of those who advise him, a need to revisit the position in relation to the detention of juveniles?

Because at the end of the day, Mr Speaker, back in 2010 a statement was issued by the Members opposite, saying that it was shocking that a juvenile should spend two nights in prison, which is why I believe I think it is important that we keep this issue alive, and that we revisit it often.

And I would invite the Hon. Minister to provide details to this House of what assessment is ongoing, if any at all, in terms of making the determination that a detention centre is actually required, or should be something on the list of priorities for this community?

**Hon. G H Licudi:** Mr Speaker, the supplementary that the hon. Member raises is almost exactly the same as the next question in the Order Paper which is Question 675. I am happy to deal with it now or we will deal with it when... because the question in the Order Paper is about the possibility of creating a dedicated unit for the detention of juveniles, which arises, so perhaps we can answer that question, then deal with any supplementaries at that time.

## CHIEF MINISTER

Q689/2014

### Schengen Agreement and EU Common Customs Union – Public consultation on Gibraltar joining

**Mr Speaker:** Chief Minister's questions. The Hon. Damon Bossino. (*Interjections*)  
Chief Minister's Questions, the first one is Question 689, the Hon. Damon Bossino.

**Hon. D J Bossino:** Can the Chief Minister advise this House what progress has been made following his announcement that he would carry out a public consultation as to whether Gibraltar should join the Schengen Agreement and the EU Common Customs Union and in particular what representations have been made in relation to the impact of VAT being imposed?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this work is ongoing with the Chamber of Commerce the GFSB and the EUID. Further information will soon be made public.

**Hon. D J Bossino:** Mr Speaker, there has been.. I was going to say ‘relative’ silence, but I think probably complete silence, since the Hon. the Chief Minister announced this, I think it was back in May 2014. I do not have *The Chronicle* article reporting on the announcement.

And then there was a debate between both parties in relation to the advisability of him having announced the consultation without having done the consultation prior to the announcement.

But in relation to that, Mr Speaker, he mentions the bodies that he is speaking to. Is anybody else, say for example in relation to the gaming industry? We have had representations from that particular sector, where they have raised concerns about VAT being imposed, for example, should there be an accession to the Customs Union. And I ask him that specific question which I would ask whether he is limited to those entities which he has referred to earlier in his answer.

**Hon. Chief Minister:** Mr Speaker, it is true that it appears that we had an argument about whether there should have been a consultation about the consultation being held. But I do sincerely hope that we have moved on from there.

Mr Speaker, the hon. Gentleman has said that there has been either relative or absolute silence in respect of this matter. Well, I suppose that can only be the case in the context of what he hears. In other words in the context of what is made public. The context of the public debate on this subject.

But, as I have told him, there is a lot of work going on in the context of the relationship between the Government and the Chamber, the GFSB and the EUID developing this process.

It is true that in the gaming industry we have had questions asked about what would the Government’s intentions be in respect of VAT and, of course, what the Government is saying is that all that we intend to do is to ask questions of the industry and give the industry the information of what parameters are actually relevant.

There are many people in Gibraltar who are labouring under the misapprehension that forming part of the Common Customs Union means – and the hon. Gentleman has given it away in the way that he has posed this question – the imposition of VAT.

It is true that those of us who learnt about VAT and European Union Law may be, if I may say so generously to all of us who are on these benches, about 20 years ago or more, might have understood the rules to be of one particular type.

The rules on VAT have developed quite considerably as the European Union has enlarged, and therefore the parameters available to any member state that is part of the Common Customs Union are much wider than they might have been many years ago. The preparation of that information in the user friendly way to put to different industries and to put different options to different industries is the work that has been undertaken with the Chamber and the EUID, and the other representative organisations, and for that reason, Mr Speaker, although there may have been public silence, that does not mean that there has not been a lot of work ongoing, in order to prepare for the consultation.

**Hon. D A Feetham:** Mr Speaker, does the Hon. the Chief Minister accept – I may be wrong – but does he accept that for this to become a reality it would require consent from the Kingdom of Spain for us to effectively join Schengen and the Customs Union, whether you impose VAT or not, coming into both of those?

**Hon. Chief Minister:** Mr Speaker, I do not want to venture into territory where I give opinions on the latest version of the applicable Treaty of the European Union, but I do believe that these are matters which do require unanimity at the European Union level. And the hon. Gentleman may know that some of the things that we are talking about are things that the Kingdom of Spain has long seen as advantages that Gibraltar has had, and therefore if she has seen our non-VAT status as advantageous it is not impossible to see her agreeing to us form part of the Common Customs Union. The question is whether we should ever want to take that step.

But in order to understand that, one needs to understand with the right information, what the resilience of our respective industries would be.

No Government of Gibraltar is going to do anything which is injurious to any of the many successful industries that we have. If I may simply point to retail, the insurance sector, the financial services sector, generally, and the gaming sectors, those would be the ones that we would certainly want to ensure can prosper in future. But it may be that there are parameters in respect of membership of the Common Customs Union which are actually more welcoming in respect of those industries, but they have to have the right information.

They do not need to labour under misapprehensions, and they then need an opportunity to express themselves. It may be that at the end of all of that process, having at least understood the position ourselves, we find ourselves in a situation where Spain is able to effectively veto any change we might want to make. That is also a possibility, but let's face it, Gibraltar has never looked at what its next steps should be, simply on the basis of whether Spain is likely to veto or not veto its steps.

Spain was very clearly going to abusively seek to prevent Gibraltar forming part of UEFA for example, and a campaign that encompassed the whole community succeeded in us now forming a very proud part of UEFA. And if I might say so, given that I am there, and no doubt across the floor of the House there is unanimity that our boys did exceedingly well in Germany last Friday.

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

**Hon. D A Feetham:** Yes, Mr Speaker, certainly 4-nil and the performance of the GFA in Germany was absolutely fantastic, and marvellous. (*Interjection*) Whether they played in Schengen or outside Schengen, absolutely we can all agree! (*Interjections and laughter*) We could all agree it was a wonderful performance. Bearing in mind that Germany beat Brazil, I think it was 7-nil in Brazil – (**A Member:** 7-1) or 7-1 in Brazil.

But Mr Speaker, has the Government also conducted an analysis of what effect it might have, which must be also paramount to any decision making process that the Government entertains in relation to this - what impact it may have to join the EU Customs Union on, for example, Government revenue for import duty? Is that something that the Government has done? Is there any impact or is it in the process of being done so that the Government cannot provide any further information in relation to it?

**Hon. Chief Minister:** Mr Speaker, I think what I have said in the past when dealing with this issue, is that the Government actually cannot do an exercise in respect of this potential step without data from the industry. It is possible to do a very limited exercise. It is possible, just to deal with a particular commodity, like for example tobacco, you could look at what effect the imposition of VAT and Excise Duties on tobacco sales might have, by trying to match up the price differential against other places. But you need to understand what the parameters actually are, and where people are buying tobacco from, and where they are selling it to. That is one of the particular obvious areas for consideration. You need to talk to all of the industries in order to understand the macro-economic effect of what such a step may be.

All I am saying, Mr Speaker, is that these decisions have been made in the past, and there has been an exercise in 1972. There have been exercises done afterwards, (**Mr Speaker:** 1984- 85) which have involved consideration of these things. An exercise was done under the previous administration where consideration was given to these things.

A similar exercise has been commenced but we believe that we cannot actually have reliable data on which to make up our own minds, or make a recommendation to the community, until we have engaged with each of these very important industries, and given them the information as to what the parameters available are, and not simply allow people to think, 'Ah well, we are going in to the Common Customs Union – that is 20% VAT on everything.' That is not the position. It may be possible that there are some areas where VAT can be rated as zero, even after we are in the Common Customs Union.

For example, there is a possibility – and I am just talking about issues on which the Government is in the process of taking advice and working with the Chamber and the GFSB, in order to be able to put this before the industries – there is a possibility that VAT may be rated at zero on many different sectors. On the services sector, for example, and on the advertising sector and on the gaming sector, so that each of those financial services, insurance and gaming, might not suffer any change as a result of entering into the Common Customs Union. There is such a possibility. There is a possibility alternatively of a very low rate of VAT being applicable.

In relation to other commodities, goods, Mr Speaker, there are areas where countries have the right to levy no VAT. There are areas where the countries have the right to levy the split of VAT from the highest level to the lowest level but not zero.

And there are some commodities, Mr Speaker, which are subject to other duties, known as the excise duties, which are in addition to VAT.

Those particular parameters all have to be looked at in order to be able to do the macro-economic exercise that we have to do.

And, Mr Speaker, why do we have to do it? Not because we have any particular desire to do it, but because we have to look at where we are going, we have to make sure that we are on the right road, we have to make sure that there is not a better road, and we have to make sure that we are not pushed off this road by actions outside our control – for example, what is known in shorthand as a 'Brit Exit', despite the fact Gibraltar might vote into any, will vote in any referendum in the UK, if there is a Conservative Government after 2015, but the referendum in 2017. We might be derailed, and we might need to be ready

to accept other terms if we want access to the single market, and that is why we must do these exercises. But we must do them carefully, and with the right information, not based on layman's understanding of what forming part of VAT and/or the Common Customs Union and the VAT regime might be. We need to have the real advice, the up to date advice.

**Hon. D J Bossino:** Mr Speaker, I know he answered the question at the very beginning in his formal reply but can he remind me please, when does he envisage that the exercise will be completed?

And also if I may, Mr Speaker, can he give the House the Government's view, if it has one yet? It may not dare to have one until it has carried out all the consultation, and it has more information at hand. But can he give us what the Government is thinking in terms of what aim it has in relation to where this process ought to end, in an ideal scenario?

**Hon. Chief Minister:** Mr Speaker, what I said in the course of my first answer was 'soon', and I want to be in a position where the Government is able to make a determination based on facts, and that is why this is a fact-finding exercise.

I do not want to venture opinions, which might then be demonstrably wrong because the fact-finding exercise demonstrates that empirically the position is other than what the Government might think.

**Mr Speaker:** Next question.

#### Q690/2014

#### Self-Determination for Gibraltar Group – UN attendance and related expenses

**Clerk:** Question 690, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Chief Minister state whether the Government has made, whether directly or indirectly, any financial contribution towards the expenses incurred by the SDGG in its recent attendances at the UN and if so, details of the amounts of such contribution?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government only gives the SDGG an annual grant. I am unable to tell the House whether they have used that money for expenses incurred by them in recent attendances at the UN.

**Hon. D J Bossino:** Can he state what the amount of the annual grant is?

**Hon. Chief Minister:** Mr Speaker, there is a written question from Mrs Isobel Ellul-Hammond which asks about the Head which deals with grants. I think we are all disappointed that she is not yet with us. I think we all understand she is better, but unfortunately not yet well enough to be with us, and I am sure the whole House will want to join me in hoping that she is back very soon indeed.

But there is a written question that deals with this issue. The answer that I am going to Mrs Ellul-Hammond in respect of that Head, is that the Government considers the information, or the breakdown, confidential in the terms that we do not want it published, but that we are very happy to share it with Members opposite.

Why is it confidential, Mr Speaker? There is a list there of charities that each receive different amounts from the Government, and we do not think it would make sense for every charity to see what other charities get from the Government, because that has been happening for some time, and people might suddenly think that the charity that gets the highest is now the benchmark, and that would really alter the balance.

But I am very happy to share, as I say in my answer to Mrs Ellul-Hammond – of course, also with Members opposite, not just her – that information on the basis that it is not information that would then be published for those reasons.

**Hon. D J Bossino:** Now, Mr Speaker, thank you for that.

Can a distinction not be made between the SDDG, which is a political group, and a charity? If the Hon. the Chief Minister agrees with me in relation to that, would that not therefore remove the strictures in terms of providing this information publicly and across the floor of the House?

**Hon. Chief Minister:** Mr Speaker, there are other non-partisan political entities that receive payments in respect of that Head. Can I invite the hon. Gentleman to see the list, if they accept, once I have given the answer to Mrs Ellul-Hammond that they do want to see the list, and perhaps then he can with the information he and I can talk and we can perhaps agree a way forward in respect of that Head.

**Hon. D J Bossino:** Non-political?

**Hon. Chief Minister:** Non-*partisan* political entities, yes. He will see them if they accept the information.

**Mr Speaker:** Next question.

**Q691-701/2014**  
**New power station –**  
**Details**

**Clerk:** Question 691, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer given to Question No. 573/2014, can the Minister for Utilities please provide the following breakdown for the remaining power outages that did not correspond to a power cut due to the engines of SoEnergy: (a) due to cable failures, not accidentally caused by contractors work; (b) due to cable failure as a result of an accident caused by contractor's work; (c) due to inclement weather; (d) due to generation faults at the former OESCO Power Station and/or the former MOD Power Station; (e) due to generation faults at Waterport Power Station; (f) due to switchgear failures, and (g) due to other reason or reasons?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 692 to 701.

**Clerk:** Question 692, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, given the answer provided last month by the Hon. Chief Minister in relation to the new power station and the liquid natural gas installation, can the Minister for Utilities please state when is it expected: (a) to have concluded the risk assessment, site investigations, vapour dispersion modelling, and general safety considerations, in order to know the exact location of the LNG installation, the position of pipelines across the north entry of the Port, the general transportation of fuel, type of LNG receiving terminal technology for regasification, inclusive of either low or high pressure systems, the supply arrangements with the preferred supplier, the construction type of storage tanks, and how often they will need to be replenished; and (b) by which entity and for what price?

**Clerk:** Question 693, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, given the answers provided by the Hon. Chief Minister last month in relation to the new Power Station, can the Minister for Utilities please state when the UK Health and Safety Laboratory will be providing the Government with its views in relation to all relevant issues such as exclusion zones, spillage, type and size of storage facilities vapour dispersion modelling, plus all other risks and hazard?

**Clerk:** Question 694, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, given the answer provided by the Hon. Chief Minister last month in relation to the new power station, can the Minister for Utilities please state when is it expected the contractor will have finalised the assessment of the Environmental Health and Safety and Fire Prevention measures which are in place at the South Mole, the Detached Mole and the North Mole due to any possible impact arising from the new power station and the LNG facilities to be installed?

**Clerk:** Question 695, the Hon. J J Netto.

880 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question No. 575/2014, can the Minister for Utilities please state by when will the details being discussed with Bouygues be finalised so that we will be able to know the location of the new power station and the LNG installation?

**Clerk:** Question 696, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state how much 'strategic reserve' of LNG storage is being considered by the Government, where it will be located, who will be responsible for its management and control, and how much this new facility will cost?

890 **Clerk:** Question 697, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, given the answer provided by the Hon. Chief Minister last month in relation to the new power station, can the Minister for Utilities please state when Gibelec is expected to be in a position to submit an application for a permit under the Pollution, Prevention and Control Regulations?

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**Clerk:** Question 698, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Utilities confirm that despite having a new building to house the engineering facilities of the new power station, including the workshops that offices and welfare facilities has been included and that its cost further is included in the overall contract price given by the government? In addition, can the Minister confirm at what location will the management and administration staff of Gibelec, who are currently based at Waterport Power Station be moved to and what is the cost involved for providing this?

905 **Clerk:** Question 699, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, assuming that the new waste heat recovery system is based on a steam cycle, can the Minister for Utilities please confirm if the cost for providing the necessary pipework and infrastructure for the feed water supply required by the station's waste heat recovery steam system is included in the contract price stated, or will this have to be provided at an extra cost, and if so at what price?

**Clerk:** Question 700, the Hon. D A Feetham.

915 **Hon. D A Feetham:** Mr Speaker, can the Government please state what is the total cost to date of the temporary power generators imported by the Government in 2012?

**Clerk:** Question 701, the Hon. D A Feetham.

920 **Hon. D A Feetham:** Can the Government please state whether it has signed contracts for the construction of the new power station?

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

925 **Mr Speaker:** May, I say that whilst the Chief Minister is answering these 11 questions together, some of the answers which are highly technical, and detailed, I am going to suggest that copies of the answers to all these questions should be made available to the Opposition if he agrees, which will facilitate their work. Is he agreeable?

930 **Chief Minister (Hon. F R Picardo):** I have absolutely no difficulty with that, Mr Speaker.

**Mr Speaker:** Then, please proceed.

**Hon. Chief Minister:** Mr Speaker, since December 2012 there have been 40 power cuts not attributed to the SoEnergy power plant.

935 The causes for these are as follows: due to high voltage cable failures, two in number; due to cable failure as a result of an accident caused by contractor works, one in number.

Mr Speaker, can I just point out that that one and the two above are inclusive. In other words, one of the high voltage cable failures came about as a result of an accident caused by a contractor. So that is a total of two, not a total of three.

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Due to inclement weather, one in number; due to the generation faults at the former OESCO Power Station and/or the former MOD Power Station, 19 in number; due to generation faults at WPS, 10 in number; due to switchgear failures, one in number; and due to any other reasons, seven in number.

Mr Speaker, that adds to 41 not 40, unless hon. Members bear in mind what I have told them about answer (a) and answer (b).

Mr Speaker, risk assessments, site investigations, vapour dispersion modelling, general safety and other considerations in order to know the exact location of the LNG installation, the position of pipelines across the north entry of the Port, the general transportation of fuel, type of LNG receiving terminal technology for regasification, inclusive of either low or high pressure systems, the supply arrangements with the preferred supplier, the construction type of storage tanks, and how often they will need to be replenished, are ongoing, and it is expected that all will be completed by mid 2015 at the latest.

Fourteen companies responded to the Prior Information Notice (PIN) in respect of the supply of gas to the Government. Some of these will be presenting proposals to the Government and of course the price is likely to vary between them.

Mr Speaker, the UK's Health and Safety Laboratory (HSL) has already, and continues to be engaged by the Government through the Environmental Agency, to advise on the project. As has been the case to date, and between now and mid-2015, Gibelec, the Environment Agency, HSL and entities planning to submit a gas supply solution will be working together to ensure that all potential submissions meet all relevant health and safety criteria.

The finalised assessment by the contractor in respect of the Environmental, Health and Safety and Fire Prevention measures that are in place at the South Mole, the Detached Mole and the North Mole, due to any possible impact arising from the new power station and the LNG facilities to be installed, will be completed when the final design details of both the new power station and the LNG facilities are complete.

Details are indeed presently being discussed with Bouygues and following on from the answer to Question 2/2014 earlier this year, i.e. when the gas supply proposals are received and have been duly considered, the exact location of the new power station and the LNG installation will be known.

The amount of 'strategic reserve' of LNG storage, where it will be stored, and how it will be managed and controlled, will be proposed by the selected gas supplier after consultation with Gibelec, who have provided them upon request with electrical demand forecasts and fuel consumption figures of the selected technology for the new power station. It is not envisaged that there will be an extra cost for this facility as gas suppliers build in this contingency into their designs.

Gibelec is indeed aware of the requirements that the operator of the new power station needs to submit an application for a permit under the Pollution, Prevention and Control Regulations (PPCR). The submission will take place once all the new power station detail designs have been finalised between Gibelec and Bouygues, as is the norm with any project where a submission under PPCR is required.

I can confirm that the cost of housing the engineering employees, including the workshops, offices and welfare facilities, is included in the overall contract price provided by the Government. Furthermore, provisions have also been made to house management and administration staff currently based at Waterport Power Station, and this too is included in the overall contract price.

The new waste heat recovery system is indeed based on a steam cycle. The cost of all the equipment and materials associated with the heat recovery system is £8 million and is included in the stated contract price. The heat recovery system is an additional 4MW of electrical power.

The Government imported the 25MW SoEnergy generators in December 2012. The cost to date is as follows: For the calendar year 2013, £4,416,000; for the calendar year 2014 to date, £3,901,000 – there is a little bit extra that the gentleman can see in the figures that are being handed over.

Having awarded the tender to Bouygues in June 2014, the parties have advised they are now in contract although formal contract execution has not taken place and is envisaged to take place in the next few weeks.

At present Gibelec and Bouygues are finalising the detail design of the project.

**Hon. D A Feetham:** Mr Speaker, I have asked this question about the total cost of the temporary power generators imported in 2012, of the Government in the past, and the figure that I was given in the past – I do not have *Hansard* in front of me, I did not think that it was going to be contentious – was £10 million.

Is there a reason why these two figures are less than £10 million when the Government has already answered that question earlier on in the year, telling me it was £10 million?

I specifically use 'what is the *total* cost to date of the temporary power generators?' I do not know what is being deducted from there to bring the figure down, but it does seem to me that if it was £10 million, I think it was in March of this year, it should be higher than that by today.

**Hon. Chief Minister:** Mr Speaker, I do not know the answer to that question. I have not been referred to the hon. Gentleman having asked a similar question before. Either they are in some way including or excluding fuel costs. I will go back and ask whoever prepared the answer to look at the answer that was



given last time, and how it was computed and why – if he asked exactly the same question and got a different answer that is very surprising. Is he sure that he asked about the same engines and the same contract or, that he did not ask about fuel in a different way?

1005 I will go back, Mr Speaker, if he has the question that he says he asked before, it would be very helpful in referring whoever prepares these answers to refer to both.

1010 **Hon. D A Feetham:** Mr Speaker, I do not know whether perhaps I did not catch the answer in his long answer, but I have asked the question whether the Government has already signed contracts for the construction of the new power station with a French company. I am not sure that he has provided an answer to that. *(Interjection)* If he has, I apologise, but can he just tell me whether the Government has signed contracts or not?

1015 **Hon. Chief Minister:** Mr Speaker, in the sheet that he should have got, it is the last answer given, because it is the last of all the questions being answered. The contract has not yet been signed, but the tender has been awarded, and therefore there is an element of contractual privity already between the parties. There are already expenses being incurred by the successful tenderer.

1020 The final contract signature will not happen until the next... literally days or weeks as they attach the final design to the contract and the final locations which are part of the issues that are being discussed, which will probably leave in place different options, given the different potential sitings for the gas. But I certainly anticipate it will be signed before Christmas.

1025 **Hon. D A Feetham:** Does the hon. Gentleman also envisage that any payments under the contract will be made this side of the end of the financial year; and that the payments are not going to be deferred until after the end of this financial year? Are there going to be any payments before the end of the financial year in relation to this particular contract?

1030 **Hon. Chief Minister:** Mr Speaker, the terms of the contract are not yet finalised and agreed, and I would rather answer that question, if the hon. Gentleman would put it, at the next meeting, by which time I certainly expect the contract will have been signed.

I can give him an indication of why I do not want to say more about price and payment behind the Speaker's Chair, where he will appreciate it is in the public interest that we each hold out just a few more days before we answer questions like that.

1035 **Hon. J J Netto:** Mr Speaker, if I may just ask one supplementary question.

1040 In relation to the information given by the Hon. Chief Minister to my first question which is Question 691, at the end of his answer due to, any power outages we are talking about, due to any other reasons, there were seven in number. I do not know whether the Hon. Chief Minister has available to himself by way of supplementary notes as to the reasons of what other specific reasons were under that general category?

1045 **Hon. Chief Minister:** Mr Speaker, I do, the note I have been given is that these power outages are attributed to frequency oscillations, SCADA malfunctions, and unbalanced load pick up and shedding between power plants.

SCADA, Mr Speaker, he may know from his time with this brief is the system that allows the energy to flow into the grid. In other words, the thing that sits between the engines and the grid.

1050 **Mr Speaker:** The hon. Member will now have another three additional sub-headings to ask further questions, won't he? *(Laughter)*

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

**Hon. D A Feetham:** Mr Speaker, just returning to the question that I asked: the question that I asked, it was on 29th May 2014, and I asked:

'Mr Speaker, can the Chief Minister state what has been the cost so far to the taxpayer of all the temporary generators which the Government has imported since 2012?'

1055 Today I have asked:

'Please state what is the total cost to date of the temporary power generators imported by the Government in 2012?'

It is in substance the same question, and the answer that he gave me then was the total cost so far of the temporary generators since 2012 until the end of April 2014 has been £10,252,000. That is the answer that he gave me last time round. Indeed, I then asked, at the next sitting of the House, whether that figure included any additional costs, the costs of importing for example the power generators and the Hon. the Minister for Public Utilities responded that there was an additional cost, but actually those were just simply, I think it was, £40,000.

But there is a discrepancy between the £10,252,000 and the answer that he has given me today.

**Hon. Chief Minister:** Actually, Mr Speaker, I think I have made the error when I have read the answer, because I have been given two columns, one of them is headed supplementary, but actually I think it is not supplementary because I think I need to read both of the columns, and I think if he bears with me, I think that then the mathematics will then work out. So I am going to read the answer again, as I think it should have been, read as a whole.

The Government imported the 25MW SoEnergy generators in December 2012. The cost to date is as follows: for the calendar year 2013, £4,416,658.99; for the calendar year 2014 to date, £3,901,119.

And then I think I should have added this – which is not supplementary, I think it is actually directly related to his question – the Government has also imported generators from Spark Energy Limited. These will substitute the SoEnergy generators which will be moved to allow for the construction of the Bouygues Plant.

The cost to date is as follows, since May 2014, £4,661,385.18 out of which the monthly rental fee is £2,443,746.70. This figure includes the deposits necessary for Spark Energy Limited's move of engines.

I think that is not supplementary; I think that is actually part of the first answer. And if he then reads that together, I think the numbers make more sense.

**Mr Speaker:** £12 million.

Any other supplementaries on these 10 or 11 questions? No.

So let me see, we therefore move to Question 702, I think.

**Q702-703/2014  
Sunborn Hotel –  
Government payments made**

**Clerk:** Question 702, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please provide details of all payments made by the Government, Government-owned, or partly owned companies, public agencies and authorities, to the Sunborn Hotel since it opened, identifying what those payments were for and when they were made?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 703.

**Clerk:** Question 703, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please state what payments have been made to third parties, for example law enforcement unions, or the Sunborn Hotel, by the Government or any Government-owned, or partly owned company, public agency or authority related to the use of services offered by the Sunborn Hotel by those third parties?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the total amount of expenditure invoiced to and paid by all public authorities to the Sunborn floating hotel since it started operation at the beginning of this year is £35,495.

**Hon. D A Feetham:** Mr Speaker, anybody that reads the newspapers or indeed watches the news cannot help but notice that the Government appears to be pushing quite a lot of business in the direction of the Sunborn Hotel. Is there a rationale behind this particular policy, bearing in mind that obviously pushing

business in the direction of the Sunborn Hotel then means pushing it in the direction other than other hotels in Gibraltar?

1115 **Hon. Chief Minister:** Well, Mr Speaker, we put five-star hotel business the way of the floating hotel, because it is a five-star hotel. We continue to put a lot of business the way of the Caleta Hotel. We would have continued to put a lot of business the way of the Rock Hotel, except that they are presently undergoing a refurbishment, but as soon as it is finished the Government will put business towards that hotel as well.

1120 In fact, I understand that I am going to be seeing the finished product of the Rock Hotel very shortly during the course of the next couple of weeks, and I am very much looking forward to going back to that hotel, where we do a lot of entertaining as well. And in fact we also put a lot of business the way of the Elliott's Hotel, which is the hotel closest to my office.

So Mr Speaker, the Government has traditionally put work towards *all* hotels, and the hon. Gentleman should not think that we are putting work towards one particular hotel and not the others.

1125 He might have noticed, Mr Speaker, that the Literary Festival did not involve any dinners at the Sunborn Hotel, but did involve dinners at other hotels. So, what the Government is always trying to do is to ensure that it spreads itself across local businesses as fairly as possible.

It has not always been the case, Mr Speaker, but this Government tries its best.

**Mr Speaker:** Next question.

**Q704-705/2014**  
**Spanish media outlets –**  
**Confirmation of no Government payments made**

1130 **Clerk:** Question 704, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please confirm that no Government Minister has been involved in any arrangements whereby *Radio Bahia* or Samuel Fernandez have received any financial assistance whatsoever from anyone connected to Government or third parties?

1135 **Clerk:** Answer, the Hon. the Chief Minister. (*Laughter*)

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 705.

1140 **Clerk:** Question 705, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government please provide a list of all media outlets in Spain which have benefited from any direct or indirect payments from the Government, Government-owned or partly owned companies or agencies, authorities or bodies funded by the taxpayer?

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

1150 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my answer remains the same as those of a similar nature relating to *Radio Bahia* or Samuel Fernandez: HM Government of Gibraltar has not provided any financial assistance to these parties.

1155 In relation to Spanish media generally, I refer the hon. Member opposite to the answer to Questions 462 and 463/2014. I continue to believe that sharing information of this nature publicly is not in the public interest of Gibraltar. I am, still however, happy to share the information with the hon. Member confidentially if he wishes.

1160 **Hon. D A Feetham:** Well, Mr Speaker, can I ask the Chief Minister why is there a difference in policy, and a difference in approach, and a difference in terms of transparency and openness, between *his* Department and the way that *he* answers questions in this House, and the Hon. Minister Costa, who in an answer to questions posed last month, did in fact provide the answers and figures of funding to *La Verdad* and other Spanish media in Spain. What is the difference? Because of course, if it is not in the interest of Gibraltar to do it now and to answer this particular question now, well it is not in the interest of Gibraltar for Minister Costa to do so. Why the difference in approach between Minister Costa and the Hon. the Chief Minister?

1165 **Hon. Chief Minister:** Mr Speaker, I would have thought it was obvious: because they are two different things that are being dealt with.

Minister Costa is dealing with marketing Gibraltar. Minister Costa places adverts so that people see Gibraltar and its logo in their newspapers and come to Gibraltar.

1170 The lobbying effort is something completely different and, Mr Speaker, I put it to him that he should simply reflect on this issue, and if he likes, he and I can have a conversation about this. But what we do not want to do is provide a route map to those that might want to thwart our ability to ensure that Gibraltar's message is transmitted internationally and in Spain.

1175 **Hon. D A Feetham:** But, Mr Speaker, I have no difficulty – if what the Chief Minister is saying is that apart from the payments that have been disclosed by Minister Costa in relation to marketing in the tourism sector, there are no other advertisement, advertising payments that have been made to any other media in Spain, because every other payment has been made in relation to lobbying efforts, well look, I can understand the answer. I may not agree with it, or whatever, but I can understand the answer.

1180 But you see, the previous question that I asked, a number of months ago, related to advertising placed in Spanish newspapers in relation to the Airport. Now, what is the difference between providing me that kind of information and the information that Minister Costa has already provided, which is advertisements and campaigns run in the Spanish media by his Department? There is surely an inconsistency in approach there.

1185 **Hon. Chief Minister:** Well, Mr Speaker, there is not an inconsistency in approach. What I am telling him actually if he goes back through Question 462, and the earlier incarnations of this question that he puts, much as he puts most of the same questions every month in a different way, I am following the position established by the previous administration, which started really as far back as 2002 when we first faced this question of joint sovereignty and the campaign that led to the Lobbying Head really becoming much more important in the Estimates Book, to ensure that we can continue to do that.

1190 Mr Speaker, I do not think I am doing anything other than simply ensuring that Gibraltar can continue to effectively fight its battles in the international press, just like every other Government does.

I do not see absolutely any inconsistency with the position that the Department that goes out to sell Gibraltar, and get Gibraltar's image placed as often as possible in front of readers in an obvious way, has taken in telling the Parliament what those particular advertising campaigns may cost.

1195 There are many different instruments that the Government uses for the purposes of influence and I would rather not say more than that, Mr Speaker.

But, look given what the Chief Minister of Gibraltar is telling him, can he just reflect on pressing me further?

1200 **Hon. D A Feetham:** Mr Speaker, I have already reflected in relation to this matter, and I am afraid that his answer does not stack up. The rationale does not stack up.

1205 Question 462 I asked the Hon. the Chief Minister, 'can he please provide details of all sums paid to the Spanish media in respect of *advertisement* associated with the Gibraltar Airport?' Now, advertisement in relation to the Gibraltar Airport has absolutely nothing to do with any campaign, political campaign, by the Chief Minister, by Gibraltar in relation to the protection of our rights – which I would understand in the context of his answer, if that is what he was trying to protect.

1210 And in the context of that question, advertisement associated with the Gibraltar Airport, surely there cannot be any difference between that question, and the information that the Hon. Minister for Tourism has already provided in respect of advertisement in the Spanish media for campaigns in relation to his Department generally.

**Hon. Chief Minister:** Well, Mr Speaker, he says he has reflected and come to a different conclusion. I suppose that is why we are in different parties.

1215 My reflections continue to indicate to me that I am right to offer him the information confidentially, but not across the floor of the House.

**Mr Speaker:** Next question.

**Q706/2014**  
**Gibraltar Day in London –**  
**Total cost last month**

**Clerk:** Question 706, the Hon. D A Feetham.

1220 **Hon. D A Feetham:** Can the Government please provide details of the total cost of last month's Gibraltar Day in London?

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

1225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we are unable to provide the details requested at this time. The information requested requires that all accounts be reconciled. To date we have still not received all invoices in order for us to complete this exercise. I will, however, endeavour to provide this information in the New Year. The reconciliation of costs is usually available by late January.

**Q707/2014**  
**Europa Stadium Ltd –**  
**Preference shares**

**Clerk:** Question 707, the Hon. D A Feetham.

1230 **Hon. D A Feetham:** Mr Speaker, who does the Government envisage will take up £41 million worth of preference shares in Europa Stadium Ltd?

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

1235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the GFA.

1240 **Hon. D A Feetham:** Mr Speaker, £41 million is an awful lot of money. Does the Government envisage that it will be providing, either directly or indirectly – and the term ‘indirectly’, the Hon. the Chief Minister should take to include, any Government-owned or partly owned companies or any public agencies or any public authorities – does the Government envisage, directly or indirectly, that it will provide some assistance to the GFA in order for this investment to be made?

1245 **Hon. Chief Minister:** Mr Speaker, it is possible, but it is not anything that has been agreed. At the moment the issue is with the DPC and that process is not yet completed, and the GFA has many potential sources of funding. The Government is one of them but we may not be the cheapest.

**Hon. J J Netto:** Mr Speaker, with your indulgence, perhaps if you do not mind me going back to Question 704?

1250 **Mr Speaker:** Does the Hon. Mr Feetham, or any other Member have a supplementary on Question 707, to do with the shares at Europa Stadium Ltd? Any other supplementary on this issue?

1255 **Hon. D A Feetham:** Mr Speaker, I am trying to get my... My hon. Friend, Mr Figueras, is looking into *Hansard*. (*Interjection*) The last time that I asked – but perhaps I can ask the question, because perhaps the Chief Minister accepts that is what he told me on the previous occasion.

Earlier on this year I asked whether the Government would be either directly or indirectly contributing anything towards, and assisting the GFA financially, in relation to the building of the Stadium, and from recollection the answer that the Chief Minister gave me was that the Government would *not* be investing, either by way of loans or otherwise helping the GFA in relation to the building of this particular Stadium.

1260 Now, does that signify that there has been a change of approach from the Government from when he answered that question earlier on this year to now, because obviously at the moment what he is saying to me is that the Government does envisage that potentially it *could* provide some financial assistance to the GFA, which is not my understanding of the answer that he gave me earlier on?

1265 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman confuses a lot of concepts in the way that he poses the question.

There is no such thing as an investment by way of loan. A loan is a loan and investment goes to equity. And one thing is whether the Government would fund part of this development if it were to proceed, and quite another is whether the Government might loan money to the GFA in some way, because the GFA may be receiving receipts of money in some other way, but not have that money available immediately.

1270 Mr Speaker, I do not think that I have ever said that the Government would not consider the possibility of a loan. As I have indicated to the hon. Gentleman we are likely not to be the cheapest option available to

the GFA. There have been some discussions about the possibility of a loan, but that is so far down the line, and there are so many other potential sources for the GFA to go to, which are likely to be more affordable to them in terms of lending, that it is very unlikely that they would get to us. But look, there is that possibility. I do not believe I have ever ruled that out.

I believe what I have ruled out, Mr Speaker, and I continue to rule out – I do not know whether the hon. Gentleman wants to listen to me or not, because this is important – what I *have* ruled out and I *continue* to rule out is the taxpayer funding the Stadium in any way. In other words, the taxpayer is not going to have a stake. We are not going to own it. We are not going to pay for part of it.

The possibility, although I think it is remote, is that they might ask us for some bridging finance whilst they source funds from elsewhere. And I think that is entirely consistent with what I have said previously.

**Hon. D A Feetham:** Mr Speaker, if I find the reference in *Hansard*, may I return to this and we can continue?

**Mr Speaker:** The Hon. Mr Netto.

**Hon. J J Netto:** Yes, Mr Speaker, thank you very much.

With your indulgence if I could go back to Question 704, the one in relation to *Radio Bahia*. It is a fact that *Radio Bahia* does have an advert inviting people to go to the Ice Rink at King's Bastion Leisure Centre, and given that it is a Government advert, whether the Government, the Chief Minister, or the Minister for Tourism or even the Minister for Sport may be aware of such an advert and where is the payment for such an advert coming from?

**Hon. Chief Minister:** Mr Speaker, that question does not arise from a question which asked about financial assistance, in my view.

**Hon. J J Netto:** Mr Speaker, even if it does not arise, will the Chief Minister not contemplate that there is an advert which has been placed for a period of time, and therefore is receiving money from the Government, whatever sector, or quarter it may be?

**Mr Speaker:** Is the hon. Member suggesting that that advertisement in the Leisure Centre is being paid for by Government or a Government agency?

**Hon. J J Netto:** What I am suggesting, given that *Radio Bahia* put in an advertisement within their own radio in Spain inviting people to go to the Ice Rink in the King's Bastion Leisure Centre, it follows that that must be paid in one form or another by the Government directly or indirectly. I am asking therefore whether any Member of the Government is aware of this, and from which particular part of the Government this has been paid for?

**Hon. Chief Minister:** Mr Speaker, I do not think that arises from Question 704. But if there is an advert for an Ice Rink in the GSLA's facility, it is likely to be an advert paid for by the GSLA or King's Bastion Leisure Company Ltd, whatever it is called, which is the one that runs the Ice Rink.

But the question is about financial assistance, not about advertising.

**Mr Speaker:** I have looked at the question again. It certainly does not arise because the question talks about any arrangements whereby Radio Bahia have received any finance whatsoever from anyone connected to Government – any arrangements. I do not think it strictly arises from that.

Next question.

**Clerk:** Question 708, the Hon. D A Feetham.

**Hon. Chief Minister:** Mr Speaker, before we carry on to Question 708, I have now had an opportunity of looking at Questions 462 and 463. None of them in my view refer to the Airport by the way, and the answer I gave is entirely consistent with the answer I have given today.

**Mr Speaker:** The Hon. the Leader of the Opposition, made a reference to a previous question –

**Hon. D A Feetham:** I do not understand the answer that he has given, I have not mentioned the Airport.

**Mr Speaker:** You did, in supplementaries.

1335 **Hon. D A Feetham:** Now, the Airport?

**Mr Speaker:** Yes, yes.

**Hon. Chief Minister:** You said advertising for the Airport.

1340

**Hon. D A Feetham:** Oh, sorry, I beg your pardon, I thought we were on the Europa Stadium. I understand.

The Question... (*Interjection*) 462 does actually mention advertisement in the context of the Gibraltar Airport. That is the question.

1345

**Mr Speaker:** I am amazed that these little boxes carry so much information –

**Hon. Chief Minister:** Question 463 does not mention the Airport, sorry, which is the one I have seen, and my answer relates to 463.

1350

**Hon. D A Feetham:** And 462 does.

**Hon. Chief Minister:** Question 462 does mention the Airport, yes. But my answer remains the same – because my answer was to Questions 462 and 463 together.

1355

**Hon. D A Feetham:** Mr Speaker, can we come back to the question of Europa Stadium Ltd?

In the light of the fact that he is saying that the £41 million is going to be taken up by the GFA, is it therefore envisaged that this particular company is the company, the vehicle that is going to have carriage, effectively, or indeed ownership of the land, and the development of the land in order to build a new Stadium at Europa Point, if indeed it goes ahead.

1360

**Hon. Chief Minister:** Mr Speaker, this is the company to which the Government would grant the land at Europa, the shares of which would then be transferred to the GFA.

1365 **Mr Speaker:** Next question.

**Q708/2014**  
**Dockyard –**  
**Development plans**

**Clerk:** Question 708, the Hon. D A Feetham.

1370 **Hon. D A Feetham:** Mr Speaker, has the Government received any proposals or are there any plans to build a marina at any part of the dockyard?

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

1375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no plans to build a marina in any part of the dockyard. The Government regularly receives proposals for the development of sites for different purposes. Since it was elected into office, two separate proposals have been submitted for the construction of a yacht marina within the area of the dockyard. Neither dealt with the issue that the dockyard is presently leased to Gibdock Ltd and is not available for any such redevelopment.

1380 **Hon. D A Feetham:** And, Mr Speaker, does he envisage that perhaps in the near future it will be available for such redevelopment?

**Hon. Chief Minister:** No, Mr Speaker, but I know why he is thinking that.

1385 **Hon. D A Feetham:** Well, perhaps I can tell him why we are thinking about this!

I have here a letter from the Cumberland Committee which was sent to residents of Cumberland Terraces after a meeting between himself and the Committee. It has been sent to me by somebody who has received it –

1390 **Hon. Chief Minister:** There are 500 suspects.

**Hon. D A Feetham:** – 500 suspects indeed! (*Interjection*) And it says this:

‘We complained about the restricted conditions of the underlease which were written to stop speculations and similar stuff, but never written to protect rights of the residents who were disillusioned and although were grateful and had seen enormous reinvestment in their homes had lost trust in the investment and might still want out.’

And then it goes on further, some of the grievances, and then it says:

‘The Chief Minister’s answer was surprising, and out of the blue, but relevant in a way, as he mentioned the Police Station was going to be moved from there. He envisaged that a luxury development would probably spring up there in that site. And he then states, “what if I told you that Gibdock is going and a luxury yacht marina will be in its place? Wouldn’t your surroundings and investment go up so much that you would not care about the underlease so much?”’

Is that a statement that he made to the Committee of Cumberland Terraces, or indeed anybody else?

1395

**Hon. Chief Minister:** Mr Speaker, let me start at the very beginning.

The Government has had, at huge cost to the taxpayer to undertake remedial works to fix the building of Cumberland Terraces, which was done under the auspices of the previous administration, and which was shoddier than any construction we have seen before. And at huge cost to the taxpayer, we have had to go back into Cumberland Terraces, back into Nelson’s View and back into all of those developments, and spend millions of pounds to reinstate those homes to what they should have been.

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And that work which the Government has done, we have done with the assistance of excellent and responsible tenants, who have had to suffer years of remedial works as a result of the homes delivered to them so shabbily by the previous administration.

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Norman Apap is the Chairman of the Cumberland Terraces Association. He has done a particularly good job in working with the Government and its contractors to ensure that all concerns are addressed in a timely fashion. At a meeting last week, Mr Speaker, with Mr Apap, where we had the opportunity to look at the excellent progress that has been made – the millions of pounds that the taxpayer has had to spend to fix GSD negligence, and the amount still left to pay – one of the issues that Mr Apap raised with me was that, of course, they have issues now that for three or four years, they have been residents of a building site, and they have had controls on how they can sell their properties, and would the Government consider changing the underleases?

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The discussion related also to some of the ambient issues that people in that area suffer. The fact that they are near to a police station and sometimes have the noise that blue light operations involve late in the evening. The fact that they are next to a dockyard that however much in keeping with modern legislation one may wish to run it may sometimes cause a nuisance to those who live near it.

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Mr Speaker, that discussion suggested Mr Norman Apap should lead us to the possibility of being more generous in the leases available to people at Cumberland Terraces so close to a police station and a dockyard, that we might consider not having the onerous terms that are identical, or almost identical in every co-ownership estate since the concept of co-ownership commenced in 1988.

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And my retort to Mr Apap was, although he was very congratulatory of the work that the Government has done on behalf of all his tenants, that for example it is no secret that the Royal Gibraltar Police wish to now find premises more suitable to the growth that they have experienced, certainly in the last three years that we have been in administration, and that that may involve a move away from New Mole House, and that therefore it is very likely that New Mole House, given the aspect of the area, might be redeveloped for high-end residential purposes, which would likely be how the Government might make the most out of that land. And that, look, given the type of length of tenancy that we were talking about, who knows whether Gibdock might tomorrow convert itself into a marina?

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The owners of Gibdock today are an American investment fund that looks for the maximum return on its money. And that what would the Government say to those who hold underleases of the sort that are each identical from 1988 until the recent co-ownership sales, if having changed the Cumberland underlease because they were next to a dockyard and next to a police station and therefore potentially the more onerous of our residents in co-ownership, if those facilities were to change and actually become high-end facilities, where living close to them might add value rather than take away value, it was an explanation of why the Government will not agree to change the underleases that are the model that are applicable across the co-ownership estates, *despite* the great hardship to which the people of Cumberland Terraces and the associated estates have been put by the negligence of the previous administration in the delivery of their properties.

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1440 **Mr Speaker:** Now look, let me make one thing clear now at this stage, to the Hon. the Leader of the Opposition and to the Hon. the Chief Minister. We have had a perfectly reasonable question, ‘has the Government received any proposals or are there any plans to build a marina in any part of the dockyard?’ The Chief Minister has been answering questions for over an hour, and the temperature of the House has been very reasonable. The Leader of the Opposition, in a very lengthy supplementary which I allowed him to make, quotes from record of a meeting. That niggles the Chief Minister to point out that it was the negligence of the GSD in their term of office not to have done this and not to have done that, which has caused problems with the people in Cumberland and now having heated themselves up, there is the danger that they are going to do what they usually do – what they usually do on a Thursday afternoon, alright? – and that is embark on a long and lengthy debate. (*Interjection*)

1445  
1450 Well, let me tell both of them that I am not going to allow it. So if the Hon. the Leader of the Opposition has any supplementary let him ask it, *short, sharp and to the point*, or else the successor to the mind of Betty Boothroyd will bring matters to a halt.

**Hon. D A Feetham:** Mr Speaker, I shall endeavour to behave.

1455 **Mr Speaker:** You have been behaving. That is what has been excellent.

**Hon. D A Feetham:** Indeed, indeed Mr Speaker, indeed –

1460 **Mr Speaker:** And so has the Chief Minister, (**Hon. D A Feetham:** Yes, he has.) but I detect signs of the temperature rising.

**Hon. D A Feetham:** Mr Speaker, I assure the Speaker that my temperature is well under control. But Mr Speaker, there has been a very lengthy answer. It has taken the Chief Minister seven minutes –

1465 **Mr Speaker:** A very lengthy supplementary.

**Hon. D A Feetham:** – seven minutes, eight minutes, to answer the supplementary that I posed, and what he really says is, ‘Well, who knows whether Gibdock is going to be leaving and a luxury marina is going to take its place?’

1470 Therefore my supplementary is: is he therefore suggesting that the Committee members of the Cumberland Terraces were wrong when they heard the Chief Minister say, ‘What if I told you that Gibdock is going and a luxury marina will be in its place?’ That is what the Chief Minister is alleged to have said in that particular meeting. That is what has gone out to the residents of Cumberland Terraces, and I am just asking the Chief Minister, in fairness, whether that is true or it is not true, and whether the Committee are mistaken in what they say that they heard the Chief Minister say?

**Hon. Chief Minister:** Mr Speaker, if I may say so, just starting with your remarks earlier. My old Head of Chambers used to say to me that in the Grammar School, in the mornings when he arrived, one particular boy sometimes might suffer at the wrong end of a Christian Brother and when asked, ‘What’s that for? I haven’t done anything’, the Christian Brother might reply, ‘It is not for what you’ve done; it is for what you are about to do.’ So, I think both the Leader of the Opposition and I shall stand by that remark tonight.

1480 Mr Speaker, the hon. Gentleman I think cannot have heard what I told him. Because what I am saying is that I gave those remarks to the Committee in explanation of why their leases would not change: because the environment which they now regard as one that has a negative effect on the value of their properties could change at any time, for reasons unrelated to the Government.

I have told him that we have received a number of proposals, two proposals to turn Gibdock into a luxury marina. But none of those have come from the owners of Gibdock or anyone who has any right or interest in that property and is entitled to redevelop it.

1490 The hon. Gentleman may know that when one is in Government, one receives a lot of proposals, and some of them come from people who simply have an idea and believe that the Government is the leaseholder of a particular area, when actually the Government has leased that property a long time ago.

1495 It is only in explaining – and this is what I said earlier – only in explaining why we would not change the model of underlease from the existing model of underlease to a different and more positive model, or more agreeable model, of underlease for the residents of those estates, because their environment which they regard as negative and affecting them negatively could change into a positive environment, which might have a positive value on their properties.

He will know, like I do, Mr Speaker, that coming to the nuisance is not a defence against the person doing the nuisance as a maxim of the law that we studied, and that what is a nuisance in Bermondsey is not

a nuisance in Belgravia or the other way round. And all of those issues are relevant to one's assessment of what a property may or not be worth in that area.

With these underleases being a 99 years in length, will Gibdock always be... or will the area know today as Gibdock always be a dockyard for those 99 years, having a negative effect on those underleases?

As I put it to him, Mr Speaker, if Gibdock, or anything else were to turn in that area from being not so luxurious to being very luxurious, it would have a positive effect on the value of those properties. That is the example that I was giving the Committee. That is the example which they have translated into, I think, their hope that one day Gibdock might turn into a luxury marina.

But Mr Speaker, that is very much in the hands of the shareholders of Gibdock and at the moment, they seem to be doing very well indeed as a yard.

**Hon. Sir P R Caruana:** He has provoked me to rise.

Mr Speaker, does the Hon. the Chief Minister think that in the very harsh criticism that he makes of the previous Government in relation to these two projects – and I deeply regret that they should be suffering from defects of the sort that he has alluded to – but in his very harsh criticism of the previous Government, does he think he is being sufficiently fair in not acknowledging the fact that these were two developments that the Government first had to take over from a developer after they had already been designed and substantially built, and then had to take over from the contractor, and that therefore these were projects that may well have had defects built in to design and construction before the Government took over responsibility for either of those two things?

And perhaps more importantly, because political criticism between Governments and Opposition are to be expected and not to be taken too seriously, does he think he is doing sufficient fairness and justice to GJBS, a company that used to do work, and I believe still does excellent work for the Gibraltar Government and the Gibraltar taxpayers, and that it was they who finished the construction of those two projects, and that if there was negligent construction it was necessarily by them, and that really, both in the case of GJBS and in the case of the Government as developer, effectively after it had taken over, that defects might well have flown from problems that had already been built before either of us took over our respective positions?

Can he bring himself to accommodate either of those two facts, preferably both of them, in his assessment of the situation?

**Hon. Chief Minister:** Mr Speaker, I am delighted to say that now that the hon. Gentleman is not Leader of the Opposition, or Chief Minister, he takes such a more measured approach to interventions in this House.

But it is really in recalling the spirit of his attitude to the defects in Harbour Views that he repeatedly referred to in the time that he was in office, even 15½ years after he had taken over, and in alluding to that generosity of spirit of his own, that I have approached the issue of Cumberland.

Because, of course, in relation to Harbour Views, the situation was such that the Government had not the role of either the developer or contractor. The Government had provided the land at no cost because this was to be land to be used for affordable co-ownership. The developer there suffered the defects of the contractor and was able to sue to recover the costs of putting those defects right.

With the Government there, three steps away from the problem, the then previous administration, the GSLP suffered considerably from the criticism of the hon. Member, who despite the recovery of the cost of repairing the defects insisted in laying the fault at the door of the previous GSLP administration. And if I may say so, may I doff my political hat to him, because he did it very successfully, and managed to persuade people that the people who made up the Government of the GSLP somehow had responsibility for the failures which happened in that estate. I have absolutely no doubt that he his ingenuity will lead him to be able carve out an argument to suggest that they might, even though they did not.

But in this instance, Mr Speaker, as he has himself so eloquently put it this afternoon, the Government here has suffered from the collapse (a) of a developer and (b) of a contractor, and then had to call upon the excellent facility that is GJBS to complete works, and in fact this Government has actually been relying on GJBS to *fix* the defects, because the defects are not defects just in construction – and look, the best company in the world goes through a snagging process when they hand over a building, and those are *not* the issue.

The issues here are the serious problems in the design that was approved, and it was approved clearly, given the absence of any co-ownership and a serious dent being made in respect of co-ownership homes being put on the market, at the time when the hon. Members were clearly under pressure to deliver those homes as soon as possible.

So the GJBS factor is the redeeming factor. They do the excellent job of completing, but to those terrible designs, which were approved by the previous contractor and developer and by the GSD administration of which he was the leader, Mr Speaker.

And so, with the most generous spirit, trying to be as unlike the attitude he used to take when he was here – and I do remember him so fondly, Mr Speaker, whipping us repeatedly on the subject, in relation to the issue of Harbour Views, Mr Speaker – one cannot but visit the blame for the negligence and cost that is now being visited on the taxpayer on any other than the political leadership that he represented for the period that these projects were in the making.

And I should leave him under no misapprehension, Mr Speaker, that most of the tenants feel likewise.

**Mr Speaker:** The relevance of the issue of Cumberland to the original question having been exhausted, does any Member have any other supplementary arising from this question? Because I think we have had enough on Cumberland – having regard to the fact that it has nothing to do really with the original question. It does not stem directly from it and I think it has been ventilated.

Now, the hon. backbencher does not spend, unfortunately, a lot of time with us and he does not intervene too often. I will allow him. I think he is entitled to one final supplementary in which he can encompass any concerns.

**Hon. Sir P R Caruana:** Well, Mr Speaker, if that is going to be your ruling, for which I am very grateful, you might have saved me the trouble of sitting down and standing up again, (*Laughter*) and the admonition that separated my two standings up and sitting downs! But nevertheless, I am grateful to Mr Speaker for giving me the opportunity to come back with a second supplementary.

And would the Hon. the Chief Minister then not accept my urgings to reconsider the harshness of his political criticism, in the context of the fact that he well knows that Ministers do not consider or approve those aspects of design which could result in construction problems? We may approve things about whether we like the look of them or whether they are more... but we do not approve. He must know that, and I accept his political attack as nothing more than a political attack, but he has to be aware that obviously we do not accept the degree of political responsibility for that. And I should distinguish... except, of course, to the extent that one is responsible at a high political level for everything that happens on one's watch, regardless of the degree of *actual* culpability.

But would the Hon. the Chief Minister not be willing to recognise that the political attack that I do remember making on a sustained basis, against the then Government in relation to Harbour Views, was of a different nature? We were not saying to the Chief Minister or to the Minister for this or that that they were responsible for construction defects. The political attack – he will not remember it because he was not in Parliament at the time – the political attack was on the basis that warnings were being made to the Government at that time and that the Government was not paying sufficient heed to them, given that it was a co-financier and indeed, under the guaranteed purchase scheme, the potential purchaser of an unlimited number of apartments, and that the political attack was focused on the extent to which the Government could, and we obviously at the time thought should, have reacted to tell-tale signs that we were being informed about and which the Government chose not to attach importance to.

Now, if that were the fact, the equivalent of that would have been that the GSD Government would know or would have known that there were problems in the construction of those two developments, did not respond to them and then the purchaser suffered difficulty. I am not inviting him to accept the factual premise of my distinction; simply to asking him to accept that such a distinction, if the factual premise were correct, would exist.

**Hon. Chief Minister:** Mr Speaker, he reminds me, and indeed no doubt those who continue to support the GSD, of why we miss him so much.

Mr Speaker, first of all let me say, that I accept, something which I do not think he ever did when he held my position, but I think he does now: that all Governments act in good faith, and that all Governments have different imperatives, but all of them are seeking to act in the best interest of Gibraltar and Gibraltarians; and that some of them have things pointed out to them and they act in relation to those things in a particular way, and others have other things pointed out to them and they act in relation to those things in a particular way – always wanting to ensure that things are done right.

Very often things arrive at the ears of Members in Opposition which is not actually... or the information that arrives to the ears of Members of Opposition is not always true, and when it is synthesised through the ears of Government Ministers, they may be able to point out to things which actually are true on the ground.

And it is also true, Mr Speaker, I assure him – and well, he has been in Opposition, he knows that it is true – sometimes the information that reaches the Opposition is the truth and the truth just does not reach the Government, because there are so many layers of other people trying to sometimes protect politicians from those truths, for whatever reasons.

I accept all of those things. I dare say we were never able to persuade him of those things when he held this Chair.

1620 Mr Speaker, in particular, given the examples that he has relied on, the GSLP administration was even further from the construction because they were not in the saddle of developer, and I see him nodding, he accepts that point.

1625 So, look, there are faults in construction. Ministers, unless there happens to be a builder among them, and we have none on this side at the moment and they had none on their side, should not have the expertise to understand these things. We all rely on advice.

1630 Opposition points out things they hear, usually in the street and sometimes very often from disaffected entities. In other words, you might be told that the windows being fitted are not fit for purpose by the guy who did not get the contract for the windows. And the Opposition might be persuaded of something which appears to be rational and when put to the Government, it actually just turns out that the reason for the argument being put is not exactly the correct technical one.

1635 But we have a situation where at Cumberland and at Nelson's View, Mr Speaker, the Opposition was making the points in this House, and in press releases, to him in Government, about the different types of construction, the number of floors that were one type of construction and the other type of construction for the fifth floor and above, of whether the weight would be carried with tiles or whether it had to be wood, about the windows and the type of windows and what they would put up with.

1640 So, look, Mr Speaker, what happened before 1996 – and he is absolutely right I was not here before 1996, so I cannot recognise what he suggests that I recognise. But as then a member of the public, what happened before 1996 was that things were said and a political position was taken, but the result of that was that clearly the problems found their master in court, and the developer was able to recover the cost of curing defects.

And then there were defects on the repairs of the defects, which is another thing to talk about in respect of Harbour Views.

1645 Here we were pointing things out to them and they also continued, and absolutely no doubt in good faith, on the basis of technical advice, but nonetheless there are many millions of pounds which are going to have to be spent in putting things right.

1650 Mr Speaker, the final comment I would make is that it is rare for him to get up. I know that he now makes points from the position of somebody who wants to be a backbencher in this House and is not pretending to take a front bench brief, but I do sometimes miss Caruana versus Bossano, and I just wonder whether Mr Bossano might wish to make any points in relation to the position pre-1996. It has been many months since we have had one of those good old Caruana-Bossano exchanges.

**Mr Speaker:** Next question.

1655 **Q709/2014**

**Double Taxation Agreements –  
Negotiations**

**Clerk:** Question 709, the Hon. D A Feetham.

1660 **Hon. D A Feetham:** Mr Speaker, how many Double Taxation Agreements is the Government currently negotiating?

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

1665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is currently negotiating the text of two Double Taxation Agreements and is in discussions with a number of other countries in relation to the same.

1670 **Hon. D A Feetham:** Can he identify the two countries? If he cannot, is he prepared to give me the information behind the Speaker's Chair? I do not mind receiving the information either in this House or outside on this particular occasion.

**Hon. Chief Minister:** Mr Speaker, I would prefer to give him the information behind the Speaker's Chair, because those negotiations are, of course, sensitive.

I will say, Mr Speaker, that one of them is seen as really a framework agreement and that once that one is done, a lot of others will be easier to do.

1675 But I am quite happy for him to have a discussion with me about this after the close of the session.

**Q710-711/2014**  
**Allegations of bullying against Ms Joanna Hernandez –**  
**Investigation**

**Clerk:** Question 710, the Hon. D A Feetham.

1680 **Hon. D A Feetham:** Can the Government confirm whether the investigation into the allegations of bullying by 35 trainees against Ms Joanna Hernandez has concluded?

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

1685 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 711.

**Hon. D A Feetham:** Mr Speaker, can the Government confirm that Ms Hernandez has been provided with full details of the complaints made against her?

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

1695 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand from the Chief Secretary that the investigation which is being conducted under his authority has not yet concluded. The Government considers it would be inappropriate, Mr Speaker, to comment further on anything pertaining to the investigation, given that anything said may adversely affect the fairness of the process for all parties.

**Hon. D A Feetham:** Mr Speaker, I do not understand how it can affect the fairness of the process to provide me with the information that I have requested.

1700 But in relation to the second question which is whether Ms Hernandez has been notified and provided with full details of the complaints, or allegations, made against her, the reason why I am asking that is because she herself in correspondence in the press alleges that she has not been provided with details of the allegations which have been made against her, which I found surprising given the fact that this was a complaint that was made in February or March of this year, and the investigation has now been ongoing for quite a considerable period of time.

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**Hon. Chief Minister:** Mr Speaker, I am not going to become involved in the investigation which the Chief Secretary is carrying out, even in respect of making public statements as to whether he has given such information to x or to y.

1710 The matter is with him, he is the Head of the Civil Service, he is dealing with this issue, and – I know the hon. Gentleman makes public statements about this case all the time – I do not think it is in the interests of the people making the complaints, or the person complained of, that we should be looking at a blow by blow of what has or has not happened in relation to that investigation across the floor of the House.

1715 I think what all of us would want is that any investigation of this type be dealt with in the appropriate way by the appropriate parties and if the hon. Gentleman wants to go out and make further comment, it is a matter for him. The Government is not going to be involved in doing so.

**Hon. D A Feetham:** Mr Speaker, no, the only comment that I have made is that this investigation appears to be shrouded in mystery, and that there is a lack of transparency in relation to this particular issue. That is the only comment that I have made. I still maintain that that is so, and indeed that is reinforced by the answer that the hon. Gentleman has given me today.

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We have here an investigation that is taking place, it is the first time that the Government policy on anti-bullying and its legislation is being tested, and this investigation is taking months and there is no information at all arising out of it.

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Now, Mr Speaker, can he at least tell me when he envisages that this investigation is going to be concluded? We are already several months into the investigation. Can he at least tell me that?

1730 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman says that this is an investigation that is shrouded in mystery. Well, this is the investigation that I think has most been talked about in history. It is an investigation that he puts on the front pages of newspapers. The person who is the subject of the investigation engages in correspondence with him in newspapers. I fail to see which part of this investigation can adequately be described as being shrouded in mystery.

It is taking a long time, he says. Well, Mr Speaker, as the hon. Gentleman has said, this is the first investigation dealing with anti-bullying. It may be that for that reason it is taking a long time. It may be that

1735 for that reason it is going to be quicker than any of the others. We do not know, because there are no others to compare it with.

But, Mr Speaker, it is certainly true that matters which related to, for example, unfair dismissal claims brought against the previous administration sometimes took a very long time – one of them involving a very senior member of the GHA who took Industrial Tribunal proceedings against the previous administration, and that took five years.

1740 The hon. Gentleman says to me, how long does he envisage the investigation is going to take. Well, look if he was asking me about an investigation I was conducting, I might have some opportunity of giving him some view. But this is not my investigation, and therefore, Mr Speaker, I am not able to answer that question.

1745 I have already indicated what I would have thought all of us would want, which is that the matter be dealt with as fairly as possible. We should not, in my view, be venturing into giving further opinions, or being involved in this matter in any further way.

It appears that the hon. Gentleman wants to, I assume because he wants to pretend to be making common cause with those who are making complaint or those being complained of. In respect of that person being complained of, I doubt there is much common cause from what I read on the front pages of the newspapers, so it must be the 35 that he is trying to deduct from the tally of difference between us of 200 odd votes at the last election, come to a conclusion that he is maybe one seventh of the way there if he can persuade them to vote for him.

1750 But this is a serious issue he should just allow it to run its course and then it might actually reach its conclusion sooner.

**Hon. D A Feetham:** Well, Mr Speaker, I do not know where the hon. Gentleman has been over the last 10 years. I do not understand on what basis he can say that this is the most talked about investigation in history, when they made this particular individual a *cause célèbre* when the hon. Gentleman to his left, the leader of the House, went to Spain to talk about the Dr Giraldi inquiry and which led to a Spanish programme describing the Dr Giraldi as the house of horrors, Mr Speaker –

**Mr Speaker:** That has nothing to do with the question.  
Carry on.

1765 **Hon. D A Feetham:** Now, Mr Speaker, can he at the very least tell me whether the report, when it is produced, in relation to this investigation, will be made public in order to allay the concerns of those who believe that the Government is fudging this particular issue, because of the individual concerned – who they turned into a *cause célèbre* over the last seven years since 2006/2007.

1770 **Hon. Chief Minister:** Well, clearly, Mr Speaker, I do not recognise any of the premise of that question. Nobody has turned anyone into a *cause célèbre*. In fact, Mr Speaker, the hon. Gentleman said that Mr Bossano went to Spain to do something. Mr Bossano never went to Spain to make any comment about anything. In one particular instance, Mr Bossano was interviewed in Gibraltar about a particular issue –

1775 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** In the GSLP Office.

**Hon. Chief Minister:** In the GSLP Office, Mr Speaker, and certainly not a place that could ever be described as Spain. (*Laughter and interjection*) But, Mr Speaker, the hon. Gentleman attributes to us the ability to raise to the status of *cause célèbre* anything that we simply happened to be concerned about during Opposition.

1785 Well, what about that other *cause célèbre* which was the case I was telling him about, which involved a very senior member of the GHA who sued in an Industrial Tribunal and that case took five years? A public forum, the Industrial Tribunal, people can go and see what happens and read a judgement. But what about the many other cases which took so long under the previous administration?

1790 Mr Speaker, look, this is an internal complaint, which has hit the headlines. Mr Speaker, it has hit the headlines in very great measure, because the hon. Gentleman keeps putting it there. But an internal complaint continues to be an internal complaint, whether it is put in the headlines or not. And he is asking me whether I will publish, or the Government will publish, a report into an investigation which we are not conducting, which is being conducted by the Chief Secretary.

Well, look, my instinct – although it is not my report, Mr Speaker, and it is not a matter for me to say anything other than what I think, which is what I am going to do – my instinct is that internal reports continue to be internal reports whether the Leader of the Opposition puts them on the front pages of

1795 newspapers by his repeated reference to the person who is involved as being complained of, because of what appears to be an unhealthy obsession with this person.

Now, Mr Speaker, my own view is that it is likely that a conclusion will be known but that the report will not be made public. But that is a matter entirely for the Chief Secretary as far as I am concerned.

1800 **Hon. Sir P R Caruana:** Mr Speaker, may I raise a point of administrative order? And that is somebody appears to be taking Mr Speaker's comments about temperatures earlier in this afternoon's session very literally. Either that or there is an attempt being made to freeze the Opposition out of Parliament. *(Laughter)* In either case, could we turn the air conditioning down and the temperature up? *(Interjections)* Oh, you have...

1805 **Hon. Chief Minister:** Mr Speaker, may I just reflect on the fact that that is I think a moment of common cause between Bossano, Garcia and Caruana of the sort one does not often see in this House. *(Interjections and laughter)*

**Q712/2014**  
**British Overseas Territories –**  
**Relationship with UK**

1810 **Clerk:** Question 712, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, does the Government believe that the statement made by Albert Poggio at the reception to celebrate the 20th Anniversary of the founding of the United Kingdom Overseas Territories Association to the effect that 'there is still a long way to go in establishing a modern relationship between London and the Overseas Territories' is applicable to the relationship between the United Kingdom and Gibraltar?

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

1820 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

**Hon. D A Feetham:** Well, Mr Speaker, can he expand on that? What else needs to happen in order to ensure that there is a modern relationship between Gibraltar and the United Kingdom? Because, of course, his statement is at odds with statements that we have made, and that is his prerogative, but it is at odds with the statement that the United Kingdom has also made in relation to the relationship between Gibraltar and the United Kingdom post the new constitution.

Indeed I think it is also at odds with statements that the hon. Gentleman may have made in the United Nations, when he has described the relationship that Gibraltar has with the United Kingdom – although I understand that he may have made those statements because he is asking the Committee what else needs to happen in order for the Committee to decolonise Gibraltar, or for Gibraltar to be decolonised.

**Hon. Chief Minister:** Mr Speaker, the statement that Mr Poggio made is not in the nature of the statement that either the previous Chief Minister has made, or that I have made, about a modern relationship not based on colonialism, as a reflection of the constitutional position, which they might think is enough and need not go further, and some of us think could potentially go further.

Mr Poggio's statement is not about that, and he has quoted Mr Poggio's statement: Mr Poggio's statement was about London and the Overseas Territories – in other words, not Gibraltar; London and the Overseas Territories, and there are different aspects to the relationship between Gibraltar and London which you could describe as modern and not needing to go any further, some as modern that could go further, some as modern that must go further, and some as not so modern and still very much in need of modernisation.

In relation to London and the Overseas Territories as a collective, it is much easier to justify the statement that the relationship needs to be modernised, although I am very happy to say that I believe it is much more modern today than it was five years ago before the coalition Government, or indeed 15 years ago before the New Labour Government. And these things happen in steps.

But Mr Poggio's remarks, and I know that he was – I could see exactly where he was going and where he thought he was going to catch me, Mr Poggio's remarks are not about London and Gibraltar; they are about London and the Overseas Territories as a collective.

**Hon. D A Feetham:** Mr Speaker, I am not trying to catch the hon. Gentleman out. (*Interjection*) I can assure the hon. Gentleman! This statement took me by surprise, and what I wanted to explore with the Government was well how far is it applicable – that is the question – to the relationship between the UK and Gibraltar. No-one is trying to catch anybody out.

So the answer to this is effectively that yes, the relationship between the UK and Gibraltar needs further modernisation, but that that modernisation is not in a constitutional context but is more in terms of a general relationship context. Is that the answer, because I have not understood it?

**Hon. Chief Minister:** Mr Speaker, in constitutional terms, in non-constitutional terms, in decolonisation terms and in non-decolonisation terms, there is always going to be room for further modernisation.

And now if he wants to go back and have the argument about whether the constitution that we have is modern and not based on colonialism, and whether that is it, and that amounts to decolonisation, or whether there is more that can be done and things can be even more modern, and even less based on colonialism – well look, that is an argument we have had on a number of occasions. But this does not reflect that, Mr Speaker.

There are many aspects to the relationship between London and Gibraltar, and the relationship between the two Governments is not the only one. There are other types of relationships between the community and the United Kingdom.

Mr Speaker, one of the ones which vexes some people more than others – it does not vex me so much, but I respect the people who it genuinely vexes quite considerably – is whether each of the Overseas Territories should be able to lay a wreath at the Cenotaph on Armistice Day, Mr Speaker. That is an issue where an element of change would be very welcome by the Overseas Territories. It is really one which is representative more than of substance.

The fact that the flags of the Overseas Territories now fly over the Foreign Office on the days of the National Celebrations of each of the Territories is a step in the right direction.

The flags of the Overseas Territories now fly with the flags of the Commonwealth in Parliament Square on important occasions of the Commonwealth – a step in the right direction. But those are illustrative only of the issues of substance in the relationship.

Mr Speaker, whilst there is still the power to legislate over the heads of the Parliament of Gibraltar, if that is the nature of the power that is in our constitution – even that is an issue that we could hopefully debate for very long indeed – I would have thought all of us would believe that there is room for modernisation. There may be some of us who do not want that modernisation to happen, for other reasons. There may be some of us who believe there is potential modernisation that should not be pursued. But this is not an argument that we can simply have across the floor of the House, based on trying to compare the remarks that Chief Ministers have made in the United Nations about the constitution in the context of trying to get the Committee to recognise that the maximum possible level of self-government has been reached, which is I think a common endeavour, and the remark that Mr Poggio, in our view rightly, makes about the relationship generally between London and the Overseas Territories, which to a very great measure is applicable to the relationship between London and Gibraltar.

**Hon. D A Feetham:** Mr Speaker, I said I was not trying to catch the hon. Gentleman out, and I am not trying to increase the temperatures in this House, but he is catching himself out.

The quote from Albert Poggio, or the words attributed to him, were ‘there is a long way to go’ – ‘a long way to go in establishing a modern relationship between London and the Overseas Territories.’ Now he appears... and I ask well is that applicable to the relationship between Gibraltar and the United Kingdom?

I am going to try and simplify that. Does he agree or is it his view that there is still a long way to go in establishing a modern constitutional relationship between the United Kingdom and Gibraltar? Because he seems to have included constitutional arguments and the constitutional position in the answer that he has just given me before, when I had understood him previously that really he was not talking about the constitution; he was talking about other aspects of the relationship between the United Kingdom and Gibraltar, which I could understand if it is in that context.

**Hon. Chief Minister:** Mr Speaker, I know I introduced complex arguments into my previous answer and the hon. Gentleman has therefore not been able to understand me.

Mr Speaker, the relationship between Gibraltar and the United Kingdom in constitutional terms is modern and not based on colonialism. Can it be further modernised? Yes. Do I wish to see it further modernised? Yes. Is it possible to see it even further away from colonialism? Yes. Would I like to see it further based from colonialism? Yes.

We have had the argument before on a hundred occasions. I have talked about continuing to be able to salami slice different options, short of independence, which would also produce a modern constitution not



based on colonialism. Does that amount to decolonisation? Completely different concept. That is the issue at the UN – probably the issue that divides us.

But, Mr Speaker, can there be further modernisation in the constitutional relationship, without getting to independence? Yes, there can.

1915 Can there be further modernisation in the relationship generally? Yes, there can.

Is there a long way? *Absolutely* there is. *Absolutely* there is.

The hon. Gentleman looks at relationships between other overseas territories of other nations and in some instances they are much more developed than the Overseas Territories' relationships with the United Kingdom. Is the relationship between the Overseas Territories and the United Kingdom and London a good one and a modern one? Yes, it is, but it could be so much more modern, so much more effective, and so much more respectful.

1920 And, Mr Speaker, I put it to him that those who have held office as Chief Minister for longer than I have would be of the same view, and would be able to give even more examples of instances where that might be of benefit.

1925

**Hon. D A Feetham:** Well, Mr Speaker, I welcome the first part of the answer, which was that he agrees that Gibraltar and the United Kingdom have a modern, non-colonial relationship – *non-colonial* relationship –

1930 **Hon. Chief Minister:** I have not said that. I have said – and if he goes back to *Hansard* he will see, Mr Speaker – a modern relationship not based on colonialism.

Now, I have also specifically said that decolonisation is a separate issue (*Interjection*) and it is something that we deal with in the Committee of 24. But I have not said non-colonial. I have said not *based* on colonialism.

1935

**Hon. D A Feetham:** Well, Mr Speaker, I do not see what the distinction is. It is a distinction without a difference. 'Non-colonial' and 'not based on colonialism' as far as I can see is exactly the same way, and I am not treading on the decolonisation argument, which is effectively a delisting issue, because the argument is, well, the relationship is a non-colonial relationship, it is a modern non-colonial relationship. It ought to be sufficient to delist. The decision to delist is yours. You are taking the political decision not to delist. But that does not mean that the relation is a matter of substance, is not a non-colonial.

1940

So I still welcome the Chief Minister's statement that it is a modern relationship that it is not one based on colonialism, which effectively is the position that we have had since the new constitution in 2007.

1945 But what I want to ask him is: what other steps is he taking in order to further slice the salami, as he put it, on the road to further modernisation, which is what he believes ought to take place?

**Mr Speaker:** He does not have to answer that question, it does not arise. If he wants to he can, but it does not arise.

1950 **Hon. Chief Minister:** I am very grateful, Mr Speaker, because it clearly does not arise. But –

**Mr Speaker:** I would welcome a debate on the issue, really. I would welcome a motion on the Agenda of this House precisely giving everybody, and surely the issue is sufficiently important, for all the Members here to participate in such a debate. Why not? Why does it have to be the Chief Minister and the Leader of the Opposition under the guise of a particular question, on a matter which is no longer relevant – to the question, that is?

1955

**Hon. Chief Minister:** Mr Speaker, I think I agree with you. I think these are subjects for motions – they are important subjects about the future of our community, not just for exchanges at Question Time, although sometimes it is useful to ventilate these issues – at least the tip of these issues – at Question Time.

1960

Mr Speaker, look I believe, like I believe most people who have had the opportunity to hold my office do, that it is important that the people of Gibraltar are respected, and that their political leadership is respected, in particular in London. And that the degrees of respect with which we are held are not necessarily the degrees of respect which we are shown in which we are held.

1965

But the way that the United Kingdom deals with its Overseas Territories is not, in my view, the best example in international law of how different countries with overseas territories have resolved those issues, and have reached understandings with the people of those territories.

I would be delighted if somebody were to lay a motion on this subject. I probably am too busy to deal with other subjects but it would be a very interesting thing to explore further together as a Parliament.

1970

**Mr Speaker:** Next question.

**Q713/2014**  
**Gibraltar Airport resurfacing work –**  
**Costs**

**Clerk:** Question 713, the Hon. D A Feetham.

1975 **Hon. D A Feetham:** Mr Speaker, can the Government confirm that UK Defence Secretary Michael Fallon was mistaken when he said in a written parliamentary statement last month that the UK and Gibraltar will share equally the cost of the first resurfacing work at Gibraltar Airport next summer and such cost will be borne entirely by the UK?

1980 **Clerk:** Answer, the Hon. the Chief Minister.

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

**EDUCATION, TELECOMMUNICATIONS AND JUSTICE**

**Q671-672/2014**  
**Class A drugs possession –**  
**Convictions**

**Clerk:** We now move back to Question 671 and the questioner is the Hon. S M Figueras.

1985 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details of convictions for the possession of Class A drugs in Gibraltar, on a month by month basis, broken down by drug type, from January 2011?

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

1990 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 672.

**Clerk:** Question 672, the Hon. S M Figueras.

1995 **Hon. S M Figueras:** Can the Minister for Justice provide details of convictions for the possession with intent to supply of Class A drugs, on a month by month basis, broken down by drug type, from January 2011?

2000 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over to him.

SCHEDULE TO QUESTION 672/2014

2011	Possession	Possession with intent to supply	Drug	Result
January	2	0	2 Cocaine	1 Guilty - Fined £800 (P) 1 Guilty - Fined £400 (P)
February	6	1	7 Cocaine	1 Guilty - 2 years probation (P) 1 Guilty - Fined £600 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £600 (P) 1 Guilty - 2 years imprisonment suspended for 2 years (PWITS) 1 Guilty - Fined £500 (P)
March	2	0	Cocaine	1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P)
April	0	0		
May	2	0	2 Cocaine	1 Guilty - Fined £90 (P) 1 Guilty - Fined £750 (P)
June	0	0		
July	3	0	2 Cocaine 1 Ecstasy	1 Guilty - 6 weeks imprisonment suspended for 18 Months (P) 2 Guilty 6 months imprisonment (P)
August	2	1	2 Cocaine 1 Ecstasy	1 Guilty - 24 months Conditional Discharge (P) 1 Guilty - 8 months imprisonment (PWITS) 1 Guilty - Fined £300 (P)
September	1	2	2 Cocaine 1 Ecstasy	1 Guilty - 21 Months Custody (PWITS) 1 Guilty - Fined £1,000 (PWITS) 1 Guilty - Fined £500 (P)
October	2	0	2 Ecstasy	1 Guilty - 3 weeks imprisonment (P) 1 Guilty fined £600 (PWITS)
November	2	0	Cocaine	1 Guilty - 10 days imprisonment (P) 1 Guilty - Fined £500 and 6 Week imprisonment sus for 1 year (P)
December	4	4	7 Cocaine 1 Ecstasy	1 Guilty - four years imprisonment (PWITS) 1 Guilty - Fined £700 (P) 1 Guilty - six months imprisonment (P) 1 Guilty 36 monthss imprisonment (PWITS) 1 NSP (PWITS) 1 Guilty -2 years imprisonment (PWITS) 1 Guilty NSP (P) 1 Guilty - 3 months imprisonment suspended for 2 years (P)

SCHEDULE TO QUESTION 672/2014

2012	Possession	Possession with intent to supply	Drug	Result
January	3	2	5 cocaine	1 Guilty - 2 years imprisonment - of which 1 suspended (PWITS) 1 Guilty - Fined £500 (P) 1 Guilty - 24 months imprisonment (P) 1 Guilty - 12 months imprisonment (PWITS) 1 Guilty - community service order - 100 hours (P)
February	3	0	2 Cocaine 1 Ecstasy	1 Guilty - Fined £700 (P) 1 Guilty - Fined £200 (P) 1 Guilty - Fined £500 (P)
March	2	1	1 Ecstasy 1 Methadone 1 Cocaine	1 Guilty - 2 years suspended (PWITS) 1 Guilty - fined £60 (P) 1 Guilty Fined £300 (P)
April	1	0	Cocaine	1 Guilty - Fined £900 (P)
May	1	0	Ecstasy	1 Guilty - Fined £500 (P)
June	5	0	1 Ecstasy 1 Methadone 3 Cocaine	1 Guilty - fined £700 (P) 1 Guilty - fined £75 (P) 1 Guilty - 3 weeks imprisonment suspended for 18 months (P) 1 Guilty - fined £500 (P) 1 Guilty - 1 months imprisonment (P)
July	1	0	Cocaine	1 Guilty - 2 weeks imprisonment (P)
August	1	0	1 Ecstasy	1 Guilty - Fined £500 (P)
September	5	0	3 Cocaine 2 MDMA	1 Guilty - fined £600 (P) 1 Guilty - Community Service Order - 80 hours (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £800 (P)
October	3	0	2 Ecstasy 1 Cocaine	1 Guilty - Fined £800 (P) 1 NSP (P) 1 Guilty - Fined £600 (P)
November	2	0	Cocaine	1 Guilty - 1 months imprisonment and £250 D/O (P) 1 Guilty - Fined £600 (P)
December	3	0	3 Cocaine	1 Guilty - fined £600 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P)

SCHEDULE TO QUESTION 672/2014

2013	Possession	Possession with intent to supply	Drug	Result
January	1	0	Cocaine	1 Guilty - 5 weeks imprisonment (P)
February	1	0	Cocaine	1 Guilty - Fined £800 (P)
March	0	0		
April	2	0	Cocaine	1 Guilty - fined £500 (P) 1 Guilty - time served one day (P)
May	0	0		
June	3	0	Cocaine	1 Guilty -Fined £250 (P) 1 Guilty - Fined £1500 (P) 1 Guilty - Fined £600 (P)
July	0	2	1 Ecstasy 1 Cocaine	Guilty Fined £500 (PWITS) Guilty - one month suspended (PWITS)
August	0	1	1 Cocaine	1 Guilty - 3 years imprisonment (PWITS)
September	3	0	3 Cocaine	1 Guilty - Fined £600 (P) 1 Guilty - fined £100 (P) 1 Guilty - 3 weeks imprisonment (P)
October	0	0		
November	2	0	Cocaine	1 Guilty - 1 month imprisonment (P) 1 Guilty - Fined £500 (P)
December	0	1	Cocaine	Guilty - 8 months imprisonment (PWITS)

2014	Possession	Possession with intent to supply	Drug	Result
January	0	0		
February	0	0		
March	2	0	Cocaine	1 Guilty - 3 months imprisonment (P) 1 Guilty £500 fine (P)
April	0	0		
May	0	0		
June	1	0	Cocaine	Guilty - £700 fine (P)
July	1	0	Cocaine	Guilty - 4 months imprisonment (P)
August	0	0		
September	0	0		
October	0	0		

2005 **Hon. S M Figueras:** Mr Speaker, while I wait for that to arrive and have a review of it, I am happy to move on to the next question if it will help move things forward.

**Q673/2014**  
**Rehabilitation periods –**  
**Progress of review**

**Clerk:** Question 673, the Hon. S M Figueras.

2010 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice say whether he has made any progress on the review of the rehabilitation periods, as alluded to in this House he was looking into, in the context of answers he gave in relation to Question 321/2014?

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

2015 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, when I read this question I honestly thought this was a trick question, but perhaps it was not. (*Interjection*) The question asked whether we had made progress on the review on rehabilitation periods.

2020 Mr Speaker, not only have we made progress on the review of the rehabilitation periods, that review has been carried out, a Bill following the review was published on 10th April 2014, the Bill came before Parliament on 30th May 2014 and it was passed on that day with the support of the Opposition.

The Criminal Procedure and Evidence (Amendment) Act 2014 which contains the new rehabilitation periods which the Opposition supported received assent on the 10th June 2014 and was published in *The Gazette* and came into force on 11th June 2014. (*Interjection, banging on desks and laughter*)

**Q675/2014**  
**Detention of juveniles –**  
**Creation of dedicated unit**

2025 **Clerk:** We move now to Question 675, because Question 674 has previously been answered.  
Question 675, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Justice say whether the Government is revisiting the possibility of creating a dedicated unit for the detention of juveniles?  
2030

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

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the position remains as stated in my reply to Question 322/2014.

**Q676/2014**  
**HM Prison –**  
**Recruitment**

2035 **Clerk:** Question 676, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details to this House of anticipated recruitment, if any, at HM Prison in the coming 12 months?

2040 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, it is not possible to say with any certainty whether any prison officer will resign or retire within the next 12 months. We do however anticipate that a Principal Officer will retire during this period. This will lead to the recruitment of one prison officer, and there may of course be more if there are other retirements or resignations.  
2045

**Hon. S M Figueras:** Mr Speaker, I am asking the question, and I am grateful for the answer, particularly in the context of matters that may or may not arise from Question 678, and whether there are any discussions ongoing with the Prison Service in relation to any developments in that way.  
2050

I suspect from the answer the Minister has given that there is nothing programmed, but could he confirm that there is no wholesale overview or any exercise of that nature being conducted in relation to staffing levels or any other issues related to HM Prison?

2055 **Hon. G H Licudi:** Mr Speaker, that is in fact contained in the answer to Question 678, which the hon. Member has alluded to so perhaps we can just wait for that answer.

**Q677-678/2014**  
**HM Prison –**  
**Health and safety; terms of employment**

**Clerk:** Question 677, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Justice provide details to this House of health and safety procedures currently in place at HM Prison?  
2060

**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 this question together with Question 678.  
2065

**Clerk:** Question 678, the Hon. S M Figueras.

**Hon. S M Figueras:** Can the Minister for Justice say whether there are any discussions ongoing with Prison Officers in relation to their terms and conditions of employment and to the extent that he is able to, can he provide the House with a flavour of what these discussions entail?

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

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, Health and safety is an extensive subject that encompasses the safe, efficient and effective running of all operations and activities within the prison. To this end Prison management issues sets of instructions, policies and procedures known as Standing Orders. These cover topics that include: (1) procedures for high risk prisoners; (2) routine precautions to prevent infection from blood-borne viruses; (3) guidance for the safe use of the gymnasium and the exercise yard; (4) guidance for hospital bed watch; (5) medical reception of inmates; (6) security instructions when escorting prisoners outside the establishment; (7) cellular confinement.

As part of initial training, officers attend classes on unarmed defence tactics and control and restraint. These classes ensure that the officer will know how to deal with scenarios where the use of minimum force might be required and ensure that they can do so in a safe and efficient manner, minimising the possibility of injury either to him or herself, or to the prisoner. Officers are also trained in the use of batons. In scenarios where authorisation is given for a cell extraction, officers can be further equipped with helmets, gloves, arm/leg guards and shield such as personal protective equipment. The Government is working with Unite the Union to further improve this training.

As part of initial training, officers attend a course of First Aid at Work. The Prison also has a fully qualified Hospital Officer on duty seven days a week and on call at night time. This ensures that any minor accidents to officers or inmates can be seen to quickly.

Prison Officers might be more susceptible to exposure of infectious diseases. To protect them, they are offered both Hepatitis 'B' and the Flu vaccinations. As a result of the Ebola crisis and in response to concerns on the possibility of receptions of Central African nationals a briefing was held between professionals from the GHA, Prison Hospital Officers and Management. Procedures and protocols were discussed and agreed.

With respect to prisoner activities, two of the most popular facilities are the gymnasium and the handicraft workshop. All gym sessions are monitored by a Sports and Games Officer who ensures that all weights/machines are used in a safe manner by prisoners. Prisoners using tools in the workshop do so under direct supervision of qualified staff who ensure that they do so safely.

The Prison Estate is well equipped with fire fighting equipment. Fire extinguishers are fitted throughout, and serviced regularly. All wings are additionally fitted with fire hoses. The Prison has a well designed evacuation plan and fire drills are practiced with regularity. The Fire Brigade conducts regular familiarisation visits to the Prison in order to ensure that they are familiar with the building and evacuation routes.

The Chief Minister, as Minister with responsibility for Industrial Relations, has formed a working group comprising of his Private Secretary for Industrial Relations, the Prison Superintendent, Prison Officers and Unite the Union Officials, to undertake a review of terms and conditions of service, training and development, health and safety, security, and the state of infrastructure and facilities. Huge progress has already been made thanks to the professionalism and commitment from all parties involved and we expect this review to be completed by the first quarter of next year.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether there is a dedicated Health and Safety Officer appointed at HM Prison?

**Hon. G H Licudi:** Mr Speaker, I am not sure of the answer to that, whether someone has specific responsibility for health and safety. But certainly the Prison Superintendent would have overall responsibility for all health and safety aspects of the Prison.

**Hon. S M Figueras:** Yes, for clarification's sake, Mr Speaker, I was alluding to an officer having specific responsibility for that. I am grateful for the answer in any event.

**Hon. J J Netto:** Mr Speaker, could I ask a supplementary question to the one asked by my hon. Friend. Is the Minister aware whether there is a health and safety committee between the management and the union?

**Hon. G H Licudi:** Mr Speaker, I am not aware of a specific committee between management and the union on health and safety. That does not mean that there is not one; it is simply that I am not aware.

2130 But what the hon. Member must note is, and I have alluded to relations with the union on a couple of aspects in the answer I have given. One is in relation to training, and secondly as part of the working group which has been formed by the Chief Minister, with his Principal Secretary for Industrial Relations, and also with Unite, and one of the items clearly that is on the agenda there, apart from terms and conditions and training, is certainly health and safety. So to that extent there is that Committee and that working group that is looking at with Unite the Union all aspects of health and safety at the Prison.

2135

**Mr Speaker:** Next question.

**Q679-683/2014**

**University of Gibraltar –  
Recruitment and advertisement**

**Clerk:** Question 679, the Hon. D A Feetham.

2140 **Hon. D A Feetham:** Mr Speaker, when does the Government expect the recruitment process to the faculty of the University of Gibraltar to commence?

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

2145 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer together with Questions 680 to 683.

**Clerk:** Question 680, the Hon. D A Feetham.

2150 **Hon. D A Feetham:** Why did the Government consider that it was unnecessary to advertise the position of CEO of the University of Gibraltar?

**Clerk:** Question 681, the Hon. D A Feetham.

2155 **Hon. D A Feetham:** Mr Speaker, how many extra posts does the Government envisage will be created at the point at which the Gibraltar University commences to operate as an institution of learning?

**Clerk:** Question 682, the Hon. D A Feetham.

2160 **Hon. D A Feetham:** Mr Speaker, can the Government please state what procedures it will put into place to ensure that the selection and appointment to the faculty of the University of Gibraltar will be independent of, I should say, Gibraltar Government?

**Clerk:** Question 683, the Hon. D A Feetham.

2165 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether staff employed to work in the University of Gibraltar will have Civil Service status, or what other part of the public service will employ them?

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

2170

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as I indicated in answer to Questions 540 to 544/2014, the University of Gibraltar Ltd or UniGib has already been incorporated and will be the operating vehicle through which staff will be employed. Staff will not have Civil Service status. They will be employed by the operating company. Recruitment of staff will be carried out by UniGib through its board of directors.

2175

We are in the process of finalising the initial structure for the University. Part of this is identifying the human resource requirements. It is not possible at this stage to say the precise number of staff which will be employed when the University commences next year. However, I expect this exercise to be completed very soon and that recruitment should start early in the New Year.

2180

No-one has yet been engaged by UniGib and therefore the company does not currently have a CEO.

**Hon. D A Feetham:** Mr Speaker, just in relation to that last aspect of the answer, I may have got this wrong, but my understanding was that if somebody has not been recruited as the CEO, certainly somebody has been identified to be the CEO of the University of Gibraltar, and has effectively been identified to fill this post. So the Government has taken a decision not to advertise because it has already identified the individual. Am I right in that?

**Hon. G H Licudi:** No, Mr Speaker, that is not the position.

The hon. Member may be alluding to a particular member of the project team that was seconded and I did announce in the press conference that Dr Darren Fa had been seconded to the University on a full-time basis from the Museum, and it was envisaged that Dr Fa will continue to be engaged through the operating company in due course, on a full-time basis in a position of leadership. But that position will not be CEO. I have seen allusions to Dr Fa as the CEO of the University of Gibraltar Ltd, but that is in fact an error. There is no current CEO, nor has the Government decided to embark on a process to identify the person as CEO.

**Hon. D A Feetham:** Well, Mr Speaker, just for the sake of completeness in relation to this, so it is the intention of the Government or indeed the board of this particular company once it is operational to advertise for the position of CEO when that position is required to be filled in the future when the company is effectively operational or just about to become operational?

**Hon. G H Licudi:** The first thing we have to do, Mr Speaker, is to get the structure right. Whether it will be a CEO or some other title that remains to be seen, and the board will decide on the recruitment process that will be followed.

There may be individuals who are seconded or identified as being suitable for certain positions, but certainly no decision has been taken as of today in respect of a CEO or the ultimate Head of the University.

**Mr Speaker:** Next question.

## ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

**Q684/2014**

### **Government policy on business start-ups – Registered companies**

**Clerk:** Question 684, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Employment provide an update of how many companies are currently registered at No. 6 Convent Place and Town Range supposedly as part of the Government's policy on start-ups?

**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):** There are none, Mr Speaker.

**Hon. D J Bossino:** Mr Speaker, I think on the last occasion that he answered a similar question, there were 13 at No. 6 and seven at Town Range. Is that because they have all found alternative corporate service providers?

**Hon. J J Bossano:** Well, Mr Speaker, the first thing to point out the to hon. Member, is that he has chosen to qualify the companies as being *supposedly* part of the Government policy of start-ups. Now I do not accept that there are any companies or have ever been any companies *supposedly* as part of the start-up. (*Laughter*) Either they were part of the start-up or they were not part of the start-up. So there has never been any that were *supposedly* part of the start-up. (*Laughter*)

**Hon. D J Bossino:** Mr Speaker, he knows what I am talking about, and we have a different point of view in relation to the start-up issue. Can he tell me which companies are currently registered in No. 6 Convent Place and 31 Town Range, which according to him are in pursuance of the Government's policies in relation to start-ups?



2235 **Hon. J J Bossano:** Well, Mr Speaker, there are none of those either. *(Laughter)*

**Hon. D J Bossino:** Mr Speaker, if you record that I can just go back to the question that I posed I think in my first supplementary, which is that there were 13 in No. 6 and seven registered at 31 Town Range, he will recall that I think the intention was that part of the start-up policy was to give them this facility, a registered office, but that eventually the expectation was, I think I am quoting him accurately, the expectation was that they would eventually find alternate corporate service providers. Can he confirm that all of these have now found alternative corporate service providers?

2245 **Hon. J J Bossano:** I can indeed confirm that, Mr Speaker.

**Hon. D J Bossino:** And, Mr Speaker, given that there are none, can he advise this House whether the intention is to continue to provide this facility?

2250 **Hon. J J Bossano:** I think that I have explained it in the past, Mr Speaker, but I will explain it again, because he may have had a lapse of memory. When you get on, it happens to you. *(Laughter and interjections)*

The policy was initiated at the time when unemployment was much higher and amongst the unemployed there were quite a number of people... well look, it was a very small number compared to the total unemployment, but there were at least a dozen people who were interested in the possibility of moving into a self-employed position, because in fact there were people who had been predominantly in the construction industry, most of their working lives but were now having difficulty in being hired by other construction companies because they were mainly in their late 40s or 50s and some near 60. So the way to help them get a foothold in the industry was to help them set up a small company of their own, and they finished up with a company with a few trainees and now they are entirely operating on their own, and they are no longer needing any assistance.

2260 If tomorrow, we find somebody with problems of getting into activity in a self-employed capacity or as an employer with difficulty or having a background of being able to do it or being able to afford for example the fees that lawyers charge these poor people for setting up a company, then the Government will once again step in.

2265 **Hon. D J Bossino:** I think out of consideration for the excessive number of lawyers already competing in the market, I do not think I want to harm the legal profession any further with more competition. *(Laughter)*

2270 **Mr Speaker:** Next question.

**Q685/2014**  
**Sunborn Hotel –**  
**Employees**

**Clerk:** Question 685, the Hon. D J Bossino.

2275 **Hon. D J Bossino:** Can the Minister for Employment state how many individuals are employed at the Sunborn Floating Hotel, broken down by nationality and activity and how many have had their employment terminated since the vessel started operations?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2280 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there are a total of 183 individuals employed in the Sunborn Floating Hotel. Their nationalities are Australian, Belgian, British, Czechoslovakian, Dutch, Finnish, French, Gibraltar, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Malaysian, Moroccan, Filipino, Polish, Portuguese, Romanian, Slovakian, Spanish and Turkish. The areas of employment are administrative activities, maintenance activities, and catering and hospitality services.

2285 A total of 63 individuals have had their employment terminated since the Hotel started operations.

**Hon. J J Netto:** Mr Speaker, if I could ask the Hon. Minister for Employment, out of the 183 that he referred to as the total how many are Gibraltarians, how many are Spanish, how many are British and how many are Moroccans?

2290

**Hon. J J Bossano:** Well, a third are British and Gibraltarian, a third are Spanish and a third are made up of the other nationalities. There may be one or two Moroccans in that third.

2295

**Hon. D A Feetham:** Mr Speaker, when he says a third are British, did he say British Gibraltarian or did he say British and Gibraltarians? And can he give a further breakdown between British and British Gibraltarians?

2300

**Hon. J J Bossano:** I think they are about equal, there may be one more British than Gibraltarians, but I think they split half and half. That split of course is not 100% accurate in the sense that it is always mentioned in the surveys. Sometimes people are classified because of their surname, which may be an English surname but they are Gibraltarian because they have been brought up and lived here all their lives.

2305

**Hon. D J Bossino:** Mr Speaker, does he have this information to hand? Does he know how many trainees are currently placed? I know they would not be employed by the Hotel but does he know how many trainees would be under the FJS scheme placed at the vessel, at the moment? I think the last time there were about three or four. Something like that.

2310

**Hon. J J Bossano:** I think at the moment we have got one, who is training to be a chef, and is a Gibraltarian. And I think that the people we had before training are now taken on full-time.

2315

**Hon. D J Bossino:** Following on from that particular supplementary, he will recall that I think he told me in a previous session that he had somebody from the ETB stationed there to deal with matters relating to the FJS. Is that person still on board the vessel, so to speak?

2320

**Hon. J J Bossano:** That is no longer the case. We had somebody there who was a Labour Inspector because at the time we identified some problems in terms of the registration of employees not being consistent with the numbers of people who were seen coming in and out of the boat. But things have now settled.

**Hon. D J Bossino:** And how is he seeing the movement of trainees going in that direction, in terms of getting placements at the Sunborn?

2325

**Hon. J J Bossano:** The problem of trainees is not reluctance on the part of the employer. We register an average of eight or nine people a day in the Employment Service, and every single person is seen within 24 hours in an interview, and they are helped to produce a CV, and included in that we tell them where are the training opportunities, and where are the vacancies, which clearly changes every day.

2330

In that context we do not have much interest in training in the catering when people learn what the level of remuneration is compared to other jobs, and compared to other places with different hours of work that are more amenable from 9-to-5 jobs compared to working in a hotel where you have to work very unsocial hours, and the wages do not compare favourably, unless you happen to be at the top of a profession.

So there is not much of a demand, but if the demand were there we would be able to find hotels willing to take trainees, I think in both the Sunborn and in some of the other hotels.

**Mr Speaker:** Next question.

**Q686-687/2014**

**Strand Credit Finance Company Ltd –  
Purpose; details of incorporation**

2335

**Clerk:** Question 686, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the – well it is put to the Chief Minister – I will read it out as it is – can the Chief Minister state what the purpose of Strand Credit Finance Company is?

2340

**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):** I will answer the question together with Question 687, Mr Speaker.

**Clerk:** Question 687, the Hon. D J Bossino.

2345

**Hon. D J Bossino:** Can the Chief Minister provide details of when Strand Credit Finance Company Ltd was first incorporated, with details of shareholding, to include details of authorised and issued share capital, directors and secretaries since the date of incorporation?

2350

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the purpose of Strand Credit Finance continues to be as stated in answer to Question 656/2013.

2355

The details of the shareholdings and the date of incorporation continue to be the same as stated in answer to Question 665/2013.

The directors and secretaries since the date of incorporation have been as follows: Dilip Dayaram until 31st August 2014; Ernest Gomez until 30th October 2014; Albert Poggio throughout; Christine Victory Secretary throughout; and Gibraltar Investment (Directors) Ltd since 30th October 2014.

2360

**Hon. D J Bossino:** Yes, Mr Speaker, the hon. Member is absolutely right in his answer – he did answer the question relating to the purpose, but that was back in October 2013 where he said the purpose for incorporation is to undertake any credit finance business that may require a UK registered company, and the purpose from what he tells me now has not changed. I just wanted to find out whether in fact there had been a change.

2365

If I could ask him, because I do not think we had any supplementaries to ask of this because this may have been the session where we walked out... But can the Minister, Mr Speaker, advise what is envisaged – can he be a bit more particular and provide further details from the sort of scripted answer that he gave to the question?

2370

**Hon. J J Bossano:** Well, Mr Speaker, the answer that I gave him in 2013 continues to be the position today, and what was envisaged then is what continues to be envisaged today. Nothing has happened since.

2375

**Hon. D A Feetham:** Mr Speaker, just in relation to this, because I asked the question last time round, I was trying to find this particular question in *Hansard* and the answer, and it does not appear in *Hansard* and the reason why it does not appear in *Hansard* is because we did not get to this question. That was the day when we asked the question about Credit Finance and where Credit Finance was investing the money, and the hon. Gentleman basically said that the Government was not prepared to provide that information. We then left Parliament and although we received the answer that he would have given, it is not in *Hansard*. I just wonder whether steps could be taken for that to be included in *Hansard* because it is not.

2380

**Mr Speaker:** It becomes a written answer.

2385

**Hon. D A Feetham:** Yes, well I have not been able to find it. (*Interjection*) No, I think that does not come from *Hansard*, I think that comes from the questions that the hon. Gentleman, if I am wrong – because I have been searching – I have spent about an hour searching for this – (*Interjections*)

2390

**Mr Speaker:** May I suggest that on another occasion if the Hon. the Leader of the Opposition is in that position that he cannot find something, please phone the Clerk and I am sure he will be able to clarify the matter for you.

2395

**Hon. D A Feetham:** Yes, Mr Speaker, if it is in *Hansard* it is in *Hansard*. I could not find it in *Hansard*. That is why I asked my hon. Friend to come to Parliament and to ferret out the actual answer provided by the Hon. the Father of the House, because that had actually been sent to me. That had been sent to me after the session.

But can I ask him this: has there been any kind of any business transacted by Credit Finance Company by Strand Credit Finance Company Ltd since the last time that we asked the question? Indeed since the incorporation of this particular company?

2400

**Hon. J J Bossano:** Not so far, Mr Speaker.

**Hon. D A Feetham:** I detect in the answer that the hon. Gentleman is hopeful that some kind of business may be transacted by this particular company. Do I detect that perhaps there are ongoing discussions whereby this particular company is going to be providing the same type of loans to UK businesses, or UK investments that were made by Credit Finance for example in relation to the Sunborn here in Gibraltar?

**Hon. J J Bossano:** No, Mr Speaker, the only thing he can detect is that I do not know the future and in his assumptions, what he demonstrates is what a fertile imagination he has. (*Laughter*)

**Mr Speaker:** I am informed both the question and the answer are in *Hansard*, there are no supplementaries, of course, and that is why [*Inaudible*]

**Hon. D A Feetham:** It may well be that it is in the written questions and written answers. I was going through *Hansard* of the oral questions, oral answers because of course it was for oral answers, it is just that we never got that far. And it may well be that it is filed under the... but thank you very much, Mr Speaker.

Well, Mr Speaker, in that fertile imagination that I have, surely he can give me some credit for the fact that if the Government is incorporating a company, the purpose of which is to provide the same kind of loans that is in essence the substance of the answer that he provided last year, the same type of business as Credit Finance... It is not a fertile imagination for me to ask well, is there anything in the pipeline? Is the Government planning anything in relation to this?

What has happened? Is it just simply that the Government has got cold feet after it has received all the criticism that it has received in relation to Credit Finance, and it has decided that perhaps discretion is the best part of valour, so to speak, and that it does not want to open a second front in relation to this particular company in London?

**Hon. J J Bossano:** Mr Speaker, I may be known for a lot of things in the 42 years I have been here but discretion being the better part of valour does not happen to be one of them. (*Laughter*)

No, the answer is quite simple: it was set up because it was thought it was a good idea to have a company there that could be used if it was needed to be used. It has not – the opportunity has not arisen or the need has not arisen, and we have not made use of it. If and when it does, a decision will be taken to make it.

But without him trying to read anything into it, I could give him an example. We have got a situation where we buy property, for example for medical cases in the United Kingdom, there might be a situation where because of problems or the bank insists it is impossible to raise a mortgage on a property for a patient. Well look, then we might want to do it with a UK company as opposed to a Gibraltar company. It is not happening, it is not envisaged that it is going to happen; it is just that I am trying to help him understand what might happen. (*Interjections*)

**Hon. D J Bossino:** Mr Speaker, yes, I think that answer is very useful.

Can he confirm that the issued share capital still stands at £100,000 because that is the answer that he gave at the time?

And if I may, as well, a second connected supplementary: in answer to the second question he gave me the details of the... I cannot remember actually he may have... Did he say in relation to the shareholding that it had not changed since the answer he gave to Question 665, or did he give me a name of a company? The reason why I am asking the question is because I was unable to take a full note of it – it says Gibraltar Investments and it started with a B and I sort of lost it there.

**Hon. J J Bossano:** Mr Speaker, the shareholding has not changed, I gave him the names of the directors, which was the information that he had not asked for before and which is new.

If he wants I will repeat the directors. They are Dilip Dayaram –

**Hon. D J Bossino:** I have got that –

**Hon. J J Bossano:** You have got that? Yes. The investment company is a director not a shareholder. (*Interjections*) As to the share capital there has been no change.

**Hon. D J Bossino:** Mr Speaker, the movements of directorship I think he gave as August and October 2014, in relation to those two individuals, Mr Dayaram and Mr Gomez. I have details here of a search, the result of a search conducted on the company, which shows two terminations of appointments of directors as 6th November 2014. Can he provide any information in relation to that? They do not seem to tally unless

there is some sort of filing issue – whether it tallies with the information which he has given us, whether there has been any further movement which he may not have been able to provide information on.

2465 **Hon. J J Bossano:** Mr Speaker, this is the information that I have been provided with by the people who are involved in the Treasury in looking after this. But, of course, if the information can be obtained by a search, then it is in the public domain and he should not be putting a question.

**A Member:** Hear, hear. (*Interjections*)

2470 **Mr Speaker:** Next question.

#### DEPUTY CHIEF MINISTER

##### Q688/2014 Naval Ground car park – Cost of construction

**Clerk:** Question 688, the Hon. D J Bossino.

2475 **Hon. D J Bossino:** Can the Deputy Chief Minister state what the cost of the construction of the car park at the Naval Ground is?

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

**Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the detailed design of the coach and car park has not been completed. Consequently the cost of construction is not finalised.

## Questions for Written Answer

2480 **Chief Minister) (Hon. F R Picardo:** Mr Speaker, can I invite the House to recess for 10 – (*Interjection*) Well yes. (*Interjection*) I do not mind doing it now if you wish – if Mr Bossano stops stealing it from me. (*Laughter*)

2485 Mr Speaker, I have the honour to lay on the table the answers to written questions W228/2014 through to W284/2014.

And can I, Mr Speaker, invite the House to recess for 10 minutes now before we return for Bills?

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

*The House recessed at 5.30 p.m. and resumed its sitting at 5.50 p.m.*

#### BILLS FIRST AND SECOND READING

##### Business Names Registration (Amendment) Bill 2014 – First Reading approved

2490 **Clerk:** Order of the Day – Bills, First and Second Reading.  
A Bill for an Act to amend the Business Names Registration Act.  
The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Business Names Registration Act be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Business Names Registration Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Business Names Registration (Amendment) Act 2014.

**Business Names Registration (Amendment) Bill 2014 –  
Second Reading approved**

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Business Names Registration Act be read a second time.

The effect of this Bill is to end the distinction between pre- and post-1st January 2000 businesses that are registered under the Business Names Registration Act as regards the requirement to submit annual statements of particulars.

Currently pre-2000 businesses do not have to file an annual statement of particulars. They are entirely exempt from this requirement. From now on, however, all registered business names will need to file a statement at least once every calendar year.

The primary reason the Government has decided to remove the different treatment of pre- and post-2000 businesses is so that all businesses will be on an equal footing, irrespective of when the business name was registered. This is a simple question of fairness and abolishes the distinction of pre- and post-2000.

The practical effect of this for pre-2000 businesses is that they will need to file a statement of particulars by the end of this year.

I should emphasise that Companies House wrote to each pre-2000 business on 28th July of this year. As a result every business has had sufficient time to prepare for this legislation.

I should also emphasise, Mr Speaker, three further points.

The first is that the proposed legislation will not introduce any new fees. The existing £15 fee for filing an annual statement of particulars will apply to all businesses simply by virtue of the fact that all businesses, not just post 2000 will now have to file such an annual statement.

Moreover, Mr Speaker, it is equally important to note that in order to promote the formation of small businesses in Gibraltar the fee of £20 for initial registration of a business name has been kept to £20, the same level at which it has been for the past 20 years.

The second is that this measure, because it will capture all businesses under the Act, will yield more complete information as to which businesses are not carrying on business. This in turn will allow the Registrar to make better decisions as to which businesses names to remove from the Register, thus freeing those names up for other businesses to use if they wish to do so.

The third is it will help Gibraltar to provide comprehensive business statistics to the OECD and the EU when this is requested or required of us by them.

Finally, Mr Speaker, I want to thank my colleague responsible for Financial Services, the Hon. and Learned Mr Albert Isola, for the co-operation I received from him on this matter, as well as Companies House for the sense of initiative and their co-operation in bringing this matter to a close.

Mr Speaker, 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 this Bill?

**Hon. D J Bossino:** Mr Speaker, the Opposition will be supporting the Bill, I have spoken to the Hon. Minister about this. On the face of my reading of this very short Bill, and the original Act which it intends to amend and the explanations he has given me before today's session, and also in today's session, I have no difficulty in supporting this Bill.

It seems that the effect of the amendment is eminently reasonable in terms of its practical effects, and I certainly have not received any representations against it. On that basis, Mr Speaker, simply to indicate that certainly at least the front bench will be supporting. But I am not sure whether the backbencher may have something to say in relation to this and what his views are.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Business Names Registration Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Business Names Registration (Amendment) Act 2014.

**Business Names Registration (Amendment) Bill 2014 –  
Committee Stage and Third Reading to be taken at this sitting**

2550

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2555

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

**FIRST AND SECOND READING**

**Fire Service (Amendment) Bill 2014 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Fire Service Act.  
The Hon. the Minister for Sports, Culture, Heritage and Youth.

2560

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Fire Service Act be read a first time.

2565

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Fire Service Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Fire Service (Amendment) Act 2014.

**Fire Service (Amendment) Bill 2014 –  
Second Reading approved**

2570

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, the Bill does three things to the Act. One, it changes the name of the Service in order to reflect the current service given. The Brigade, as it is known in the Act, now has moved to not only Fire but also Rescue Services, such as road traffic accidents or getting people trapped out of the lift etc.

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Second, it updates the description of the ranks of the Service. The description of the ranks was changed without regard to the Act and this amendment just reflects what is currently the names of the ranks.

And third there are a number of sections that refer to monetary figures. The amendment removes them and replaces them by the standard scale of fines.

I commend the Bill to the House.

2580

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

**Hon. S M Figueras:** Mr Speaker, yes.

2585

I would like to take the opportunity to associate myself with the comments that the Hon. Chief Minister made in relation to my hon. Friend who is not in the Chamber with us, Mrs I M Ellul-Hammond who has asked that I deal with this matter in her absence. I join the Chief Minister in expressing the hope that she will be able to join us in the Chamber just as soon (**A Member:** Hear, hear.) as her recovery is complete enough to make that return. (*Banging on desks*)

Mr Speaker, turning now to the Bill, this side of the House will be voting in favour of the Bill.

2590 A number of points that have been raised by my hon. Friend are that, as the Hon. Minister has just explained, this Bill amends the nomenclature throughout the Act of 'Fire Brigade' to 'Fire and Rescue Service'. Perhaps the Hon. Minister could clarify if this is as a result of Sir Ken Knight, the UK Government's Chief Fire and Rescue Adviser's review, or whether it is for the sake of modernisation of nomenclature after nearly 40 years in order to reflect the breadth of work of our Fire Brigade, as I note the  
2595 Hon. Minister has alluded to the fact that there is a much wider range of service on offer by the Fire and Rescue Service.

The Bill also brings any penalties in line with the standard scale of fines rather than stating a qualified monetary value as per the old Act. And that much is acknowledged as a desirable move.

2600 It also updates the description of the ranks in the Service, perhaps the Hon. Minister in his response could clarify if this is again in line with any recommendations that have been received as a result of the review of the Service?

2605 And two particular questions are asked and that is are the new titles for the posts of Leading Fire Control Operator and Fire Control Operator part of the definition of the new medical priority dispatch system in preparation for it to go live? And generally could the Hon. Minister explain if any of these changes are as a consequence of Sir Ken Knight's review? Or if indeed the new Bill is a prerequisite to the implementation of the recommendations that came out of said review?

Mr Speaker, I am asked by my hon. friend to draw the attention of the hon. Minister to section 2(16)(d) which amends section 18 subsection (5) of the Act and the new proposed amendment reads as follows:

“‘Service area’ means the area of Gibraltar, other than those areas for the time being occupied by the Ministry of Defence’.

2610 Could the Hon. Minister clarify what 'for the time being' means – if this means the new Fire and Rescue Service may at some stage service areas occupied by the Ministry of Defence, or is this an indication that the Defence Fire Service may not now be integrated with the Gibraltar Fire and Rescue Service as outlined in the Government's manifesto?

2615 Perhaps, Mr Speaker, the Hon. Minister could clarify the queries that have been raised, and as I said at the outset of my address, this side will be happy to vote in favour of the Bill.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to deal just with the issue that relates to the MoD and all the other issues can be dealt with by my hon. colleague when he speaks last as the mover.

2620 Mr Speaker, the issue of the Gibraltar Defence Fire Service has developed considerably in the past three years. The issue before was a consideration simply of amalgamation with the City Fire Brigade, who have developed quite a lot since then, into amalgamating the DFRS as it is known, the Defence Fire and Rescue Service into the Government of Gibraltar, but not into the City Fire Brigade because that creates issues for both the City Fire Brigade and the DFRS in terms of promotions etc. So the current thinking is that the DFRS will go into a free standing SPV owned wholly by the Government of Gibraltar, which is the model that works successfully in relation to other parts of the infrastructure management of the MoD that passed  
2625 to the Government before the election – in particular GMES, Mr Speaker, which is the company that owns the assets and operators of the old MoD Power Station, and I think the Gibraltar Laundries which took the people who worked in the MoD laundry.

2630 And so in order to de-conflict issues between the two brigades and issues of promotions etc, the first step is to give the men of the DFRS the security of employment that they can have in being employees of the Government of Gibraltar through a state-owned company, a wholly owned company, whilst not creating an amalgamation issue with the CFB. And that as I understand it is the preferred option of the men of the DFRS and the men of the CFB who could then have more time to look at when they can merge, if that is a future that makes sense for the community and for each of their services.

2635 They provide quite different services although they are able to support each other in different ways. But the training that they receive for specific things that they are required to do is quite different. So the training to get into an A320 that has turned into a fireball is different to the training to get up a tower block and a lift.

I hope that is helpful.

2640 **Mr Speaker:** Does any other hon. Member wish to contribute before I call upon the mover to reply?

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

2645 The hon. Gentleman raises three points in relation to the points that the hon. Lady wants to clarify. First and foremost is the fact that this Bill, the change of the name is not necessarily in relation to the audit report, but both. It is to do with... it did come as one of the things in the audit report, but also because what we are now going to call the Gibraltar Fire and Rescue Service will be 150 years next year and this has been



in the pipeline for a number of years, even before the audit report came about. So I would suggest that it is for both reasons: one is because it was intended to be done, and two because it was suggested within the report.

2650 On the second point which is whether the ranks are to do with the report, the simple answer is no. And that is because the ranks that are reflected in the Act now as in the Act of 1976 differ to the actual ranks that are existing now. So therefore the changes are reflecting, like I said in my presentation before are reflected the changes that have already happened during the years. So for example the Assistant Chief Fire Officer is no longer the Assistant Chief Fire Officer; he is now the Deputy Chief Fire Officer. The Divisional Officer: 2655 there is no Assistant Divisional Officer; there is only Divisional Officers. So the Act actually changes what has been happening through the years and now updates it. And it is therefore nothing to do with the actual report.

And on the third point which is to do with the Fire Control Officers that is an issue that is still pending, has nothing to do with the audit report, and is a thing that we need negotiating. If the hon. Gentleman looks 2660 at the Act itself, although we are changing the names to reflect what they are now, the ranks, it says the Government may by order in *The Gazette* amend the list of ranks, so we can either remove them if need be, but we have not taken yet a decision on how we are moving towards the Fire Control Officers, or what they are named now, Fire Control Officers. So basically we are awaiting that to happen, and once whatever happens, it will not reflect in the Act itself. So it is nothing really to do with the Act.

2665 So I have just tackled the three points that the hon. Gentleman raised and the Hon. Chief Minister tackled the MoD one.

Thank you, Mr Speaker.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Fire Service Act be 2670 read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Fire Service (Amendment) Act 2014.

#### **Fire Service (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting**

2675 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I beg to give notice that the Committee Stage and the 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 this Bill be taken today? (**Members:** Aye.)

#### **COMMITTEE STAGE AND THIRD READING**

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

2680 **Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Business Names Registration (Amendment) Bill 2014 and the Fire Service (Amendment) Bill 2014.

*In Committee of the whole Parliament*

#### **Business Names Registration (Amendment) Bill 2014 – Clauses considered and approved**

2685 **Clerk:** A Bill for an Act to amend the Business Names Registration Act.  
Clauses 1 and 2.

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

2690 **Clerk:** The long title.

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

**Fire Service (Amendment) Bill 2014 –  
Clauses considered and approved**

2695 **Clerk:** A Bill for an Act to amend the Fire Service Act.  
Clauses 1 and 2.

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

2700 **Clerk:** The long title.

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

**Business Names Registration (Amendment) Bill 2014;  
Fire Service (Amendment) Bill 2014 –  
Third Readings approved; Bills passed**

**Mr Speaker:** The Chief Minister.

2705 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Business Names Registration (Amendment) Bill 2014, and the Fire Service (Amendment) Bill 2014, have been considered in Committee and agreed to without amendments, and I now move that they be read a third time and passed.

2710 **Mr Speaker:** I now put the question, which is that the Business Names Registration (Amendment) Bill 2014, and the Fire Service (Amendment) Bill 2014 be read a third time and passed. Those in favour of the Business Names Registration (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.  
Those in favour of the Fire Service (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

**ADJOURNMENT**

2715 **Clerk:** Adjournment.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise to move the adjournment and to sincerely trust that at the next meeting of this House we will have the opportunity of having our to date absent Member Isobel Ellul-Hammond back with us; and if I may say so, Mr Speaker, wish a safe return to Gibraltar from his splendid cruising holiday to Mr Edwin Reyes who I know has not been able to be here for that purpose.  
2720 I 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*.  
I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.  
2725 The House will now adjourn *sine die*.

*The House adjourned at 6.10 p.m.*