



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 12.49 p.m.

Gibraltar, Thursday, 16th October 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: P E Martinez Esq *in attendance*]

PRAYER
Mr Speaker

Order of the Day

Clerk:(i) Oath of Allegiance.

CONFIRMATION OF MINUTES

Clerk: (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 25th and 30th June and 1st, 2nd, 3rd and 4th July 2014.

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

Mr Speaker signed the Minutes.

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Refurbishment of antechamber

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with your indulgence, before I start the process of laying various items on the table, can I just ask the House to reflect on the fact that the House has not met since June as a result of the works which have been carried out in the antechamber, which hon. Members will no doubt want to agree with me have greatly improved that area. We had hoped to return in September, but this was not possible because of the works affecting the sophisticated audio-visual equipment that is now installed for our live feeds.

20 Mr Speaker, I know that all Members will want to join me in crediting GJBS, as main contractor, who have carried out the works to meet a challenging deadline, to say the least. All their subcontractors in doing this work have been locally based, the House will be pleased to know. The refurbishment not only consisted of the upgrading of items of furniture and restoring of some other historic features, such as the fireplace and the window timber panels, but also saw a complete overhaul of the infrastructure to cater for today's demands, especially IT, which we do hope is working this morning after one or two tests yesterday.

25 Mr Speaker, importantly – and the Minister for the Environment will be pleased to note – the energy performance of the area has been improved with the introduction of more efficient air-conditioning systems and new lights, and new speakers, apparently.

Of course, it is also worth mentioning, Mr Speaker, your own and your staff's patience for having endured the inconvenience of being moved to alternative premises for much of the period of the works – but I trust that you will now enjoy the much improved environment.

Visit of Secretary of State for Defence, Rt. Hon. Michael Fallon

30 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I should also inform the House that late yesterday the Secretary of State for Defence arrived in Gibraltar for a short visit.

I shall be absenting myself from the Chamber shortly in order to meet with the Rt. Hon. Mr Fallon and will return as soon as possible after I have concluded my meetings with him to report to the House on the outcome of such meetings.

Good wishes to the Hon. Isobel Ellul-Hammond

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, finally, before I sit down, can I also ask the House to note that one of the chairs opposite is empty. Mrs Ellul-Hammond has been unwell and is unable – as we all now know, for health reasons – to join us this morning. I am sure all Members will want to join me in wishing her well and that her speedy recovery should bring her back amongst us as soon as possible.

40 I know, Mr Speaker, that from the outside it sometimes appears that Members are constantly at each other's throats and that there is little of the milk of human kindness between us, but what is also very, very true is that although we defend our ideas and our ideology to the best of our abilities in this place, when one of us is down, she or he has the solidarity, friendship and respect of all of us across the floor of the House. I do wish that she is back in this House with us as soon as possible. (*Applause*)

45 **Hon. D A Feetham:** Mr Speaker, on behalf of the Opposition, the Opposition would like to associate itself entirely with everything that the Hon. the Chief Minister and Leader of the House has said. It was a matter that I was going to be raising in relation to Isobel Ellul-Hammond, and I am very grateful that the Chief Minister has done so on behalf of this House.

50 As someone who – and indeed the Chief Minister – has been the subject of an unfortunate event in the past... When something like this happens to you, having the support and having the well wishes of not only people on your side but also people on the other side of the political spectrum is very comforting, is very important and shows that in a community like Gibraltar, which is a very small community, we may be politically very divided in terms of the issues of the day, but when it comes to standing shoulder to shoulder and showing compassion and empathy for people within our community, despite the political divides, that is exactly what happens, and so it should be.

55 So, Mr Speaker, on behalf of the Opposition, I associate myself and I thank the Hon. the Leader of the House for his kind words. (*Applause*)

60 **Mr Speaker:** May I also, on my own behalf and on behalf of the Clerk and the staff of Parliament, wish the hon. Lady, Isobel Ellul-Hammond, a speedy recovery. We look forward to seeing her amongst us as soon as possible.

PAPERS TO BE LAID

Chief Minister (Hon. F R Picardo): Mr Speaker, without further ado, I now have the honour to lay on the table the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2013, and the Audited Accounts of the Gibraltar Regulatory Authority for the year ended March 2014.

65 **Mr Speaker:** Ordered to lie.

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

70 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2014.

Mr Speaker: Ordered to lie.

75 **Clerk:** (vii) Reports of Committees.

Questions for Oral Answer

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q472/2014

Monaco Boat Show –
Attendance

Clerk: (viii) Answers to Oral Questions.
Question 472/2014, the Hon. D J Bossino.

80 **Hon. D J Bossino:** Mr Speaker, can the Minister for the Port state who attended the recent Monaco Boat Show, and by ‘who attended’ – I have spoken to the Hon. Minister opposite – I mean, obviously, those in his Department, as opposed to all the attendees of the Boat Show.

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.
85

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Captain of the Port, Commodore Bob Sanguinetti, represented the Gibraltar Port Authority, and Ms Diana Soussi represented the Gibraltar Maritime Administration.

I took it, on receiving the Question, that that is what he meant, and I am grateful that he did
90 communicate that to me in any case.

Hon. D J Bossino: Mr Speaker, I know it was not in the Question, but does he have information as to the expenditure of the trip? I fully understand if he does not have the information; it was not part of the Question.
95

Hon. N F Costa: Mr Speaker, out of the nine supplementary paragraphs that I foresaw, that was not one of them. I apologise.

Hon. D J Bossino: Mr Speaker, I am in quite a relaxed mood this morning, so he need not have prepared so much!
100

Can the hon. Member give me an indication as to whether this information will be published on the Gibraltar Government website at some point? Because I think it is, in relation to many of the other Departments.

105 **Hon. N F Costa:** Yes, Mr Speaker, the information, as is the case, will be published on the Government website, but should he not find it during the course of this month, he can of course ask me again, or write to me, and I will provide him with the information.

Hon. D J Bossino: Mr Speaker, this may be one of the supplementaries he has prepared for: can he advise this House whether he has information as to whether this particular trip has produced any returns in terms of economic activity for Gibraltar?
110

Hon. N F Costa: Five paragraphs devoted to that supplementary!

Mr Speaker, the Captain of the Port and the Maritime Administrator met with several, I thought, important persons. They met with, for example, the editor, the senior sales executive and the associate publisher of *Superyacht Business*, which, as the hon. Gentleman knows, is the most high-impacting yacht magazine internationally. They also met with the owners of certain yacht companies and with members of other ship registries, such as the Isle of Man Ship Registry and the British Virgin Islands. They have also met with shipping agents, such as Custer Networks, AFM Insurance Brokers, Marine and Superyachts Willis and the *Boat Exclusive* yachting magazine. So they did hold, over the course of those two days, a series of, I thought, quite important meetings.
115
120

In respect of what Gibraltar may hopefully receive in terms of promotion, I do understand from the Captain of the Port that *Superyacht Business*, *Superyacht Group* and *Boat Exclusive* will all three be featuring articles in Gibraltar in the upcoming editions.

125 In respect of whether any of those meetings with superyacht owners and agents will provide any specific results, the hon. Gentleman I am sure will agree with me that, given that the festival was on 25th and 26th

September, it is too soon to be able to specifically quantify, but obviously we are hopeful that it will attract business to the Gibraltar Ship Registry here in Gibraltar.

130 **Hon. D J Bossino:** Just one other point of detail – of course, I am hopeful that it will attract such
business as the Hon. Minister refers to. In relation to the publications he refers to – *Superyacht Business*,
and I think there were another two; I have not taken a note of that – and the features they are going to be
running on Gibraltar, are those as a result of payments which his Department is making, or is it an editorial
as opposed to...? In other words, is it an editorial feature, for which we do not pay; or is it an advertorial
135 feature?

Hon. N F Costa: The answer that I have, Mr Speaker, says that they will be including features on
Gibraltar. It does not say whether it would be an advertorial or an editorial. Obviously, if it is an advertorial,
I would be able to edit the content, which in a way I prefer; but I am also hopeful, on behalf of Minister
140 Bossano and the entirety of the taxpayer that it is just a promotion feature which does not require the
taxpayer to pay any money.

Q473/2014
Sandy Bay beach –
Replenishment cost

Clerk: Question 473, the Hon. D J Bossino.

145 **Hon. D J Bossino:** Can the Minister for Tourism provide updated details of the costs of the replenishing
of the Sandy Bay beach?

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

150 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes,
Mr Speaker, the replenishment cost of Sandy Bay Beach was £1,441,590.

The hon. Gentleman may recall that when he asked me some time back, I estimated that the cost would
be £1,490,000, so there was a little saving.

155 **Hon. D J Bossino:** Can he give an indication as to why that is the case? Obviously, any saving must be
welcome, but he is absolutely right: in his answer to a similar Question that I posed on 29th May, he did say
it was £1.4905 million. It has now gone down slightly. Can he give an indication as to why that saving?

160 **Hon. N F Costa:** Mr Speaker, in the absence of any arachnids, we did not have to pay for those, of
course. Apart from that, that was the contract value. It just so happened that we were able to obtain the full
50,000 tonnes of sand for a slightly lesser amount – but we did obtain exactly what was sought.

165 **Hon. D A Feetham:** Mr Speaker, in relation to the price of the sand for Sandy Bay, was that the
cheapest option that was put to the Government at the time? Does the Hon. the Minister have that
information?

170 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman perhaps will remember that, whereas we did start the
process of replenishing the beach from a different source, that was cut short by actions taken at the border.
So, whereas I cannot tell him, because I do not have the information before me, whether it was the cheapest
option, I sincerely doubt it, given that we had to transport the sand from I think it was the Western Sahara,
and we could not cross it through the border, so naturally... just thinking about it, without the information
before me, I would think that it would not have been the cheapest option, no.

175 **Hon. D A Feetham:** Mr Speaker, the reason why I am asking this question is because I have had a
couple of people come to see me and complain that, in actual fact, this was not the cheapest option for the
Government – not because the sand was to come from Spain, but because there was a cheaper option from
Morocco itself. That is why I am asking the question of the Hon. the Minister.

Could the Minister, if he does not have the information – clearly, he does not – simply perhaps make
enquiries and then come back to me in relation to this, so that I could allay the fears or the concerns of those
people who have come to me and made that complaint?

180 Indeed, there may be a perfectly reasonable explanation – if it is true that there were cheaper proposals put to the Government – as to why the Government did not go with the cheaper proposals for sand from Morocco and went with this particular option.

185 **Hon. N F Costa:** Mr Speaker, what I can tell the hon. Gentleman is that, unfortunately, it is a fact of life for me that when I receive a recommendation on anything as to whom to award a contract, those who are not successful write in to complain. Unfortunately, I must be guided by the advice that my technicians provide me with. I am not an expert and therefore I am perfectly happy to always sign off on what the advice is.

190 Let me tell him what I told the hon. Gentleman the last time I was asked the question. The contract for the regeneration of the bay was awarded following a public tender, which was concluded in March of this year, and the tender document specified the specifications for the sand but did not specify the source. Following review by the team that was considering the tenders, the contract was awarded to Van Oord, which I am told was the most economically advantageous compliant bid. It may have been that within that architecture the sand *per se* may have been more cheaply sourced elsewhere, but the contract was awarded to the company that provided the most competitively attractive bid in compliance with the tender documentation.

195 I am sure that will assuage the persons who have come to see him – and if not, they can always call me.

200 **Hon. D J Bossino:** I overheard one of my colleagues mentioning, when he first answered the question, whether this is the total price tags – in other words, would this include the works in relation to, for example, the groynes?

205 **Hon. N F Costa:** No, Mr Speaker, sorry, the way that I read the Question was ‘the replenishing’ of the beach, so those costs only relate to the replenishing of the beach. If he wishes to know the cost of the total project, he will need to provide me with notice of that question and I will provide him with the information.

Q474/2014
Tourism Department –
Advertising expenditure

Clerk: Question 474, the Hon. D J Bossino.

210 **Hon. D J Bossino:** Can the Minister for Tourism provide details of the advertising expenditure in each of the Departments he has ministerial responsibility for, together with details of the publications since he took office, to date?

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

215 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the details are as follows. In respect of the Gibraltar Port Authority: Panorama, £304.20 –

Mr Speaker: May I ask the Minister, does he propose to read out six or seven pages of figures?

220 **Hon. N F Costa:** Well, Mr Speaker, I may read them, or they may be taken as read and a copy provided to the hon. Gentleman.

Mr Speaker: I think the answer should be ‘in the schedule which I am providing to the hon. Member’, because to read six or seven pages of figures... not only is it time-consuming, but it is a pointless exercise.

225 I would suggest to the Hon. Minister that he changes slightly his answer to say, ‘The information which is requested is provided in the schedule which I am now making available to all hon. Members.’

230 **Hon. N F Costa:** Mr Speaker, of course I will bow to any ruling that you issue to this House, and if your advice is that I should do so in that way, I shall of course do so. I have no issue with it at all, but it certainly would not be the first time that a Minister has –

Mr Speaker: I am well aware that I have not been able to prevail upon the Hon. Mr Bossano (*Laughter*) to change his spots – I am well aware of that, but then the Hon. Mr Costa has not been here for over 40 years!

235 **Hon. N F Costa:** Well, Mr Speaker, in that case, and bowing to your advice, I shall certainly provide –

Mr Speaker: Unless the Opposition object. If they do not object, then I think (*Interjection*) –

240 **Hon. N F Costa:** Mr Speaker, in that case, I propose that I answer by saying that the answer that the hon. Gentleman has asked me for will be provided to him by way of a schedule, which the kind lady will photocopy and hand over to him.

Mr Speaker: Perhaps while that information is being photocopied, we can proceed with the next Question.

Handout follows after Question No. 475

Q475/2014
Tourism and hospitality courses –
Cost, attendees and content

245 **Clerk:** Question 475, the Hon. D J Bossino.

Hon. D J Bossino: I must say, I am surprised by the Hon. Minister, because he normally does use the practice that the Speaker has suggested to him today. I think I have given up in relation to Mr Bossano, and I ask most of the statistical questions in writing because I know what the answer is going to be, but I did not expect it from Mr Costa.

250 Can the Minister for Tourism provide details of the costs of the tourism and hospitality courses which have been offered at Bleak House, together with details of how many attended and what the precise nature of the courses entailed?

255 **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, perhaps, if I may be allowed, before I answer this particular Question, just to reply to the preface of this Question – the only reason why I decided to do it in that particular way was that sometimes, when I hand over the schedule, it has been suggested to me that the public is not able to fully digest what has been passed over and I thought that given the tremendous work that has gone into marketing Gibraltar abroad by the Gibraltar Maritime Administration, the Port Authority, my Ministry etc, I thought it would give the public a flavour of what is that is done, but as I say, I was more than happy to provide you with a schedule.

265 Mr Speaker, in answer to this particular Question, the total cost of this four-day pilot programme is broken down as follows: fee to Oxford Brookes University, £8,400; course materials, £1,202.85; and food and catering, £1,298.24.

A total of eight courses were offered between Monday, 29th September and Thursday, 2nd October, with 88 spaces available in total and 75 taken up.

270 The courses on offer were titled: ‘Leadership Development’, providing the necessary skills to managers to develop their leadership capabilities; ‘Getting to know and manage Allergens’, allowing attendees to ensure full compliance with regard to allergen control; ‘Our Customers, Our Business’, providing skills to deliver real and meaningful service excellence; ‘May I Suggest?...’, breaking down the fears of upselling by offering choice in the approach to customer service; ‘In the Line of Fire’ – perhaps something more suited to this Chamber – laying down the skills to handle challenging people and situations to achieve a positive outcome; ‘Wine and Spirit Education Trust Certificate’, an introduction to the main styles of wine and product knowledge in storage and service; and finally, ‘Menu Planning and Food Presentation’, which looked at the food culture in Gibraltar and techniques to enhance menus and food presentation.

280 **Hon. D J Bossino:** Just to understand how this works, Mr Speaker, as I understand it, there was no requirement to employ anybody outside of the... Presumably, Oxford Brookes University provided the tutors exclusively – is that the case? There was nobody who had to be employed locally to provide that tuition?

285 **Hon. N F Costa:** Yes, Mr Speaker, as press release 477 and press release 544 mentioned, the courses were provided by lecturers and trainers from the university.

Hon. D J Bossino: Mr Speaker, I am grateful for the detail in relation to the courses which were in fact provided. That was not, obviously, as one would have expected, set out in the press release. I am grateful for that. I take it that no formal qualifications resulted from these courses – is that correct?

290

Hon. N F Costa: Mr Speaker, actually, I will have to get back to him on that particular point. If I recall correctly from our discussions with Oxford Brookes lecturers, there was, on this occasion, a certification in terms of attendance but not on a particular grade as such. I will get back to him on that point though.

295

Hon. D J Bossino: Yes, I am grateful.
Also, was there any involvement from businesses? I would have thought the local businesses, were there any businesses from outside Gibraltar?

300

Hon. N F Costa: Yes, Mr Speaker, as the hon. Gentleman rightly says, there was participation from the private sector. I have a few companies – the Caleta Hotel, the Lounge Bar, Calypso Tours, Le Bateau restaurant, the Lord Nelson, MH Bland and Pizza Hut – so there was significant uptake from private companies and not just from the Gibraltar Tourist Board.

305

Hon. D J Bossino: And, Mr Speaker, what was the nature of the involvement?

Hon. N F Costa: Mr Speaker, sorry, I was referring to attendees. I thought he asked me whether there was participation from the private sector, and I said that members from those particular companies had attended as attendees to the course.

310

Hon. D J Bossino: Of course, that question was open to that interpretation in terms of involvement, and that is fine and I am grateful for the answer; but can he also say whether there was any involvement on behalf of these businesses in relation to the courses themselves – or was that also exclusively provided by the university?

315

Hon. N F Costa: That is correct, Mr Speaker. It was exclusively provided by Oxford Brookes University.

Hon. D J Bossino: Has he had any feedback from the businesses – are they happy with the course, have they suggested improvements, things like that?

320

Hon. N F Costa: Yes, Mr Speaker. At the conclusion of the courses, the attendees were provided with questionnaires, and although I do not have a copy of it, I remember reading that the response was overwhelmingly positive from the attendees. Again, I can give him the exact figures if he so wishes.

**Q474/2014 continued –
Tourism Department –
Advertising expenditure**

325

GIBRALTAR PORT AUTHORITY	
Panorama	£304.20
Gibraltar Chronicle	£1,104.00
Maritime Media Ltd	£3,000.00
Panorama	£197.10
Gibraltar Chronicle	£728.00
Seatrade Communications Ltd	£2,100.00
Cruise Media OY Ltd	£1,712.50
Elaborate Communications Ltd	£700.00
Seatrade Communications Ltd	£2,100.00
Seatrade Communications Ltd	£900.00
Cruise Port & Destinations Journal	£8,370.00
Tanker Shipping & Trade	£750.00
Business Outlook Ltd	£29,666.67
Elaborate Communications Ltd	£1,000.00
Herold Mediatel	£328.00
World Focus	£5,715.15

CONT....

CONT. ANSWER TO QUESTION NO 474/2014

Panorama	£162.00
Advert 'On Board' Magazine	£831.16
Seatrade Communications Ltd	£900.00
Colorworks	£300.00
Gibraltar Chronicle	£1,472.00
Panorama	£160.20
Informa UK Ltd	£1,998.00
Yacht Registry Advertisements	£29.00
Piranha Designs	£120.00
Elaborate Communications Ltd	£700.00
Piranha Designs	£80.00
The Report Company	£15,012.50
Seatrade Communications Ltd	£2,650.00
Panorama	£366.30
Gibraltar Chronicle	£1,080.00
Ship Management International	£700.00
Maritime Media Ltd	£2,500.00
Ship Management International	£800.00
Maritime Media Ltd	£4,000.00
Mercatormedia Ltd	£2,695.00
Panorama Ltd	£1,052.00
Petrospot	£1,250.00
Maritime Intelligence Ltd	£175.00
Petrospot	£800.00
Redactive Media Sales	£700.00
Elaborate Communications Ltd	£800.00
Maritime Media Ltd	£2,500.00
Herold Mediatel	£443.00
Gestion Cultural Hercules SL	£9,764.04
Informa UK Ltd	£2,287.50
Gestion Cultural Hercules SL	£4,828.97
Petrospot	£250.00
Gestion Cultural Hercules SL	£4,747.59
Gestion Cultural Hercules SL	£4,768.34
Informa UK Ltd	£14,432.50
Petromedia Ltd	£1,812.18
I H S Global Ltd	£3,045.75
Gestion Cultural Hercules SL	£4,796.55
Gibraltar Chronicle	£96.00
Panorama	£135.00

GIBRALTAR MARITIME ADMINISTRATION	
Ship Management International	£700.00
Ship Management International	£1,000.00
Tanker Operator Magazine Ltd	£450.00
Colorworks	£1,750.00
Ship Management International	£1,000.00
Tanker Shipping & Trade	£625.00

CONT....

CONT. ANSWER TO QUESTION NO 474/2014

Tanker Shipping & Trade	£625.00
On Board Magazine	£825.70
On Borad Magazine	£825.70
Superyacht Business	£2,000.00
Yachting Pages	£1,250.00
Ship Management International	£700.00
Ship Management International	£800.00
Tanker Shipping & Trade	£600.00
Tanker Shipping & Trade	£600.00
Tanker Shipping & Trade	£600.00
Container Shipping & Trade	£600.00
Seatrade Publications	£710.00
Tanker Operator Magazine Ltd	£375.00
On Board Magazine	£834.53
On Board Magazine	£823.35
Superyacht Business	£2,300.00
Yachting Pages	£2,300.00
Ship Management International	£800.00
Tanker Shipping & Trade	£625.00
Tanker Shipping & Trade	£600.00
Tanker Shipping & Trade	£625.00
Tanker Shipping & Trade	£625.00
Container Shipping & Trade	£600.00
Seatrade Publications	£710.00
Tanker Operator Magazine Ltd	£290.00
Tanker Operator Magazine Ltd	£290.00
Tanker Operator Magazine Ltd	£290.00
Superyacht Business	£2,300.00
Superyacht Business	£1,150.00

GIBRALTAR TOURIST BOARD	
Daily Mail Spain Edition	£3,990
Intouch Magazine	£613
Highlife Magazine Ba	£30,000
Al Paraiso Magazine German Lang	£3,393
Future Airport Magazine	£4,100
The 123 Gibraltar Street Map	£2,000
The Olive Press	£1,113
The Mail On Sunday	£25,000
Daily Telegraph	£14,200
Radio Times	£22,023
Revista Confetti	£787
Readers Digest	£3,804
Brides Magazine	£3,500
Good Housekeeping Magazine	£10,000
Motoring And Leisure Magazine	£4,500
Perfect Wedding Magazine	£900

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CONT. ANSWER TO QUESTION NO 474/2014

Wedding Day Venues Magazine	£450
Woman And Home Magazine	£5,500
You And Your Wedding Magazine	£2,687
Homes And Gardens Magazine	£5,500
Sunday Telegraph	£3,000
The Times	£6,764
Wedding Travel Magazine	£1,926
Daily Express	£5,280
Daily Mail	£8,580
Sunday Express	£2,520
Sunday Times	£17,250
The Mail On Sunday Supplement	£5,127
Heritage Magazine	£2,500
Liverpool Echo	£6,000
Nottingham Evening Post	£17,600
The Mail On Sunday	£7,647
Daily Telegraph Travel Catalogue	£175
Bmi Baby Inflight Magazine	£3,501
Daily Mail Spain Edition	£2,527
La Razon	£5,006
Essential Magazine	£2,140
Capital Magazine	£5,711
Easyjet Inflight Magazine	£14,436
Superbreak Brochure	£12,500
Discover Pocket Guides	£1,120
Rock Hotel Guest Directory	£1,000
La Tribuna Marbella	£7,276
The Guardian	£15,013
Ryan Air Inflight Magazine	£4,774
Al Paraiso Magazine German Language	£1,262
Gib Int Song Festival Programme	£85
Balpa Magazine	£950
BBC History Magazine	£2,500
Daily Telegraph	£2,142
Meetings & Incentive Travel Magazine	£4,575
Perfect Wedding	£600
Radio Times	£12,500
Sunday Telegraph	£1,530
The Times	£3,300
Your Manchester Wedding Magazine	£502
Conference & Incentive Magazine	£3,671
East Midland Metro Newspaper	£3,090
Heritage Magazine	£2,550
Manchester Evening Newspaper	£3,351
Birds Magazine	£6,000
Brides Magazine	£4,511
Future Airport Magazine	£5,063
Gibraltar Song Festival	£85

CONT..

CONT. ANSWER TO QUESTION NO 474/2014

Sur In English Newspaper	£686
Routes Magazine	£5,872
Blue Planets Odyssey Magazine	£690
Essential Magazine Marbella	£5,215
High Life Magazine Ba	£35,000
La Tribuna Marbella	£20,775
Daily Mail Newspaper	£9,840
Strait Sailing Handbook	£600
Business Life Magazine	£3,600
International Cruise And Ferry Magazine	£2,750
Help For Heroes Journal	£1,000
Al Paraiso Magazine - German Language	£1,254
Vivek Magazine	£400
British Red Cross Magazine	£750
Seatrade Publications Magazine	£4,560
Daily Express Newspaper	£2,460
Daily Telegraph Newspaper	£2,100
Sunday Express Newspaper	£2,460
Sunday Telegraph Newspaper	£4,000
The Mail On Sunday Newspaper	£4,500
Cunard Yearbook	£4,344
Thomson Future Cruise Magazine	£8,000
Cruise Business Magazine	£1,944
City Of London & Docklands Times Newspaper	£125
Cruise Port And Destinations Magazine	£5,940
Ocean Village Magazine	£1,548
Bunker Bulletin Magazine	£594
Routes Europe Directory	£1,838
La Verdad	£28,915
Routes Europe 2014 Magazine	£4,571
Ragap Magazine	£1,631
Commonwealth Games Programme	£2,475
Essential Marbella Magazine	£883
Icj Magazine	£2,408
Olive Press	£1,260
Euro Weekly News	£239
Cruise Worthy Magazine	£1,200
Easyjet Inflight Magazine	£4,525
Inter Cruise And Ferry Review	£2,000
RIs Review	£530
Future Cruise Brochure	£8,000
Cresta Winter Breaks 14/15 Brochure	£1,000
Cruise Industry News Magazine	£2,247
Seatrade Cruise Review	£2,280
Help For Heroes Journal 2014	£1,000
BBC History Magazine	£3,000
Sunday Telegraph	£5,000
Perfect Wedding	£640

CONT....

CONT. ANSWER TO QUESTION NO 474/2014

Brides Magazine	£4,500
Your Manchester Wedding Magazine	£450
Meetings And Incentive Travel Magazine	£4,575
Conference & Incentive Travel Magazine	£3,500
Travel Bulletin	£2,310
Manchester Evening Newspaper	£4,935
Saga Magazine	£4,800
Readers Digest	£7,000
National Geographic Traveller	£4,210
BBC Wildlife Magazine	£1,210
Daily Telegraph Magazine	£10,000
The Times	£6,000
Sunday Times	£8,475
Daily Express	£2,460
Mail On Sunday	£7,380
Metro East Midlands	£3,000
Cruise Business Review	£1,856
Britain At War Magazine	£1,312
Daily Telegraph	£2,100
Radio Times	£11,600
Sunday Telegraph Stella Magazine	£3,500

GIBRALTAR BUS COMPANY LTD	
None	£0.00

DEPARTMENT OF CONSUMER AFFAIRS	
None	£0.00

MINISTRY OF TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT	
Gibraltar International Publications	£2,600
Insight Publications	£900
Insight Publications	£300
Olive Press	£1,798
Gibraltar International Publications	£800
Gibraltar International Publications	£300
Gibraltar International Publications	£500
Insight Publications	£300
Gibraltar International Publications	£800
Insight Publications	£300
Herold Mediatel	£284
Chase Publishing	£4,500
Develop IT	£1,970

Mr Speaker: If at any stage, having considered that lengthy answer, the hon. Member wishes to raise anything as a supplementary, I would be quite happy from him to do so.

330

Hon. S M Figueras: Perhaps, Mr Speaker, if I could just ask one of my Questions to give my hon. Friend an opportunity to review the schedule, that would be very helpful.

Q476/2014
Gibraltar Bus Company –
New livery

Clerk: Question 476, the Hon. S M Figueras.

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

Can the Minister for Transport say whether the new Gibraltar Bus Company buses will be liveried in a similar fashion to the existing fleet of buses?

340 **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, no. The new buses will have a new livery, which I am sure the hon. Gentleman will shortly see as the buses are deployed over the next three months.

345 The hon. Gentleman will agree with me that the new and excellent, if I may say so, livery is consistent with Gibraltar's image as a vibrant and modern destination, and will undoubtedly congratulate the Government on its impeccable taste.

Hon. S M Figueras: Mr Speaker, well, not necessarily.

350 Perhaps the Hon. Minister would tell the House on whose recommendation these changes were brought about.

Hon. N F Costa: In respect of the livery? Well, the designs were presented to me by the Bus Company at the Ministry. There was consultation with the relevant Ministers and it was very much a group effort.

355 I do not think the hon. Gentleman should be so sour as to suggest that he may not like the livery. I am sure that he will actually like it very much.

360 **Hon. S M Figueras:** Mr Speaker, the issue is not whether I like it or not – and having seen some snippets of the buses themselves, I have to say I do quite like them and I have no problem recognising that. That is not what is in issue in the House. My question is whether... Obviously, the answer to the question is yes, but why was it felt that a change in livery was desirable, given the fact that it would interrupt the continuity of the last 10 years of the existing bus fleet being the colours that they have been?

365 **Hon. N F Costa:** Mr Speaker, a clue to the answer that he asks me now by way of supplementary is in the original answer that I gave. As the hon. Gentleman knows, we are trying to take that quantum leap in terms of tourist offering and tourist hospitality and the different strands that make Gibraltar the vibrant and dynamic city it is today. Apart from the physical investment in capital works in the Upper Rock and in our beaches and so on, it is also the case that this Government has made sure that, in addition to hard cash on infrastructural projects, we have also brought additional culture – in terms of the Jazz Festival, the International Literary Festival and so on – and I think that tied in... He asks me the question and I am giving him the answer. Yes. Tied into that, I think the livery does very much tie in with everything the Government is trying to achieve in terms of the image of Gibraltar as a modern and vibrant city. I am quite sure that the livery does in fact achieve that.

375 **Hon. S M Figueras:** Mr Speaker, could the Hon. Minister just answer the last question? I suppose the answer is – in the answers he has given to the other supplementaries – that effectively this was a decision taken at Cabinet level, and it is really as simple as it is.

380 **Hon. N F Costa:** No, Mr Speaker, it was not a decision taken at Cabinet level. There were designs proposed to... may I call it 'the first team', which is comprised of the Bus Company, the Bus Company directors, relevant officials from traffic, and I discussed the particular livery with certain Ministers, not all of the Ministers. As a result of the discussion that flowed from that original meeting with the officials and also discussions with certain Ministers, I made a final decision on the livery. But as I said, like liveries, it was very much a fluid art.

385 **Hon. S M Figueras:** And of course one can imply that this was not a decision that was linked, thankfully to the Sustainable Traffic and Transport Management Plan, then?

Hon. N F Costa: Mr Speaker, the livery did not form part, as I recall it, of the STTPP; but I will tell you what did form part of the STTPP, and that is making transport in Gibraltar accessible – something which I

390 am sure that the hon. Gentleman opposite will very much appreciate. Not only did the teams that met take
into account what would make, in effect, a beautiful bus, but we also took expert advice from my hon.
colleague's Department as to what would make the interior of a bus accessible, not just for those with
reduced mobility, but those as well who may have difficulty in seeing, so that the contrast in the colours
395 aesthetics makes it easier for people with visual impairment. So it was not just aesthetics, although it very much was
aesthetics too, but it was also making sure that the colour schemes made the buses accessible to the entire
community.

Q477/2014
Gibraltar Bus Company –
New diesel fleet

Clerk: Question 477, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, the Hon. Minister has already alluded to part of the answer to this
400 Question a moment ago, but I will ask it anyway, for more detail.

Can the Minister for Transport say when we can expect to see the new fleet of diesel buses in operation
in Gibraltar?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.
405

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr
Speaker, the first vehicle should be in operation by the end of next week and the full fleet should be in
operation – by that I mean operating the routes – by the end of December.

Hon. S M Figueras: I am grateful. Perhaps the Minister could provide me with information that he may
410 not have – and if he does not, I will understand and I will give notice of the question, if he considers it
necessary, at the next session, but is the whole existing bus fleet being replaced like for like, or are there
additional vehicles being added to the fleet?

Hon. N F Costa: Mr Speaker, as I mentioned during the course of the Budget debate, there are currently
415 18 midi-sized buses – we bought 20 midi-sized buses – and as I have also said during the course of the
Budget debate, and I think I may have mentioned it during the course of a television interview, in addition
to the midi-sized buses, we will also be purchasing small, but again fully accessible, vehicles for those
routes that negotiate and travel through the very narrow parts of Gibraltar.

Q478/2014
Peter Sardeña –
Industrial Tribunal

Clerk: Question 478, the Hon. S M Figueras.
420

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say whether, further to his answer to
Question 351/2014, the decision of the Industrial Tribunal has now been received by the Government?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.
425

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr
Speaker, yes. The hearing of the claim has concluded and we now have received a decision from the
Industrial Tribunal.
430

Hon. S M Figueras: Can the Hon. Minister say what the decision of the Industrial Tribunal is vis-à-vis
compensation or any other aspects flowing therefrom?

Hon. N F Costa: Mr Speaker, perhaps he would like to ask me specific questions on the judgment –
435 unless he wants me to read the whole thing?

Hon. D A Feetham: Mr Speaker, what is the compensation that has been awarded to Mr Sardeña?

440 **Hon. N F Costa:** Mr Speaker, let me just start by saying that the information is a public document. I am more than happy to go into the questions that the hon. Gentleman asks me – I have brought a specific file to answer all of them. I just start by saying that the information is a public document, but if I am told to continue to answer these questions I shall.

445 **Mr Speaker:** Strictly speaking, the original Question is whether a decision has been received. If the answer is yes, it does not compel the Government at this stage to state what the decision is, because that was not the question. The question was not ‘Will the Government say what is the decision of the industrial tribunal?’ So, you have answered the Question. If the Opposition ask supplementaries, it is up to the Hon.... I am prepared to allow it if, in the judgement of the Minister, he wishes to deal with that matter – with the actual decision – but he is not compelled to do so because it does not, strictly speaking, arise from the original Question.
450

Hon. N F Costa: Thank you, Mr Speaker. If I may just...

Mr Speaker, perhaps if I may start by answering the question of the hon. Gentleman: the compensatory award was £46,238.40 and the basic award was £5,000.

Q479/2014
School bus service –
Plans to introduce

455 **Clerk:** Question 479, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say whether the Government is contemplating the introduction of a school bus system?

460 **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, at present there are no plans to start a bus service for schools.

465 **Hon. S M Figueras:** Mr Speaker, has the Government given any thought whatsoever to the possibility, even though there may be no plans?

Hon. N F Costa: Yes, Mr Speaker, this has also been a live discussion between the Bus Company, my Ministry, the Minister for Education and the officials from the Department of Education. It has been studied and looked at in quite some detail, and after lengthy consideration and consultation the Department of Education took the view conclusively that there was no need for a dedicated bus service for schools at this juncture.
470

The hon. Gentleman knows that, should that view be revisited, we will be more than happy to consider it at a future point; but at this juncture, after what I think have been exhaustive discussions, there has been a decision not to provide a dedicated bus service for schools.
475

Q480/2014
Urban bicycle rental scheme –
Plans to introduce

Clerk: Question 480, the Hon. S M Figueras.

480 **Hon. S M Figueras:** Can the Minister for Transport say whether the Government is, in the context of the evident increase in cycling in Gibraltar, contemplating investing in an urban bicycle rental scheme during this term of office?

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

485 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, given the *bonhomie* so far, I am now somewhat loath to read the way I have written the answer, but I hope he takes it in the spirit in which I now offer it, which is to say the following. (*Interjection*) It's quite mild!

490 Mr Speaker, in the first place, I do not accept the premise of the Question. I would be grateful if the hon. Gentleman provides me with the data that suggests to him that there has been an increase in cycling in Gibraltar. That was the part that I was referring to as perhaps a bit terse.

Further, I refer the hon. Gentleman to my answer to his Question 126/2014, where I already provided him with the answer.

495 **Hon. S M Figueras:** Mr Speaker, taken with the same dose of *bonhomie* as he warned me I should take it, I will tell the Hon. Minister that I have no data on which I have based this Question, merely my own experience and possibly... and I assume by making an assumption I do certain things which may be dangerous, but on the assumption that the Hon. Minister for Traffic himself is also a keen cyclist and gets around on a bicycle, I think the increase in volume of bicycles on our roads is something that is entirely inescapable.

500 It is my view, as I will express in respect of other Questions later on in this session, that an urban bicycle rental scheme within this term of office – which clearly, with the passing months, three months since we last met, becomes less and less of a possibility – is entirely necessary.

505 Whilst the Minister disagrees with the premise on the basis that he has received no data, is the Minister prepared to reconsider at any time before the conclusion of this term of office the position vis-à-vis the urban bicycle rental scheme and its viability or necessity in Gibraltar?

Hon. N F Costa: Mr Speaker, again, with the same level of kindness, may I say that these questions have been asked of me and I have already answered them. I refer him to that particular Question: Question 126. If I were to read him the *Hansard*, we would once again be expressing exactly the same issues.

510

Mr Speaker: What is the date of that?

Hon. N F Costa: The date of that is February this year.

515

Mr Speaker: February?

Hon. N F Costa: Yes. It is over six months, Mr Speaker. I have got the answer here and I am perfectly happy to rehash the debate, but essentially what I tell him is that the hon. Gentleman will recall that it was the Hon. the Leader of the Opposition who said in this House, in answer to that particular Question, that:

520

'I should limit myself to saying that the Government is looking for alternatives, should this prove necessary, given that there are currently legal proceedings in the Supreme Court and any debate may prejudice that litigation.'

I think he can read between the lines of what it is that I am telling him.

525 **Hon. S M Figueras:** Mr Speaker, yes, and I have not made enquiry in respect of the litigation, because frankly I had no hope whatsoever that, given the way these things go, that there had been much progress, if any, to report.

530 The basis of my questions, and the reason why I pursue this point eight months on from the last time I raised it, is because I see on a daily basis how more and more people are using it, and I effectively just enquired of the Minister whether he is considering today whether that decision is one that he might revisit, given what is at most anecdotal evidence of the increase in cycling in Gibraltar. I think that is fair enough in the circumstances.

I am aware of what we debated on Question 126 in February this year, but it has been eight months since, and the basis of the Question is: does the Minister consider at this stage – today, in October 2014 – whether that is something that is likely to be revisited within this term of office? If the answer is no, then the answer is no, but that is effectively the answer I am seeking to get from the Minister.

535

Hon. N F Costa: And what I am trying to perhaps clumsily express to the hon. Gentleman opposite is that that answer is tied into the present litigation.

540 **Hon. S M Figueras:** But, Mr Speaker, even if they were looking at another possibility independently of the one that is already the subject of litigation...? Are they looking for another option?

Hon. N F Costa: Yes. Mr Speaker, let me put it another way: I am firmly of the view that the Government should facilitate an urban bicycle scheme.

545 **Hon. D A Feetham:** He is talking about Government policy: Government policy is that Government is committed to an urban cycling scheme?

Hon. N F Costa: Yes, Mr Speaker; otherwise, we would not have taken any action and would have let the matter drop quietly. We have not done that.

Q481/2014

New bus fleet –

Definition of ‘environmentally friendly’

550 **Clerk:** Question 481, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Transport confirm that in the context of the new bus fleet, when he refers to them as – and I quote – ‘environmentally friendly’ vehicles, he means new and more modern diesel-engine buses but diesel nonetheless, and not alternative energy, hybrid or, much less, electrically powered new buses?
555

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 facetious tone, clumsy wording and long-winded articulation of the Question aside – (**Several Members:** Oh!) (*Laughter*) There was a lot of ironical expression in the formulation of the Question, which has been allowed, and I am only replying in the way that he has asked the Question. If he does not like my sardonic expressions, he should not laden his Question with sardonicism for me.

565 I refer the hon. Gentleman to my Budget speech of 2014 and to my previous answer to Question 125/2014 and answers to his supplementary questions thereto, where I answered everything he has asked me in that particular Question.

Hon. S M Figueras: So the answer, Mr Speaker, is yes, they are just diesel-engine buses.

570 **A Member:** Hear, hear.

Hon. N F Costa: Mr Speaker, no. I refer the hon. Gentleman to the Budget speech and to answer 125/2014, where I say that they *are* environmentally friendly vehicles.

Q482/2014

**South Mole, Detached Mole and North Mole –
Industrial activity**

575 **Clerk:** Question 482, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state which industrial activities are operating from the South Mole, the Detached Mole and the North Mole, stating the name of the company or public sector organisation, and which application or applications he has received for consideration at the DPC for any type of industrial activity on the sites mentioned to date?
580

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 only occupiers of land on the South Mole are Gibdock Ltd, southern half of the Mole, as part of the dockyard lease; and the MOD, northern half part of the Mole.
585

There are no leases in respect of the Detached Mole, which is Crown Land. As confirmed by the Town Planning Department, there is an application from Vemaoil Ltd for the siting of a floating oil-storage facility on the Detached Mole.

590 The occupiers of the North Mole (Western Arm) are as follows: the Gibraltar Government, 3 North Mole Road, which is the cruise liner terminal; Nature Port Reception Facilities Ltd, 1A North Mole Road, which is the oil treatment plant; Giboil Ltd, 1B North Mole Road, which is the fuel depot; and Nature Port Reception Facilities Ltd, 1C North Mole Road, which is the company's offices and stores.

Clerk: Question 483/2014, the –

595

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister perhaps help and answer this supplementary: what is the Government's attitude to the Vermaoil application in relation to the North Mole? I understand that it is going through, it is an application that has been made to the DPC, but obviously the Government, as presumably holders of the land, must have an attitude, a policy in relation to it. Is it supportive or is it against it?

600

Hon. N F Costa: Mr Speaker, I am not entirely sure how appropriate it is that I express an opinion on a matter that is the subject of an application before the DPC, where two Government Ministers sit.

605

Hon. D A Feetham: Mr Speaker, I am not asking the hon. Gentleman to express an opinion on the application for planning. I quite understand that, first and foremost, in actual fact, he is probably not responsible for that because it is the DPC that is going to be making the decision.

610

I am asking about Government policy in relation to the application, bearing in mind that in relation to the use of the land... Perhaps let's focus it in that way, in relation to the use of the land for this particular purpose, bearing in mind that, as I understand it – and I could be wrong, and if I am wrong he can correct me – we are talking about Government land.

Hon. N F Costa: No, Mr Speaker, the Hon. the Leader of the Opposition is correct. I have stated that the Detached Mole is Crown Land, so it is Government land.

615

What I would say in answer to the question perhaps is that the *Vemaspirit* is currently at the Detached Mole and is supplying bunkers from there, so that does provide an indication of the Government's view, yes.

620

Hon. D A Feetham: Therefore, it must follow that you are effectively supportive of the use of the land for that purpose.

Hon. N F Costa: Mr Speaker, the *Vemaspirit* is berthed currently at the Detached Mole. This was a request that was made by that particular company to the former Captain of the Port, which on consultation with me was agreed. It is not permanently berthed there, it is not permanently moored; it is berthed there, and from there it is providing its operation of bunkers.

625

That does not mean that the Government or Members of the Government on the DPC would take a similar view on a permanent fixture at the Detached Mole with structures that would, in effect, make it a semi-floating storage. That is not to say that it is not supportive either. All I am saying is that the attitude of the Government to date has been supportive of a particular company to provide a non-permanent facility from there. How the Government expresses that support at the DPC would be a matter for the Minister for the Environment and the Hon. the Deputy the Chief Minister.

630

Hon. D A Feetham: But Mr Speaker, with respect, it is not about the attitude of the Government in the DPC. With planning, it operates on the following basis. You can apply for planning permission to build on anybody's land. Whether you have the right to build on somebody's land depends on the landowner. In other words, there are two separate issues. There is one about planning; the other one is about consent. Therefore, if the Government were to take the view that we are not providing consent for this particular project, they can apply for as many planning permissions as they want. They would not be *able* to do it. So therefore there are two separate issues.

640

The reason why I am asking this particular question is, of course, there are plans, or there was an indication that there were going to be plans, to build as well the natural gas installations on the Detached Mole. So it is a matter of interest to us how this particular operation would actually co-exist with an operation for the siting of natural gas, bearing in mind that there are EU requirements and safety requirements about exclusion zones around a natural gas installation. That is the reason why I am asking.

645

Hon. N F Costa: Mr Speaker, I entirely see why the hon. Gentleman is asking me the question, but what he is asking me is... the company acquire the Government as landlords of the Detached Mole. But that, I am afraid, is not a question for me; that is a question for the Hon. the Deputy Chief Minister, as

650 Minister for Lands. All I can tell him is that the attitude of the Port so far has been supportive of the company.

Hon. D A Feetham: Mr Speaker, presumably, no company is going to be making an application for planning permission if it has not cleared its lines with the landowner, because without the consent it just would not go ahead anyway. I would have thought – (*Interjection*) No, Mr Speaker, I have not said the opposite.

660 There are two separate issues here. There is the question of planning: as a matter of planning one has to apply for planning to do something. The other question is whether consent is provided by the landowner for the project to go ahead. You can actually have no consent and still have planning permission, I accept that; but of course no commercial entity in its right mind is going to be making an application for planning, and go through the expense of making an application for planning, unless there has been some preliminary discussion with the landowner, whereupon the landowner has agreed.

665 It has happened, I have to say. In my practice as a lawyer in England, I have seen it happen in situations where there has been a speculative application for planning – people get planning on a speculative basis and then they do a deal with the landowner – but I cannot see that that is what is happening here. Hence why I am surprised that the Minister who has responsibility for the Port would not be in a position – or indeed the Minister for Utilities who is also sitting here – is in a position to actually tell me whether the Government has indicated, even on an in-principle basis, that they are going to be providing consent for this particular project.

670 **Mr Speaker:** The Minister does not wish to add anything further?

Hon. N F Costa: No, Mr Speaker, merely to reiterate that that would be a question appropriate for the Minister for Lands, who is the Hon. the Deputy Chief Minister.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q483/2014

Sports and Leisure Authority – Current vacancies

675 **Mr Speaker:** Next Question.

Clerk: Question 483, the Hon. E J Reyes.

680 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports provide details of current vacancies at the Sports and Leisure Authority, together with details of when these vacancies will be advertised?

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

685 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, at present there are two vacant posts at the Gibraltar Sports and Leisure Authority, these being Pool Operative, and Deputy Chief Executive Officer.

The Pool Operative post has become vacant due to a resignation and the vacancy will be registered with the Employment and Training Board imminently.

690 The Deputy Chief Executive Officer vacancy is currently being looked into, together with the Chief Executive Officer and the union.

Hon. E J Reyes: Yes, Mr Speaker, but my Question was saying ‘details of when these vacancies will be advertised.’ I hear that the Minister is discussing this with the union, but does he have an indication of when these will be advertised?

695 **Hon. S E Linares:** Mr Speaker, whatever he wants to interpret as ‘imminently’. Usually ‘imminently’ does not take more than a couple of weeks, maybe a month. ‘Imminently’ is it should be happening any time now.

Q484/2014
Victoria Stadium –
Upgrade to UEFA category 3

Clerk: Question 484, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Sports say if it is Government's intention to upgrade the Victoria Stadium's football facilities to approved UEFA category 3?

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

705

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, no, sir, it was never the intention to upgrade to UEFA category 3.

As explained in answer to Question 224/2013, in which I stated, and I quote:

710

'We are looking in order to put Victoria Stadium into a Cat 2, which is like a minimum category of the stadium, in order to have international competitions and even looking at some areas in which the stadium can become even a Cat 3, so only in parts.'

Hon. E J Reyes: Mr Speaker, my Question is because from previous answers and so on I am a little bit confused as to whether it is a short, medium or long-term intention of Government to get to UEFA category 3 approval.

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Mr Speaker, although, strictly speaking, the Government is not necessarily answerable to what the Gibraltar Football Association says, they do however come up with publications and a double-sided colour A3 spread, leading us all to believe that the Victoria Stadium is going to be upgraded to category 3, and that that was what Government was going to do – and Government was silent on the issue, without coming out saying, 'No, that is not what is going to happen.' So the public does stand a little bit confused, and more so...

720

The Minister knows that I am very very supportive of improving and upgrading the stadium as far as possible, and we would both dearly love to see as much international football being played locally as possible, but again my understanding is that unless we attain that category 3, then other than friendly games, which by mutual consent the opposing team agrees to play on this pitch, we do not really have the facility to host a game.

725

The arrangements of having to go to Faro, which... If I may give you a personal experience, the round trip on the coach actually took me over 22 hours, Mr Speaker. In order to be able to support our team, many supporters, whom I joined, left Gibraltar at 10 o'clock in the morning on Tuesday and actually –

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Mr Speaker: Would the hon. Member please ask a question.

Hon. E J Reyes: Yes, so the question is – can we have a more clear-cut answer? – is it the Government's intention, short, medium or long term, to actually look into the possibility and upgrade the Victoria Stadium to UEFA category 3 approved?

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Hon. S E Linares: Mr Speaker, this was answered by the Chief Minister in the same Question that I have just stated, and I can quote him:

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'There are different criteria for different sorts of UEFA competitions.'

As he well knows, there are competitions in which under-19s and under-17s can be played in what is the upgrade to Cat 2 and some parts being a Cat 3, so therefore not probably a full international... which is, there is no full international that can be played unless it is a Cat 3, but there are other competitions – and the Chief Minister explained that to him last time, that there are many other competitions which can be played in what we are now upgrading the stadium to be.

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So the stadium cannot be a Cat 3, but there are many competitions with which UEFA... and we are working closely with the GFA and UEFA to make sure that the upgrades meet the requirements to have some other competitions – which is not the one that is played currently in Faro.

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Hon. D A Feetham: Mr Speaker, does the Hon. the Minister accept that if the Victoria Stadium were to be upgraded to a category 3 UEFA stadium, that the GFA would be able to play its home games here in Gibraltar in the absence of an alternative Cat 4 stadium, which of course we do not have?

755

Hon. S E Linares: Yes, Mr Speaker, but the problem with that is that in order to make the Victoria Stadium into a full Cat 3, you would need a parking, for example, of 50 cars. Where do you put the 50 cars?

760 Do you put it in the MUGA area, where then you will deprive children from playing? Do you do other things that make it into a Cat 3 and therefore you deprive other people from doing their sports? I am the Minister for *Sports*; I am not the ‘Minister for Football’, and therefore I have got to look at the interests of... Even if I take what he is saying and we convert the Victoria Stadium into a full Cat 3 by closing down pitch no. 2, where children play leagues, and we put the car park there, then what we are doing is converting the Victoria Stadium into a Cat 3 and depriving everybody else of the use of the stadium, which is a multi-sports complex. That is the problem.

765 **Hon. D A Feetham:** Mr Speaker, a number of supplementaries in relation to that, but I will just deal with each at a time, so that they are understood.

770 Is the Minister saying that the only thing that prevents the upgrade of the Victoria Stadium from what he described as a Cat 2.8 – which I took to mean just below a category 3, with which I agree – to a category 3 is parking facilities for 50 cars?

775 **Hon. S E Linares:** No, Mr Speaker, because then it would be a 2.9, rather than a 2.8. There are other smaller issues why you cannot make it into a Cat 3. I just gave him that as an example. Right! There are other issues which, in the UEFA criteria, we cannot fulfil physically unless we do many other things to the Bayside complex to make it into a Cat 3. Therefore, what I am saying is that in the 2.8, the ‘point 8’ aspect are *some* parts which UEFA actually tells us to do. I will give him an example: a media centre, a doping room, facilities for officials –

Hon. D A Feetham: Those are all being done.

780 **Hon. S E Linares:** Exactly, and these are the ones that are being done, but in the whole list there are some which, if we did them, it would be physically impossible without affecting other sports. That is what I am trying to say. (*Interjection*) It would not be a 2.9 if it was just one; it is a 2.8 – and look, it could be a 2.7. If you are going to be specific that there are only two points... it is not exactly two points, because there are about a hundred... then you could say there are 20 or...

785 **Hon. D A Feetham:** Yes, but, Mr Speaker, I am just trying to explore exactly what is necessary in order to upgrade the Victoria Stadium to a Cat 3 stadium, so that the GFA can play their home games here in Gibraltar, so that fans do not need to travel to Portugal in order to watch them, and indeed, for all that economic activity that is wasted outside Gibraltar can come into Gibraltar. Can I –

790 **Mr Speaker:** Just a moment. I am going to allow the Hon. Leader of the Opposition and any other Member to make supplementary questions arising from this issue. I am not going to allow a debate on the upgrading of Victoria Stadium to a category 3. Not a debate. He can ask questions for clarification and pursuing the matter, but I am not going to allow a debate. It is right and proper for this House to debate the whole issue of the Victoria Stadium, and any other new stadium if they wish to do so.

795 **Hon. D A Feetham:** I apologise if, in Mr Speaker’s judgement, I have overstepped the bounds of what is reasonable. I had not realised that I had done so.

800 Having prefixed my question in that way, he has said if we provide the 50 parking, it then goes up to a 2.9 – (**Hon. S E Linares:** No.) Yes, that is what he has said, and he has said that there are other little things. What other little things does the Government need to do in order to upgrade it to a category 3? Because it does appear to me that, bearing in mind all the benefits – and that is why I prefixed the question in the way that I did – to Gibraltar and to fans and to football, of having football here in Gibraltar, it is not really a massive ask to convert the Victoria Stadium into a category 3 to allow all that to actually happen.

805 I just want to explore with the hon. Gentleman what it is that is impeding the Government from taking that step and widening the scope of the contract – which is a substantial contract in itself: £2.7 million – in order to upgrade to a Cat 3, because none of the issues that he has pointed out, with respect, are big issues, as far as I can see, and they are not insurmountable.

810 **Hon. S E Linares:** Mr Speaker, if he does not think that a big issue is 50 parkings, then I do not know how he would solve it, because...

815 And that is only one issue. I did not say that it was two issues; there are many. There are about a hundred-odd tick boxes of different things, of which the upgrade... If I said 2.8, it was because I was thinking of two others – one being the parking, which is virtually impossible, to have 50 parkings within the Bayside complex. So that the hon. Member knows, the 50 parkings are for VIPs. The VIPs have to have 50 parkings in the Bayside complex in order... One issue.

I will give him another one, which he can then work round: the capacity has to be 4,500. You cannot put prefab or scaffolding type of stands behind the goal – UEFA will not allow that. It has to be a permanent stand.

820 If the hon. Member is saying that he is happy to put 50 parkings and put the capacity to 4,500, to the detriment of all the other sports, then he should come out clearly and say it, because that is what he is saying. He is pressing us to make the Victoria Stadium into a Cat 3, to the detriment – and we have analysed it – of all the other sports. Therefore, he should be clear and say, ‘Right, I would put the Victoria Stadium into a Cat 3 in order that people do not have to travel to Faro.’ I have travelled to Faro, I know
825 what it is to travel to Faro, so I would like the stadium here, yes, at the Europa Point; but it is the GFA that will do the Europa Point Stadium.

What I am saying to him is... and those are only two issues. There are many other little issues which UEFA require us to do in the stadium, which for me is not only physically impossible for some of them, but unacceptable, and that is what I am trying to make the hon. Member understand.

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Hon. D A Feetham: Mr Speaker, why is it that the Government cannot use the multi-storey car park, which is just simply across the road from the Victoria Stadium, in order to provide these 50 VIP parking spaces, so that you can deal with that particular issue? That is one supplementary.

835 And the second one: if I were to demonstrate to the hon. Gentleman in correspondence that it is actually possible to upgrade the Victoria Stadium to a Cat 3 stadium with minimal disruption to other sports... If I am capable of demonstrating that to the hon. Gentleman, will the hon. Gentleman undertake to rethink the question of upgrading Victoria Stadium to a Cat 3 so that the GFA can play its home games in Gibraltar? Doesn't that seem like a reasonable suggestion to him?

840 **Hon. S E Linares:** Mr Speaker, I do not know how he is going to do that, because in the first supplementary he is absolutely wrong. I cannot put the 50 parkings in the Devil's Tower car park; UEFA does not allow that. UEFA says that the VIP parking has to be immediately where the VIP area is, for security reasons. He can either agree or disagree with UEFA. That is UEFA's requirement, so whatever he is going to present to me already falls down the line – (*Interjection by Hon. D A Feetham*) Well, as long as
845 he is clear that he is going to take pitch number 2 of the MUGA area away.

Mr Speaker, like you said, we can have a discussion here about different issues about the Victoria Stadium becoming a Cat 3, but the issue here is that I have already explained to the hon. Member that at present it cannot be a Cat 3. Whether it will in the future – they have to decide whether it will be to the detriment of all the other sports. That is the only way you are going to put a Cat 3.

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Hon. D A Feetham: Mr Speaker, with respect, he has not answered my question. The question was: if I can demonstrate to him that with minimal disruption to other sports the Victoria Stadium can be upgraded to a Cat 3, will the Government rethink its policy?

855 **Hon. S E Linares:** No, Mr Speaker, because I would not be willing to say ‘the minimum effect’ to other sports. It should be with *no* effect to other sports. As I said to him, I am the Minister for Sports; I am not the Minister for Football.

860 **Hon. D A Feetham:** Mr Speaker, does he not accept that, in a Gibraltar that is limited in space, any building works are going to disrupt somebody somewhere at some stage? Good management of these particular issues is minimum disruption. As I understood the hon. Gentleman, his concern was that we would be depriving facilities away from other sports, but if I can demonstrate that in fact this can be done without depriving facilities away from other sports, will he undertake to revise the policy?

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Hon. S E Linares: No, Mr Speaker.

870 **Hon. D A Feetham:** Well, Mr Speaker, then I have to ask this particular question: is it not the case that the reason why the hon. Gentleman and this Government are blocking off the alternative of upgrading Victoria Stadium to a Cat 3 is because the reality is that they are full-square behind the Europa Point Stadium and they want this community to think that there is no alternative to the Europa Point?

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

875 **Mr Speaker:** I want the Minister to answer that question, but I warn him I do not want him to get involved in a debate.

Hon. S E Linares: Mr Speaker, no, sir.

Q485/2014
Gibraltar Cricket Association –
Alternative facilities

Clerk: Question 485, the Hon. E J Reyes.

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

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

885 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, until a final decision is taken on the Europa Sports Ground, the Gibraltar Cricket Association will continue to use the existing facilities.

890 **Hon. E J Reyes:** Mr Speaker, can the Minister explain to me how he can reconcile what he has given in answer to supplementaries in Question 484, while saying that by being Minister for Sport and not just football he cannot take actions that deprive other sports or facilities, and yet in Question 485 he has left the door open that could lead to the result of the Gibraltar Cricket Association actually losing a full-size pitch? Can he reconcile the two different answers, please?

895 **Hon. S E Linares:** Yes, Mr Speaker, it is very simple. We will be providing the Cricket with a ground. That has been said publicly, so I do not know what he is actually trying to channel the question... The Question is 'alternative facilities which will be provided to the... Cricket... as a result and consequence of the planned loss' – and he is saying 'loss'. We have already said that when the Europa Sports Ground is used for something else, the Cricket by then will have another ground.

900 So, yes, I am happy to say that, until the facilities... like I said here, the final decision is taken on the Europa Sports Ground, the Cricket will continue to use the existing facilities.

905 **Hon. E J Reyes:** I think the Minister has given us some good news. My understanding, which I hope is correct, is that alternatives will be provided to Cricket, so that if the Europa is lost for that, there... Can I bring the Minister, as well, to say... could he not look into the possibility as well of providing alternatives for other sports, so that then the Victoria Stadium can actually be upgraded to a category 3?

Hon. S E Linares: Mr Speaker, I will not get into the debate of the category 3 again.

Q486/2014
Heritage-related sites –
Details of works undertaken

910 **Clerk:** Question 486, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any heritage-related site since the Answer to Question No. W77/2014, stating by whom these works were carried out?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to the answer to Question No. W77/2014, further works undertaken at Heritage sites, inclusive of costs and works carried out, are as follows.

920 Site, Charles V Wall: Work, conservation and restoration works; contractor, Knightsfield Holdings Ltd; total amount, £9,234.74, covering the period from May to September 2014

Site: Montagu Bastion: Work, refurbishment works; contractor, Bright Co. Ltd; total amount, £12,874.00.

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Q487/2014
Sports grants –
Payments in 2014-15

Clerk: Question 487, the Hon. E J Reyes.

930 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made so far, pertaining to financial year 2014-15, in respect of ‘sports grants’ under each of the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

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

935 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite the information requested in respect of payments for sports grants, the four of them, for this financial year 2014-15. May I add that these are all, every month, updated and posted on the www.gsla.gi website.

Answer to Question 487/2014

(a) **Grants to Sporting Societies**

Gibraltar Hockey Association	41,000.00
Gibraltar Amateur Basketball Association	11,900.00
Gibraltar Triathlon Association	787.50
Gibraltar Pool Association	31,252.11
Gibraltar Netball Association	6,250.92
Gibraltar Amateur Rowing Association	4,284.85
Gibraltar Federation of Sea Anglers	3,440.00

(b) **International Competitions**

Straits Games	80,709.56
Gibraltar Triathlon Association	3,937.50

(c) **Sports Development Projects**

Gibraltar Shooting Federation	13,000.00
Summer Sports Equipment	664.58
Gibraltar Netball Association	1,587.50
Gibraltar Amateur Athletics Association	5,906.38
Gibraltar Hockey Association	1,500.00
Safeguarding and Protecting Children	225.00
Thundercats	9554.00
Gibtelecom (Chess)	17,781.00
Gibraltar Shooting Federation	722.10
Gibraltar Squash Association	375.00
Gibraltar Amateur Basketball Association	1,200.00
Bathing Pavilion (eqpt)	20.00
Special Olympics	242.50
Gibraltar Chess Association	2,433.60
Summer Sports Programme (printing)	1,246.00
Gibraltar Taekwondo Association	1,203.30

(d) **Hosting of Special Sports and Leisure Events**

Matchpoint Tours Ltd	15,114.95
PDC Gibraltar Darts Trophy	176,987.75
Straits Games	2,581.98
Israel Rugby (accommodation)	1,120.00
Gibraltar Classic Vehicle Association	1,200.00
Strong Man Competition (accommodation)	6,300.00
Gibraltar Kennel Club	10,000.00
Tradewise Jnr. Chess Tournament	18,000.00
Gibraltar Amateur Basketball Association	19,413.50
Gibraltar Harley Davidson Club	3,400.00
Gibraltar Ten Pin Bowling Association	50,000.00
Thundercats	20,000.00
Gibraltar Squash Association	10,000.00
Gibraltar Amateur Basketball Association	74,877.05
Gibraltar Yachting Association	6,476.00
Gibraltar Chronicle Printing Ltd (Summer Sports)	4,601.09

Q488/2014
Cultural grants –
Awards in 2014-15

940 **Mr Speaker:** I suggest that the Hon. Mr Reyes asks the next Question.

Clerk: Question 488, the Hon. E J Reyes.

945 **Hon. E J Reyes:** Can the Minister for Culture provide details of cultural grants awarded so far, pertaining to financial year 2014-15?

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

950 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member a schedule containing details of all cultural grants awarded so far during this financial year 2014-15. May I also announce that, hopefully, within the next two months, when we have the website ready, these will also be published on the culture website.

Schedule to Question 488/2014

DESCRIPTION	AMOUNT
Gibraltar World Music Festival Sponsorship	£15,000.00
Dragonfly Arts Ltd - Solo comedy show	£ 5,750.00
Mrs Lutwyche – Son's Dance Summer School New York	£ 3,000.00
GNDO - World Show Dance Championships	£ 8,700.00
Gibraltar Photographic Society – Replacement of computer equipment	£ 1,800.00
Gibraltar Sea Scouts Band - New Systems for bagpipes & drumming equipment	£ 600.00
MO Productions - 13th Gib International Dance Festival	£ 6,700.00
Stylos Dance Studio - Participation at Dance Excellence 2015	£ 6,000.00
Allegro Music Productions- Gibraltar festival for Young Musicians 2015	£ 6,411.00
Kings Chapel Singers - Sheet Music for New Repertoire	£ 1,340.36
Santos Productions - Participation in World Choir games - Riga Latvia	£ 7,000.00
Gibraltar Philharmonic Orchestra - Woodwind instruments to develop Youth Orchestra	£ 10,000.00
Gibraltar National Choir - Creation of website/laptop to store tracks/ purchase of tracks/sheet music	£ 500.00
Janice Felices - Elmhurst School for Dance School Tuition Fees	£ 3,000.00
Gib Re-enactment Society - Repairs, refurbishment & additions to kit and weapons	£ 350.00
Gib Face & Body paint Association - 3rd Annual Face & Body Painting Festival	£ 2,882.50
Gibraltar Arts & Crafts - Works for community projects	£ 1,750.00
1st/4th Scout Group - Upkeep & purchase of musical instruments	£ 1,334.00
Manuel Ruiz - Book Grant - Life in Gibraltar's Patios	£ 929.00

955 **Mr Speaker:** We will proceed with the next Question, which is down to Mr Netto; and then, if the Hon. Mr Reyes wishes to ask any supplementaries when he has studied the schedules, he can do so.

Mr Reyes: Perfectly acceptable, Mr Speaker. Thank you.

HEALTH AND THE ENVIRONMENT

Q489/2014

**Prohibition of smoking in public places –
Further exemptions**

Mr Speaker: Question 489, the Hon. Mr Netto.

960 **Clerk:** Question 489, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, does the Government have any plans to grant any further exemptions in relation to the prohibition of smoking in public places?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, if I may, let me take the first opportunity I have had – the first time I have got up to speak this morning – to add my own personal best wishes to the hon. Member who is my opposite number in Health. I have, of course, kept in touch with her throughout her illness. I am glad to see that she is better, and very keen to see her fully recovered and with us in this House. *(Banging on desks)*

Mr Speaker, in relation to the Question, the Answer is no, sir.

Q490/2014

**Wildlife Gibraltar Ltd gull culling unit –
Numbers employed**

Clerk: Question 490, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many individuals are employed by Wildlife Gibraltar Ltd for the purpose of culling gulls, and what are their annual wages?

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

980 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this Question together with Questions 491 to 497.

Q491/2014

**Wildlife Gibraltar Ltd gull culling unit –
Details of employees and their firearms certificates**

Clerk: Question 491, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many individuals applied for the Wildlife Gibraltar Ltd vacancy of full-time gull cull operative in April of this year; how many were employed; of those employed, how many had a firearms certificate on commencement of their employment with Wildlife Gibraltar Ltd; and were there any other candidates who were not employed yet had a firearms certificate?

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

Mr Speaker: No, I do not think there is any need to say in each case what the answer is. Just continue to call the Questions up to 497.

The Hon. Mr Netto.

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Q492/2014

**Wildlife Gibraltar Ltd gull culling unit –
Insurance cover for firearms accidents**

Clerk: Question 492, the Hon. J J Netto.

1000 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if Wildlife Gibraltar Ltd has an insurance cover for their gull culling unit for any unforeseeable accident with firearms; and if so, could the Hon. Minister provide details of such?

Q493/2014

**Wildlife Gibraltar Ltd gull culling unit –
Rifles and bullets used**

Clerk: Question 493, the Hon. J J Netto.

1005 **Hon. J J Netto:** Can the Minister for the Environment state what are the rifles and bullets used by the gull culling unit of Wildlife Gibraltar Ltd, and whether this would comply with the British Association for Shooting and Conservation, as applied in similar circumstances?

Q494/2014

**Wildlife Gibraltar Ltd gull culling unit –
Employees' qualifications**

Clerk: Question 494, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Environment state what are the qualifications per person employed by Wildlife Gibraltar Ltd for the purpose of gull culling?

Q495/2014

**Wildlife Gibraltar Ltd gull culling unit –
Prior experience of employees**

1010 **Clerk:** Question 495, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what, if any, prior experience in wildlife conservation, culling of feral animals and as a pest control officer have the various members employed by Wildlife Gibraltar Ltd had?

Q496/2014

**Wildlife Gibraltar Ltd gull culling unit –
Night-time operation**

1015 **Clerk:** Question 496, the Hon. J J Netto.

1020 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state if the gull culling unit of Wildlife Gibraltar Ltd operates at night time; and if so, please state, since 1st April 2013, where has this taken place and the number of animals and type of culls on a monthly basis?

Q497/2014

**Wildlife Gibraltar Ltd gull culling unit –
Safety protocols for shooting rifles**

Clerk: Question 497, the Hon. J J Netto.

1025 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state what are the safety protocols used by the gull culling unit employed by Wildlife Gibraltar Ltd prior to shooting their rifles throughout Gibraltar?

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

1030 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, five persons are currently employed under the gull cull contract. The Department is not at liberty to divulge the wages of employees of private companies.

1035 The Ministry for the Environment cannot comment on the number of applicants, on how many recruits had a firearms certificate on commencement, or on whether anybody who was not employed held a firearms certificate, as it was not involved in the selection process, as is the case with all private contractors. What I can state is that an extra two persons were employed, increasing the team's complement to five. The ministry understands that both have extensive previous experience with firearms at a professional level.

1040 The gull culling team has adequate insurance cover for the gull culling unit, identical to that held since the operation began in the late 1990s. The Ministry for the Environment does not hold such details for private contractors.

The gull control unit uses semi-automatic and bolt-action rifles with .22 calibre ammunition. The contractor has a Gibraltar firearms licence, which is issued by the Royal Gibraltar Police under very strict conditions. Firearms legislation in Gibraltar is extremely stringent.

1045 The Ministry for the Environment was not involved in the employee selection process, as is the case, again, with all private contractors.

The gull control unit does not currently operate during the night time. This is mainly due to safety issues, as clear visibility is required to ensure that no members of the public are present in the areas where shooting is taking place.

1050 A number of safety procedures are in place to ensure the safety of the public and employees whilst the gull control unit is operating with rifles. These are: (1) a licence is granted by the RGP – this licence includes strict regulation of firearms and ammunition used, as well as restriction of activities that are deemed to be suitable and safe by the Royal Gibraltar Police; (2) the RGP is notified of the gull control unit's activities on a daily basis, including where the unit will be operating; (3) the gull control unit's employees wear uniforms that state that they are involved in avian control, as well as high-visibility arm bands; (4) a shooter is always accompanied by a second member of the team, who acts as a watcher to ensure that there are no members of the public in the area when a shot is taken; and (5) no shooting takes place when visibility is low.

1060 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman, in one of the answers to the Questions, said that out of the four, as I understand, two used firearms at a professional level. Can he expand what he means by that? Because, of course, there is a huge difference between the recruitment of two individuals – for example, individuals who have been within the army and have therefore, in that context, used firearms; and individuals who have specific experience in the culling of animals. Both are not the same, and therefore I want to explore with the hon. Gentleman what he means by experience at a professional level.

1065 **Hon. Dr J E Cortes:** Mr Speaker, as I said before, my Department and I have no direct involvement in recruitment. I believe – but this is only what I have picked up – that they may have had firearms experience with the army.

1070 I would hasten to add that the other members of the team, who were recruited *many* years ago, did not have previous firearms experience, were trained, and then were given firearms certificates by the Royal Gibraltar Police. In fact, at the time, a number of the new employees who came without that background were trained and then achieved the firearms certificates. So that is nothing unusual, but in any case, these gentlemen, I believe – it is something that I would have to confirm – did have experience, as I mentioned earlier.

1075 **Hon. D A Feetham:** Mr Speaker, yes, he has confirmed that it is his understanding that they have experience within the army, and I accept that it may well be that a number of years ago things were done in a particular way, but does he not accept that there is a distinction between somebody who is trained to

effectively use firearms in the context of a war theatre as individual soldiers within the army, and people who are specifically trained?

1080 Let me give the hon. Gentleman an example that has certainly been operating in my mind, because it has been brought to my attention. If you are using .22 calibre ammunition, which is effectively the type of ammunition that could potentially kill somebody, it is not only a question of really notifying the public or ensuring there is nobody in the area around where the culling takes place. For example, if you effectively use a rifle, a .22 calibre in the north face, you could potentially ricochet down to members of the population. That is the information that has come to my attention.

1085 Therefore, what I want to explore with the hon. Gentleman is the type of training and whether the hon. Gentleman realises that there is a distinction between effectively just using two individuals from the army and people who are specifically trained – and I am told, actually, that there were other applicants for this particular job who have licences, both in Spain and also in the United Kingdom, as pest control and culling of animals across the board.

1090 **A Member:** So there were alternatives.

1095 **Hon. Dr J E Cortes:** Mr Speaker, clearly the considerations about ricochet and so on form part of the training of people who are going to use rifles. I repeat: the firearms laws are very stringent in Gibraltar and nothing is done without the approval of the Royal Gibraltar Police. I can speak through personal experience, as I myself came from no firearms practice to actually holding a firearms certificate – and I happen to be a rather good shot.

1100 Therefore, the training that is acquired by these gentlemen is one which gives me great confidence in their ability. People who have been working in the gull cull unit – and three of the five have been working there for maybe 15 years or so with... I will touch wood and thank God that there has been absolutely no incident in all the many thousands of shots. Clearly, they are very good marksmen and very responsible officials.

1105 Whether there were other people with or without qualifications, I do not know. I have not got involved. I will not get involved. They may have had experience in all sorts of other things, but you never know – in a selection panel the person may not come across well, or they may have some kind of record which would be inconsistent with allowing them a current firearms certificate. I do not know; I was not involved.

1110 It is not correct for me to comment on the selection procedure of private companies contracted to the Government. Would the hon. Gentleman have asked me the question for example of employees of Sharrock Shand or Hassans, just because they work for Government?

1115 **Hon. D A Feetham:** Mr Speaker, I am tempted to say that the hon. Gentleman has amply demonstrated that he is a good shot in destroying the 1999 Fishing Agreement and in the laying of the blocks; but, Mr Speaker – (**Hon. Dr J E Cortes:** Mr Speaker that is completely out of order.) It is below the belt and I apologise. It is below the belt. (*Laughter and interjection*) I apologise, Mr Speaker; it was below the belt.

1120 He said that these individuals who have been recruited have been issued firearms licences. Is the issue of the firearms licence before or after they have completed training – it is just that that was not clear from the answer that he has given me; and what is the length of training that these individuals get in the culling of gulls, which is actually different from just simply shooting a particular gun, which no doubt a lot of people, members of the public, can also do? The culling of animals requires very specific training and I am just trying to explore the kind of training that these individuals have received.

1125 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware of the specific training that these individuals have been given. I can only say that the training that has been given in the past has been one of competence and has been under proper supervision; but these particular individuals, I do not know.

1130 **Hon. Sir P R Caruana:** Mr Speaker, given that the hon. Gentleman is both something of a good shot and a nature environmentalist, and making due allowance for the fact that I have never been taught biology, could he just perhaps put my mind at rest on the following?

1135 Some Members of the House will recall that when I was sitting on that side of the House and we had apes culled by shooting, I was very roundly indicted by the then Opposition, now Government, for... I cannot remember if it was murder or assassination, although I am sure – (**A Member:** Genocide.) Yes. Again, making due allowance for the fact that I have never been taught biology, can the hon. Member explain to me, just for my own interest, why shooting a monkey is genocide and shooting a seagull is not?

Hon. Dr J E Cortes: Mr Speaker, I do not think either is genocide, therefore I cannot really explain the difference between them.

1140 **Hon. Sir P R Caruana:** Would it alter his answer if, instead of ‘genocide’ it was ‘murder’ or ‘assassination’? He must remember the debate. I ask the question in good humour because it is not earth-shatteringly important, but is there an issue – a distinction that the hon. Members make – between the animal ‘macaque monkey’ and the animal ‘seagull’ when it comes to the acceptability of culling by shooting? (*Interjection*)

1145 **Hon. Dr J E Cortes:** Mr Speaker, the question of culling or killing of any animal is a question which has been discussed and debated in many different fora, and obviously these are things that are sensitive – and some people will find either offensive and other people will find either acceptable.

1150 I think that the general view – and I am not saying that I can associate myself fully with what I am about to say – is that the similarity of a macaque, a monkey, as a primate, to our own species is what normally worries people when they are actually shot for wildlife-management purposes. I cannot offer more explanation than that.

1155 If you look at it very coldly, you are controlling a population of wild animals by removing them, by culling them; but I think that the general perception is that a monkey perhaps is more intelligent, more conscious, more aware and certainly shares a lot more genes with us than the yellow-legged gull. I cannot offer much more than that.

Hon. Sir P R Caruana: I draw some comfort from the fact that, had he been sitting on the jury when I was standing trial in this House, indicted for murder of macaques, he would not have found me guilty then.

1160 **Hon. J J Bossano:** Mr Speaker, I think perhaps the dividing line... Let me say that I am against the taking of life of any creature, so therefore I am certainly not happy to see gulls killed – or culled; I call it ‘killed’ – but I think perhaps the dividing line is whether you belong to basically the same group. We are primates; they are primates.

1165 There is indeed now a test case going on in the United States, arguing that they have got feelings to such an extent, that are so similar to ours, that they should be protected in law as of right, similar to the rights that humans have. But of course I suppose if, instead of this debate taking place amongst primates, it were taking place in the bird species, doves might feel that killing gulls would be genocide. (*Laughter*)

1170 **Hon. Sir P R Caruana:** Yes, Mr Speaker, indeed they might, and many other forms of animal life as well, so we have to be careful not to make the killing of any animal acceptable, because one never knows when it might stop – because the definition of ‘animals’ differ, as the hon. Member knows.

1175 I do not ask this question from any great concern. Frankly, I have never found, so long as it is done in a humane way and for good reason, I do not, in my mind, distinguish between one animal and another as to whether their culling by shooting, or I suppose by any other means, is unacceptable. They take place in both forms everywhere in the world. I have just this summer returned from a holiday in South Africa, where the culling of animals by shooting is a common phenomenon, and it is boasted about as being absolutely essential for the preservation of a healthy natural life.

1180 I just wanted to know whether there had been a slight change of focus of policy, and as the Hon. Mr Bossano has made clear, it is not an issue on which it is vital that every Member of the Government has the same view. Indeed, there may have been different views on the question when *we* did it in *our* days. I just wanted to pinpoint whether a line had been consciously drawn between monkeys and seagulls, or whether this was just repentance at my indictment.

1185 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I think I answered the point earlier. I think a point that has to be made is that whenever culling – or killing, correct, absolutely – is carried out, it is normally to redress a balance that has been upset by the interference of man. In South Africa, the loss of predators has meant that some species have become more common. For example, with gulls, the fact that we produce so much rubbish which is in excess of the natural food source and we have removed the predators means that the gull population increases, and therefore man is trying to rectify what, sadly, he has put wrong himself. I just thought I had to add that comment.

Mr Speaker: Does Mr Netto have any further supplementary?

1195 **Hon. J J Netto:** Yes.

Mr Speaker: Yes, by all means, and then I will allow Mr Reyes to come back to the previous Questions.

1200 **Hon. J J Netto:** Mr Speaker, my understanding is that the two particular individuals who were employed at the time of the advert and went to the interview did not have the required certificate for firearms; and as a consequence of that, they have to now undertake the training in the form of going to the Gibraltar Shooting Club and doing all the lessons there. Once they are satisfied that the training, depending on the merits of the individuals, is up to a certain standard, they will get a certificate from the Commissioner of Police. That may take... whatever it takes – whether it is three months or six months.

1205 However, my understanding also is that the one person who did not succeed in the interview is the actual person who, in fact, did have all the qualifications, did have all the certificates and did actually show the amount of work that he has done in the past, both in Britain, in Spain and in South Africa. It just seems odd, and I put it to the Minister for the Environment, whether he will look into that and actually get an explanation from Gibraltar Wildlife Ltd, as to whether what I am saying is correct; and if so, whether he will ask them to look into the matter.

Hon. Dr J E Cortes: Mr Speaker, I will not get involved with selection processes in private companies. I would not for them, I would not for Sharrock Shand and I would not for Hassans.

1215 What I think we must consider is that we are not present at the selection board and we do not know whether that person, whoever it may be, may have had other considerations which may have made him unsuitable for other reasons – fitness, record, character. We do not know that, we cannot judge that, and I think it is unfair to carry out this discussion any further.

1220 **Hon. D A Feetham:** Mr Speaker, does he not accept that there is a distinction between the analogy that he has provided – a distinction between Hassans and a distinction between Sharrock Shand, who at the end of the day are private entities who will recruit whoever they want; and Gibraltar Wildlife, which is getting a significant subsidy and moneys from the taxpayer?

1225 Therefore, there is a responsibility resting on the Hon. the Minister's shoulders to ensure that effectively things are done in a transparent way and that the right people are effectively chosen for a particular job, not only because we are interested in value for the taxpayer in terms of recruiting people who have the necessary experience, but also from a safety point of view – also ensuring that we are recruiting the right people for something which can have repercussions, not only for the gulls but for humans as well.

1230 **Hon. Dr J E Cortes:** Mr Speaker, I am sure that those other companies and many others get a lot more taxpayers' money than this particular one, and therefore I do not think that that reference is valid.

Mr Speaker, I have no reason to doubt the ability of the team that has been selected.

1235 I am quite amused at the fact that Members opposite – or *some* Members opposite – are taking more time out to discuss gull culling now that I am on this side of the House than when I was actually working with them on that very project. But there we are.

I do not think I can add anything further to this discussion. I do not have the information, and I think it is unfair to discuss individual applicants or otherwise in this forum.

1240 **Hon. D A Feetham:** Well, Mr Speaker, can I remind the Hon. the Minister that actually this particular contract was for a substantial amount of money – £207,000? That is a lot of money for the taxpayer. Will he therefore undertake, at the very least, to investigate what the Hon. the Shadow Minister for the Environment is saying, and indeed what I am saying, because we have separately both effectively received complaints about this and received information that causes us concern; otherwise we would not be raising it in this House.

1245 **Hon. Dr J E Cortes:** Mr Speaker, I do not think there is any need for me to carry out any further investigations. If the Members opposite have concerns, they are always free to write to me – they could have written to me before bringing it up here – and then I will reply accordingly.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q488/2014 continued – Cultural grants – Awards in 2014-15

Mr Speaker: The Hon. Mr Reyes.

1250 **Hon. E J Reyes:** Thank you, Mr Speaker, for giving me leave to come back to the Minister for Culture.

I refer to the schedule the Minister kindly passed in answer to Question 488.

1255 I would like to clarify, Mr Speaker, that I know in past years the Gibraltar Philharmonic Society has been given a £10,000 grant – that is the annual sponsorship that Government gives to them – and on this schedule it now comes as Gibraltar Philharmonic *Orchestra* with a side note that is for woodwind instruments to develop a Youth Orchestra.

For the avoidance of any doubt, can the Minister confirm that the Gibraltar Philharmonic Orchestra and the Gibraltar Philharmonic Society are both the same and one entity; or are they separate entities – and perhaps the Minister can then shed some light.

1260 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, I fully agree with the hon. Member and I will check why the word ‘Orchestra’ after the word ‘Philharmonic’ is there, because I think this is an error and it should probably say ‘Gibraltar Philharmonic Society’, of which they are doing wind instruments to develop the Youth Orchestra. I will check on that, and thank you very much.

1265 **Hon. E J Reyes:** Yes, thank you, Mr Speaker, I shall await for the Minister, whenever he is able to verify, to inform us; and then, if need be, we could follow it up at other future sessions.
Thank you, Mr Speaker.

HEALTH AND THE ENVIRONMENT

Q498/2014

Yellow-legged gulls – Removal of nests from buildings

1270 **Clerk:** Question 498, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many removals of nests of Yellow-legged gulls from homes and buildings have taken place since 1st April 2013 on a monthly basis?

1275 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 499 to 502.

Q499/2014

Yellow-legged gulls – Numbers culled since 1st April 2013

Clerk: Question 499, the Hon. J J Netto.

1280 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many Yellow-legged gulls have been culled since 1st April 2013 on a monthly basis?

Q500/2014

Yellow-legged gulls – Numbers culled in areas designated for imported partridges

Clerk: Question 500, the Hon. J J Netto.

1285 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many Yellow-legged gulls have been culled in areas designated for the partridges imported from Morocco since 1st April of this year on a monthly basis, in order to avoid having these partridges and their chicks eaten by the seagulls?

Q501/2014

Feral cats –

Numbers culled in areas designated for imported partridges

Clerk: Question 501, the Hon. J J Netto.

1290 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many feral cats have been culled in areas designated for the partridges imported from Morocco, since first April of this year on a monthly basis, in order to avoid having these partridges killed as has happened to the previous indigenous Barbary partridges?

Q502/2014

Upper Rock Nature Reserve –

Measures to reduce seagulls, feral cats and rats

Clerk: Question 502, the Hon. J J Netto.

1295 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state what pest controlling measures have been in place in the Upper Rock Nature Reserve since December 2012, and what success have these had on the control of reducing seagulls, feral cats and rats in the Upper Rock Nature Reserve?

1300 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, a total of 190 eggs, 219 chicks and 37 fledged – adult, sub-adult or juvenile – gulls have been removed as a result of house calls since April 2013. These have been removed from nests or in the vicinity of nests. Details of monthly totals are provided in the schedule I now hand over.

1305 A total of 4,011 Yellow-legged gulls have been culled since 1st April 2013, the majority of which have been adult birds. Details of monthly totals are provided in the schedule also going over now.

1310 Removal of Yellow-legged gulls from areas designated for partridges may not have the effect of avoiding partridge chicks being taken by gulls, for the following reasons. First, gulls are highly mobile birds. Most foraging takes place at a considerable and sometimes very great distance away from nesting areas.

Removal of gull nests from small areas would therefore not guarantee reduced predation of partridge chicks in those areas.

1315 Secondly, the aim is for the partridges to disperse and colonise as much habitat in Gibraltar as possible. Further to this, gulls are culled in all areas of Gibraltar that are deemed suitable and safe by the Royal Gibraltar Police.

1320 Mr Speaker, no instruction to cull feral cats in the areas designated for partridges have been issued by the Ministry for the Environment or the Department of the Environment since 1st April 2014. The Department of the Environment has been surveying the areas designated for the release of Barbary partridges and these are, to the best of our knowledge, suitable for release purposes.

1325 As far as the Yellow-legged gulls are concerned, culling is ongoing. Long-term data show that culling is successful in controlling the gull population in Gibraltar. Her Majesty's Government of Gibraltar has taken the additional measure of providing means for the employment, as we saw earlier, of two locally based, full-time members of the gull control unit. No instructions to cull cats or rats have been issued by the Ministry or the Department.

Answer to Question 498

Monthly totals are:

April 2013	2 fledged, 18 eggs
May 2013	3 fledged, 45 chicks, 27 eggs
June 2013	53 chicks
July 2013	14 fledged
January 2014	1 fledged
February 2014	2 fledged
March 2014	2 fledged
April 2014	108 eggs
May 2014	4 fledged, 88 chicks, 37 eggs
June 2014	9 fledged, 33 chicks

The months August to December have been excluded because these lie outside the breeding period. Not all house calls result in removal of nests, eggs or chicks, due to access and safety issues. For example, over 200 house calls were attended to during Spring 2014. House calls are also attended to outside of the breeding period, as shown by the January and February records.

1330 **Hon. J J Netto:** Mr Speaker, in the answer provided by the Hon. Minister I think he alluded to the fact that it does not necessarily follow that by culling the seagulls we are protecting the partridges. However, I put it to him that the main culprit of the reduction of partridges in Gibraltar clearly comes as a result of either seagulls or feral cats. There may be other predators, but indeed the bulk of the predators come either from seagulls or cats – is that not the case?

1335 **Hon. Dr J E Cortes:** Yes, Mr Speaker. What I said in my answer is specifically in areas where the partridge release is going to be – culling gulls in that particular area may not be effective, or any more effective than in any other area, because the gulls would come in from the other areas. That is the distinction.

1340 The gull culling is proceeding, as I said earlier, but is not necessarily relevant to cull them in an area where you are going to release... because they will be moving in from other areas, and also because the release area is only temporary because we are hoping that the partridges will spread throughout the whole of Gibraltar.

1345 **Hon. J J Netto:** I am grateful, Mr Speaker, for that clarification by the Hon. Minister. However, could he perhaps elucidate a bit further in his answers, in the sense that although the culling is not taking place necessarily in those particular designated areas but rather perhaps on a much wider area within the Upper Rock Nature Reserve... can he actually provide some information as to the culling that is taking place both of seagulls... and perhaps explain why no instructions have been given as to the culling of feral cats?

1350 **Hon. Dr J E Cortes:** Yes, Mr Speaker. As far as gulls are concerned, it is a general cull. I have given figures and it covers the whole of the area.

1355 As far as other predators are concerned, we have noticed, even before the release this year, a certain increase in the number of partridges, probably related to the clearing of more vegetation, which has opened up more habitat. Surveys are being carried out, which seem to suggest that there may be no need at this point in time to have any further involvement in the removal of potential predators.

1360 **Hon. J J Netto:** Mr Speaker, I notice that the Hon. Minister has not replied to one component of my supplementary question, which is as to why the reason why no instruction has been given for the culling of feral cats.

1365 **Hon. Dr J E Cortes:** Yes, that is what I meant – because without that happening it seems that the local population was able to expand. It seemed that it was the habitat which was more of an issue. We have tackled that one; there may be no need to tackle the other. This is obviously something that is being continuously assessed.

Hon. D A Feetham: Yes, but, Mr Speaker, the hon. Gentleman *has* been taking measures in order to reduce the feral cat population – is that not the case?

1370 **Hon. Dr J E Cortes:** There had been measures taken in built-up areas, which led to something of a controversy some months ago, and for the moment the culling is not taking place. What is happening is that the Cat Welfare Society has been supplied with equipment by the Department and is removing cats and taking them to their premises. So that is what is happening at the moment.

Q503/2014
Electromagnetic emissions –
Risks to health

Clerk: Question 503, the Hon. J J Netto.

1375 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and the Environment say whether the Government has had the opportunity to consider the ESG concerns over the possible risks to health due to emissions from radio-frequency radiation by the use of cell and portable phones, cell towers, mast antennae, wireless monitors and routers etc; and if so, state what the Government position is in relation to the Bioinitiative Report of 2012?

1380

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

1385 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Gibraltar Regulatory Authority (GRA) is responsible for the management of the electromagnetic spectrum in Gibraltar. This includes compliance with electromagnetic field emissions (EMF) from transmitters as per international guidelines by an organisation known as ICNIRP. As part of the licensing process, the Authority conducts a site inspection on all mobile base station installations, and routinely audits base stations throughout Gibraltar for compliance.

1390 In relation to the Bioinitiative Report of 2012, this was raised at a presentation organised by the ESG on Tuesday, 7th October – this month. The relevant Departments are in the process of reviewing the contents of said report.

1395 **Hon. J J Netto:** Mr Speaker, obviously, I welcome the fact that the Government has taken the opportunity to engage with the concerns raised by the ESG, and that as a result of that, various Government Departments – presumably the Department of Education, and others indeed – will look into the matter in relation to those particular hazards.

1400 Does the Minister for Health and the Environment have a specific view as to whether those particular guidelines he referred to – the international guidelines – do actually match with the European Council in relation to the safety of these particular issues?

1405 **Hon. Dr J E Cortes:** Mr Speaker, this is an interesting question. For example, when one is talking about emission of pollutants, there are EU guidelines and other international guidelines – and my own personal guideline would be that it would be wonderful to have zero emissions, but that is obviously not practical. Therefore, whether I think that the international guidelines are absolutely correct is taking it a step too far.

1410 It is my duty, as Minister of the Government, to ensure that we keep to international regulations. It is my duty also to try and ensure that the risk to the public on anything that goes out into the atmosphere – be it gaseous emissions or be it electromagnetic radiation – is the least possible when it is established that these are harmful. We are sticking to international regulations. I have been discussing with the ESG and others, including the operators, for a number of years, and with the GRA, and we have a policy in which we try, even within the international guidelines, to minimise emissions as far as possible.

What I can say is that we are certainly complying with international regulations and we are constantly reviewing and keeping in touch with developments elsewhere to ensure the maximum safety to the people.

Q504/2014
Nesting facilities for swallows –
Provision at old St Bernard's Hospital

Clerk: Question 504, the Hon. J J Netto.

1415 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state whether nesting facilities for swallows will be reprovided on completion of the old St Bernard's Hospital conversion?

1420 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the simple answer is no, sir. However, I suspect that the hon. Member opposite... In fact, swallows have not been recorded nesting in Gibraltar in recent times, probably since the 1970s or early 1980s, but the Hon. Member might be referring to swifts, in which case I can add, before a supplementary is asked, that swift boxes will be provided upon completion of the project.

Q505/2014

**Environment (Control of Dust) Regulation 2010 –
Implementation at GOG construction sites**

Clerk: Question 505, the Hon. J J Netto.

1425 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state whether all GOG construction sites are implementing the Environment (Control of Dust) Regulation 2010?

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

1430 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, to the knowledge of the Environmental Agency, yes, they are. As my hon. colleague across the floor will be aware, the Environmental Agency is the competent authority for dust control in *all* construction sites.

1435 **Hon. J J Netto:** Yes, indeed, Mr Speaker, the Environmental Agency is the policing authority in these matters, but the fact is that it does not happen in all Government construction sites.

I have taken the liberty of taking some photographs from the old St Bernard's Hospital, not only yesterday but a couple of months ago, and if I can pass the photographs over to the Hon. Minister he will see that they are not complying with the legislation, the contractor on a Government project.

1440 Given that they are not complying with the legislation, does it mean that... What I would like to know is whether the particular contractor – I am not sure whether it is GJBS – has actually solicited, prior to starting the works, the necessary paperwork to be considered; and whether the Environmental Agency has given them permission to do so. If they *have* done so, then probably they are committing an offence under the law, so can the Minister respond to that?

1445 **Hon. Dr J E Cortes:** Mr Speaker, I do not need to see the photographs. I am grateful for the Member opposite having taken the time to provide them.

1450 The fact that there is an incident of dust in an area does not mean that the regulations do not apply, or are not being applied, or will not be applied. An incident of dust in an area will alert the Environmental Agency to approach the contractor and to enter into a discussion with the contractor to ensure that the regulations are applied. In fact, it has happened in a number of different sites throughout Gibraltar – private and for Government projects – on which there have been incidents. The Environmental Agency has engaged with them and they have subsequently complied. The Environmental Agency will not allow a breach of the law, and will not breach the law in allowing a breach of the law.

1455 Therefore, I am satisfied that dust control... the Agency is on top of these things, regularly dealing with contractors. Sometimes contractors may not have taken the steps initially, but the dialogue, as I said, is entered into, and ultimately the question of dust is controlled as per the requirements of the law. So I am satisfied that this has been the case in all projects, including Government projects.

1460 **Hon. J J Netto:** Well, Mr Speaker, the Hon. Minister may be satisfied, but certainly the whole neighbourhood around this particular construction site are not satisfied, because they have a situation of dust going into their own houses and they are having to clean, on a daily basis, the amount of dust emanating from the construction site. So, whilst he may be satisfied, certainly the neighbourhood is not satisfied, and the question remains whether the Environmental Agency has provided a certificate to put the dust panels on the scaffolding, or not.

1465

Hon. Dr J E Cortes: Mr Speaker, I am often approached with complaints – all sorts of things, actually – of dust in certain sites. This one has not come to my notice. If the neighbours are concerned – which

obviously they might well be, if there are such incidents – then I will ask the Environmental Agency to look into it and ensure that we comply with the law.

1470 As I say, there will be incidents in all sites, which are then tackled, and contractors – including the ones who are working for the Government – do co-operate and take steps and go out of their way to ensure that the inconvenience to the public is minimised. I will now certainly take this up and ensure that all the proper processes are in place.

1475 **Hon. J J Netto:** Can I further ask the hon. Member whether he can also look at the fact of whether the contractor has been in breach of the legislation; and if so, whether they will be fined?

Hon. Dr J E Cortes: Mr Speaker, I will ensure that the law is enforced, but I do not think I can go into details as to what may or may not have happened in a speculative manner.

1480

Mr Speaker: This is perhaps a convenient moment to have a short break of eight to 10 minutes.

The House recessed at 11.24 a.m. and resumed its sitting at 11.37 a.m.

SUSPENSION OF STANDING ORDERS

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

Mr Speaker: The Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement.

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

1490

GOVERNMENT STATEMENT

Statement by the Chief Minister – Visit of Secretary of State for Defence, Rt. Hon. Michael Fallon

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have today welcomed the Rt. Hon. Michael Fallon MP, the UK Defence Secretary, to Gibraltar for a short visit.

1495 The Defence Secretary and I jointly paid tribute to all those working in support of the Ministry of Defence activities in Gibraltar and agreed that the current threats to regional and global security arising from West Africa to the Middle East underscored once again the strategic importance of a permanent joint operating base in Gibraltar, very much of the current agreed size and shape going forward. Mr Speaker, this will be very welcome news to locally employed civilians at the base, and in particular the statement by the
1500 Defence Secretary this morning in the press conference that no job losses are envisaged for there. (*Applause and banging on desks*)

Mr Speaker, we are announcing in a joint statement being released to the media today that the Ministry of Defence will shortly invite commercial tenders for the resurfacing of the runway at Gibraltar Airport, with the work expected to begin next summer. The airfield will remain open for civilian and military air traffic during the works, which are a tangible indication of the Ministry of Defence's long-term
1505 commitment to Gibraltar. The runway was last resurfaced in 1993.

I and the Defence Secretary also announced that we have agreed that in future – *in future*, but not now – the cost of replacing key elements of Defence infrastructure at the airfield would be shared equally in recognition of the strategic importance of those assets to commercial use of the airfield, and hence to
1510 Gibraltar's economy as well as to its military use.

Also on airfield issues, the Defence Secretary and I reaffirmed the joint commitment to the transfer of the Defence Fire and Rescue Services to the Government of Gibraltar, and we also took the opportunity to welcome the joint work that had already been carried out to this end and look forward to approving the

1515 transfer at the earliest opportunity. Mr Speaker, this will be very welcome news for the men of the DFRS who have previously seen the MOD blow hot and cold on this issue.

1520 Under agreements dating back to 1974, the Ministry of Defence has transferred areas of land it held for defence purposes, and which it no longer needs, to Her Majesty's Government of Gibraltar for it to retain or dispose of for community or commercial use. The Defence Secretary and I have welcomed the recent progress that was made on such transfers and have initiated work on a further Lands Agreement to be agreed in early 2015.

1525 This is expected to include a commitment to transfer to Her Majesty's Government of Gibraltar a block of warehousing at the naval base, once key elements of the 2011 Lands Agreement have been completed. The aim is to achieve this transfer within 12 months of today's agreement in principle. It is also expected to include a commitment for the transfer of the site at Rosia Bay, previously known as Fortress Headquarters, on completion and implementation of all previous Lands Agreements, and this is likely to occur in the course of 2017. Hon. Members will know that this is an iconic site, which the whole of the community will be very happy to note will be handed over to the nation's Government shortly. In both instances, Her Majesty's Government of Gibraltar will *not* be making any contribution to re-providing these MOD facilities.

1530 Finally, I welcome with the Defence Secretary the commitment to introduce by this Government legislation to the Parliament in the next few weeks to place the Royal Gibraltar Regiment on the same footing as its British Army counterparts, highlighting its continuing valuable contribution, both in Gibraltar and deployed on operations. Mr Fallon stated, Mr Speaker, that he expected that the Royal Gibraltar Regiment would remain at its current size and shape for the foreseeable future. (*Banging on desks*) With a strategic defence and security review to be held in the next 12 months, this language will be very welcome by members and family members of the Royal Gibraltar Regiment, as well as the whole community.

1535 Mr Speaker, this morning, the Defence Secretary shared with me the latest concerns and proposed actions which the COBRA committee, chaired by the Prime Minister, had discussed in relation to the Ebola outbreak in West Africa. We have agreed to continuing close contact at a political and official level on this issue of fundamental importance.

1540 Before meeting with me at 6 Convent Place, Mr Fallon was able to get out into the full extent of British Gibraltar territorial waters with the Gibraltar Squadron and observe for himself the geography which is much the subject of debate in respect of the repeated incursions by the Spanish state vessels in our waters.

1545 Finally, I want to acknowledge that in relation to the cost of the resurfacing of the runway, the hon. the backbencher, Sir Peter Caruana, has assisted me greatly on this issue when he highlighted, at the time of the transition from one administration to another, that this was an issue that the Ministry of Defence had raised with him and on which there was an element of negotiation still to go. He has been very helpful in the past months in providing access to his administration's files and providing a written record of his recollection of events, which has assisted me in my negotiations and strengthened Gibraltar's hands generally.

1550 I am also grateful for the generous assistance of my own Cabinet colleagues in respect of these negotiations. (*Applause and banging on desks*)

Mr Speaker: The Hon. the Leader of the Opposition.

1555 **Hon. D A Feetham:** Mr Speaker, the Opposition certainly welcomes the Statement that the Hon. the Leader of the House has made. It is welcome on a number of fronts. It is welcomed in particular because it adds to the security and the stability of a lot of families that work in the MOD as a sector, and that is always to be welcome. It is always something that we will support – any initiative and any result that leads to the security of jobs, not only in that sector but also in other sectors.

1560 Mr Speaker, in particular I also welcome the confirmation of the transfer of the Defence Fire Service from the MOD into the Gibraltar Government. It is something that we were very much committed to when we were in Government and I am glad that it is finally happening and that it has been announced by the Government today. So, on the whole, Mr Speaker, we welcome it and it is very good news, not only for those working in the sector but also for Gibraltar generally.

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Mr Speaker: Does any hon. Member of the Opposition wish to ask any question for clarification?

HEALTH AND THE ENVIRONMENT

Q506/2014

Ebola virus –

Level of threat to Gibraltar and measures in place

Mr Speaker: We then proceed with the next Question on the agenda, which is Question 506.
The Hon. Danny Feetham.

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Hon. D A Feetham: Mr Speaker, what threat, if any, does the Government believe is posed to the population in Gibraltar by the Ebola virus, and what measures has the Government put in place in order to deal with that threat?

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

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the outbreak of Ebola virus disease has now been active since mid-March 2014, as we clearly know from the media, in several West African countries. The disease is a viral haemorrhagic fever with high mortality, but as it spreads to humans by direct contact the risk of infection is usually limited to close contacts of the ill person, such as relatives and healthcare workers.

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The risk of the disease manifesting in Gibraltar is extremely small. Typically, it requires that someone who has been in direct bodily contact with an infected person travels to Gibraltar within 21 days and takes ill after arrival. This complex scenario is unlikely to be the case with casual visitors, passing ships, or asylum seekers; the greatest risk lies in the case of returning humanitarian aid and healthcare workers, which is not relevant to Gibraltar.

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Although European authorities and the World Health Organisation have not advised travel restrictions to or from the affected areas, the Government has put in place a number of precautions for increased vigilance at the points of entry. The Port of Gibraltar has strengthened the standard medical protocols already in place based on public health laws – such as the Quarantine Act, and the International Health Regulations which were implemented earlier this year – with specific scrutinies and measures applied to ships and passengers. Government Departments monitoring points of entry – including the Borders and Coastguard Agency, HM Customs, the Airport and the Police – have also been issued with protocols and training. The International Air Transport Association (IATA) rules will apply to all scheduled airlines entering Gibraltar.

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All doctors in Gibraltar have been issued with guidance designed by Public Health England to identify persons who could have the disease. This guidance has been exercised and applied strictly on three occasions, but other common illnesses, like malaria, turned out to be the causes. Nevertheless, these false positives are a necessary price to be paid for continued vigilance. I would like to add here that the guidance has been issued to private doctors as well as GHA doctors.

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If a case is suspected, the Gibraltar Health Authority has in place a comprehensive viral haemorrhagic fevers policy covering preparedness, disease recognition, staff protection, infection control, clinical treatment, specialist advice and waste disposal. The hospital has prepared a dedicated isolation unit with ample stocks of the recommended personal protection equipment. A remote facility for isolating, monitoring and managing the contacts is under preparation.

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Since early September, the infection control nurses have delivered training to over 100 GHA staff and 100 other officers.

The Director of Public Health participates in a regular teleconference with Public Health England to stay abreast of developments and guidance.

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In summary, the risk of encountering a case of Ebola virus disease in Gibraltar is and remains extremely remote, but the first-level precautions are in place, facilities for swift response are ready, safe practice is being embedded in the workforce and vigilance continues to be maintained.

Mr Speaker, I do have a report on the preparedness, prepared by the Director of Public Health, which is not a formal schedule but I will make this available to Members who may be interested to read it.

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Hon. D A Feetham: Mr Speaker, I am very grateful to the hon. Member for indicating he is prepared to share that information; the more information that we share – not only across the House, but indeed with members of the public – on something as important as this, the more people's concerns will be assuaged and calmed, because of course people see the images on TV every single day and the devastation that this particular illness is wreaking in West Africa.

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Mr Speaker, in the press release that the Hon. the Minister issued – and indeed he has quoted from it today – he said that typically the disease:

1625 'requires that someone who has been in direct bodily contact with an infected person travels to Gibraltar within 21 days and takes ill after arrival.'

Then it says:

1630 'In this complex scenario it is unlikely to be the case that casual visitors, business travellers, passing ships, medical tourists, asylum seekers or indirect contacts...'

are likely to effectively come to Gibraltar without the disease having effectively taken hold.

The Hon. the Minister again said today there is a potential risk in the case of humanitarian aid and healthcare workers, but that is not applicable to Gibraltar because, as I understand it, there are no such individuals from Gibraltar working in that field.

1635 But, Mr Speaker, has the hon. Gentleman, or the Government, or agencies on its behalf, done an actual risk assessment of where it is that there might be higher risk – and I accept that we are talking about very low risk – but higher risk, of somebody with this disease coming into Gibraltar? For example, has the Government done an assessment that indicates that perhaps – and I am just talking from common sense; I am not an expert, although I have been briefed by some experts in some of the questions that I am going to be asking the hon. Gentleman – through the ferry from Morocco to Gibraltar might be a potential higher risk than in other areas?

1640 Has that kind of risk assessment being done; and if it has, what kind of extra measures have been adopted in relation to those riskier points of entry?

1645 **Hon. Dr J E Cortes:** Mr Speaker, certainly all these things are constantly being considered, and there is a tremendous amount of communication between different Government Departments. The Director of Public Health certainly himself has been for months now in contact with different Government Departments.

1650 I can say that last Friday, immediately upon his return from New York, the Chief Minister chaired a meeting of the C3. All relevant agencies were present and they were able to advise the Government and the Chief Minister – and my hon. Friend, Minister Linares and I are also members of that body – and they were able to advise in respect of all the respective competences.

1655 No further action is recommended at this stage, in keeping with the protocols established by the experts at the time of the swine flu outbreak, which also saw a lot of concerns, even though swine flu is easier to spread than Ebola, fortunately.

The situation is under daily review, given Gibraltar could receive an infected person by land, sea or air, as could anywhere else in the world. Controls will likely identify easy arrivals by sea or air coming in from the most infected regions, or showing symptoms of the infection manifesting. It would be harder to detect, of course, at the land frontier if the person came in by vehicle, but all these issues are under active consideration and the Government rules out nothing in dealing with the outbreak if it is advised by experts to take a particular measure.

1665 **Hon. D A Feetham:** Mr Speaker, I am grateful for that answer and I hope that the hon. Gentleman does not detect – and he will not detect – any criticism from me in the handling by the Government of this particular issue. My sole purpose today is to explore what precautions have been taken, and indeed for the public to actually listen to the Minister explaining some of the questions that have certainly been put to me, so that their concerns can be alleviated, if they have any.

1670 Mr Speaker, I take it from the answer that the Hon. Minister has given me that really the authorities are treating all the entry points into Gibraltar in exactly the same way and the protocols apply to each one, and there is not any heightened scrutiny, shall we say, in relation to any particular point of entry than any other?

1675 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can be of assistance, as the Chair of the C3 last Friday – that is not quite correct. Each entry point requires a different level of scrutiny to be applied in respect of people coming into Gibraltar. For example, at the Airport, one of the things that is being done is the monitoring from where people may have transferred on another aircraft or transited from another aircraft. If somebody were trying to transit from one of the affected areas to a flight to Gibraltar, then that would be highlighted. If somebody were to manifest with the symptoms, that is also something that is being looked out for at the Airport. So it is common at the three entry points to look for symptoms. That is something that we have our Borders and Coastguard agents, our Customs agents, and indeed our police officers, looking for in each of these areas.

1680 What the hon. Gentleman has said is that the hardest place in which to detect a symptomatic patient, or a symptomatic entrant, is the land frontier, if that person is coming in by vehicle. If somebody is coming in symptomatic at the ferry terminal, they will be as easy to spot to the trained eye of a Borders and Coastguard agent, or a Customs agent – and they have had the basic training to spot it – as they would be at

1685 the Airport or walking across the land frontier. So what we have identified as a particular risk is somebody who might come in in a vehicle, and because they are in a vehicle it is almost impossible to detect whether that person is symptomatic.

1690 If somebody is coming in through the ferry, then the protocol does involve noting whether that person – through their passport, and at the ferry there is a much deeper scrutiny of passports than there is perhaps elsewhere – whether that person has been in one of the affected areas in the recent past. All of the affected areas, as I understand it, still stamp passports, and there would therefore be an immigration signal on the document that the person had been in the infected area.

1695 So the advice that we have is that the protocols developed in respect of each of the entry points involves a risk assessment particular to the entry point, so that we understand that different things have to be done at each of the different entry points to try and detect these individuals. What we cannot discard, and what no nation can, unfortunately discard at the moment, is that somebody who is *not* symptomatic comes into Gibraltar and then *becomes* symptomatic. There is absolutely no way at the moment that it is possible to detect that, short of giving everybody who is coming to Gibraltar a test, and making them wait for the required period whilst that test verifies.

1700 I know this is not going to be a subject on which there is going to be a partisan division in Gibraltar. It is going to be a subject on which we are all going to want to achieve the same aim, and what we are going to want to do is ensure that the relevant agencies – which are Government agencies, and in effect advise the Government – have all the resources available in order to be able to do the work that they need to do. Unfortunately, there is not, at the moment, a silver bullet out there that we can buy for our agencies that they can obtain and have available to them to deal with this issue. In the swine flu epidemic it became the position that there was an antidote for the flu, and therefore the Government at the time bought a large quantity of that antidote – and in fact when the swine flu epidemic manifested in Gibraltar it was no longer an epidemic in the world. There were a couple of individuals affected by it, we had the ability to deal with them, but it was well-nigh, I think, a year or two years after this had been big news and was actually catching fire around the world.

1710 So, at the moment, the advice that we have is that it is very unlikely to manifest in Gibraltar, but that advice is based on good faith and reading all the relevant international medical and immigration information that there is available. As I have said to the House a moment ago, I have exchanged views on the subject with the Defence Secretary, who was at a meeting of COBRA yesterday dealing with the subject, and we have agreed to continue in contact with the UK authorities as they develop their own protocols to deal with the subject. The Convent is a conduit for that and has been important in ensuring that we are availed of the same up-to-date information that the Borders Agency in the United Kingdom has available to it.

1715 At this stage I think that the House will be pleased to know that the advice that the political Government has from those who are responsible for risk assessment in the C3 is that there is not much more to do at the moment because there is not a huge risk at the moment.

1720 It is also true to say, and I am happy to inform the House, that when people have sought disembarkation in Gibraltar in the past two or three weeks, who have embarked on merchantmen in the affected areas, we have either prevented disembarkation for the quarantine period, so it is clear that they are not infected with the virus, or simply said that if they are not prepared to put up with the incubation period and not prepared to put up with the test, then although we will allow embarkation of new crew men to merchant shipmen, we will not allow disembarkation.

1725 **Hon. D A Feetham:** Mr Speaker, thank you very much for that answer.

1730 As the Hon. the Chief Minister rightly points out, you can have a situation where somebody does not reflect the relevant symptoms coming into Gibraltar and then develops the symptoms later on, and that really is the difficulty.

1735 When somebody is travelling from the United Kingdom, for example – and at the Airport, that really effectively is what we are talking about – it might be very... it might be easier – not very easy, but easier – to monitor where that person has actually been traveling from, because if that person is or has been in transit from an affected area, that information is readily available.

1740 The problem with the entry via the ferry is that you are talking about people who have entered from Africa, and of course they may not have visited the affected states or affected countries but they may have come in contact with people who have visited those affected states. I just wonder whether there are any additional protocols in relation to that entry point that are over and above the protocols in relation to the Airport, for example.

1745 Of course, in this particular case, if there are going to be additional protocols, we are talking about additional questions, perhaps more frequent checking of passports, of people. I cannot for one moment... unless of course the situation were to get considerably graver, that you are going to stop every single person in a line and ask every single person a series of questions. If the situation gets worse, then it may come to

that, but what additional protocols, if any, are there in relation to this particular entry point? It has been identified to me as potentially riskier – if we can call it that – than other areas.

1750 **Hon. Chief Minister:** Mr Speaker, let me start at the end: I do not think it is riskier, because today, a lot
of people who go to Africa and come into Gibraltar actually choose to do so by going to Algeciras or
Tarifa, doing a ferry transfer there and then coming back into Gibraltar through the land frontier, simply
because of the frequency of ferries. Somebody can choose, unless they have not got a British passport, to
make the entry at any time of their choosing any day of the week and not have to wait for the Friday ferry
and the Sunday return. That is why I am telling the hon. Gentleman that there needs to be equal scrutiny at
1755 the land frontier in respect of such persons who may have travelled to North Africa.

In respect of the ferry itself, what I told him before was that people are being subjected to very detailed
passport checks, so he must not think... He said ‘more frequent’ passport checks. He must not think that at
the ferry terminal people are not subjected to passport checks. They are all subjected to exhaustive passport
checks – indeed, at the Airport as well. It is not just a question of more frequent checks – every passport is
1760 checked at the ferry terminal. What is happening is it is now being checked to see whether there is a stamp
from one of those affected areas.

The other question of course is, as the hon. Gentleman has postulated: what happens in the case of an
individual who has only been to Morocco, but in Morocco has been with somebody who has been in that
area? Indeed, it does not matter whether that person has been to that area: somebody who is infected. You
could have a person infected in Morocco, who has been infected in some chain from an infected area. So
the question is there, as the hon. Gentleman has suggested, of questioning, and that is also happening at the
ferry terminal; but not just questioning – also information. The questioning is a difficult one – ‘Have you
been in contact with anybody who has manifested any of the symptoms of Ebola?’ – but of course if
somebody has been in touch with somebody who does not manifest the symptoms of Ebola, then the
1770 medical advice is that there should be no risk because it should only be contagious once it is symptomatic
and in various contact, which is close contact, once it is symptomatic. That is the advice at the moment.

At the Airport, you have the advantage that the flights are all from the United Kingdom. The United
Kingdom is communicating to us whether somebody is transiting from those areas, but you have the added
difficulty that somebody may not transit from those areas. Somebody may arrive in the United Kingdom,
1775 leave the airport – not do a transit – for a few hours or for a few days, and then wish to come to Gibraltar.
So again, there is the need for vigilance and they are looking at passports and not simply relying on the fact
that we may have been told that that person has been in transit. So we are looking at everyone to ensure that
this vigilance is maintained, and any hint that somebody has been in the area is picked up in the best
possible way.

1780 I want to leave him with a thought that I gave him earlier: first, about the land frontier being particularly
problematic because of transfers through North Africa; and second, the issue that our Port is not just the
ferry.

This is where I told him that we have a strong business in bunkers and in transshipment. In other words,
crew are coming onshore in Gibraltar and changing crew in Gibraltar. We have already had instances of a
1785 vessel having to remain in quarantine before it was allowed to dock for a particular period of time, and until
everything was confirmed and all tests had been done *and* the quarantine period – in other words, a double
filter had been done – they were not allowed to dock. That was uncomfortable, that caused demurrage, but
we were not prepared to put the community at risk in any other way, and we have prevented people who are
not prepared to put up with that wait from actually coming ashore to disembark here and then fly home
1790 from here, because they were not prepared to put up with the testing or the demurrage time.

So this is a difficult issue. There are some instances where the risk is there, and that is why the risk
assessment is made, to see how best to manage the risk without, in effect, closing our borders, which I am
sure is not something that hon. Members would want to see the Government doing unless we were to reach
almost the stage of global meltdown, where each community, in effect, shuts itself in. Economically, what
1795 that would mean for the world would be actually quite disastrous, and we sincerely hope we are not going
to reach that stage and that we can put reasonable measures in place at each of these entry points – which
we already have done – to ensure that the right questions, the right checking etc, are asked; and also, if I
may say so, in relation to the particular part of our community that is more likely to be traveling to North
Africa, information.

1800 One of the things that the C3 has recommended, and is now happening, is that there will be information
disseminated amongst our Moroccan community, our Moroccan workers community in particular, to advise
them of what a symptomatic person may be reflecting, so that they can understand for themselves, if they
are back home in Morocco, what they need to be looking out for and what they need to report, so that they
have no fear that in coming back into Gibraltar they might be treated like a pariah and prevented entry and
1805 that actually what will happen, if they are in contact with someone, is that they will be given the medical

treatment they need to ensure that they are not going to become symptomatic, and are dealt with appropriately.

1810 **Hon. Sir P R Caruana:** Yes Mr Speaker, I had wanted to ask the hon. Member a supplementary on a subject that he has, in fact, just touched on a few minutes ago in that last response.

1815 First of all, might I just express my personal view that, in addition to whatever sense there might be in taking particular precautions in respect of particular risk areas at particular borders, which I imagine the Government will do there what it can, I think the Government is right in focusing on training of staff – in other words, focusing on what we would do if a case occurred in Gibraltar, rather than trying to prevent the needle from falling into the haystack in the first place, which is really for calming of public concern, but actually is probably very ineffective.

1820 I have been taken, only as a layman... I have absolutely no training on these things, except the knowledge that I acquired, as he is now acquiring, from being exposed to having to handle the issue. We talk about spotting symptoms at entry points. The reality is that the symptom, by which time you are contagious, is little more than a low temperature. Well, how do you spot, unless you measure everybody's temperature with a temperature gun, which I understand is being contemplated in some places now, how do you spot the fact, however vigilant you are, that somebody has a low temperature? It is not even a blistering temperature with sweating. You are not bleeding at the nose; all that comes much later. By the time you have only a low temperature you are already symptomatic and in a contagious state, so the idea that we can prevent the needle from falling into the haystack called Gibraltar is certainly worth doing everything that we can, and I think the Hon. the Leader of the Opposition is right to spot to be more concerned about some entry points than others.

1830 But my question is this. The Hon. Chief Minister has said that the Government is looking out for people who travel from particular destinations in transit or whatever. Can the hon. Member be just a little bit clearer – he has just touched on it – about what the consequences would be if somebody did turn up at the Airport with a Sierra Leone stamp in his passport? If I went to Sierra Leone and came back with a Sierra Leone stamp, what is the Government... What is the policy? (*Interjection*) Yes, the temptation to – (*Laughter*)

1835 Alright, let me just pick an easier example for the hon. Member to grapple with, then. If some dye-in-the-wool GSLP activist, the biggest cash donor to his party coffers, personal friend of all the Ministers on the other side, were to travel to Sierra Leone, what would be the protocol? Would it just be a question of assessing the risk there and then, at the spot, by the officer on duty, or is there something... I am not for one moment suggesting that I think there should be any such thing; I am just asking what actually the Government's policy is.

1840 **Hon. Chief Minister:** Mr Speaker, it is good that we have a moment of levity dealing with something quite as serious as this is.

I know that we have had, in fact, three Members of this House out in Cameroon for some time, and they were welcomed back despite that little adventure.

1845 There is a protocol in place, when you spot somebody who has been to that area, to take them aside, ask further questions and offer health cover and, if necessary, if that report goes up to the relevant health official, to detain them to carry out tests – obviously, initially at invitation, if necessary.

1850 These are not things that are going to manifest often, simply because one of the things you do, as he will know, in these situations is to say, 'Well, how often do we have, on average, visitors from Sierra Leone and from Guinea etc?' What I am trying to say to them is that actually it is more often than they might think, but it is not through the Airport usually; it is usually through the Port. It is usually when they come off ships, having embarked there as crew members. We receive a lot of people usually from further east – from the Philippines – who embark in Gibraltar, but most of the people who manifest themselves from those destinations are coming in merchant ships and they are coming to Gibraltar from the sea on the way to the Airport.

1855 So the protocols that we have in place, which I have explained to the hon. Gentleman have kicked in twice when this has manifested itself at an entry at sea, are the sorts of protocols we would put in place if somebody were to manifest in person before an immigration official, either at the land frontier – where it is, as he will know, much harder to spot – or at the Airport.

1860 **Hon. Dr J E Cortes:** If I may, Mr Speaker, just to add that the Director of Public Health, should he need to use them, has powers under the Quarantine Act to take any person he suspects may be a risk to health and detain him for supervision and treatment.

1865 I would also just like to add something that I did not mention earlier. There will be a simulation exercise carried out by GHA professionals within the next couple of weeks to ensure readiness. A similar one was carried out in the UK, as people may have picked up from the news media. And of course the hard work of

the Director of Public Health and the infection control nurses, who are leading on this, continues in training and increasing the readiness of everybody in Gibraltar.

1870 **Hon. D A Feetham:** Mr Speaker, I have got a number of supplementaries in relation to this, but there is a point that has arisen from the exchanges between the Hon. Sir Peter Caruana and the Chief Minister, and it is this. The Chief Minister gave an example of the protocols kicking in for entries via the Port, and what he said was, ‘Well, look, on a previous occasion we have had to prevent people from coming onshore for a period of time beyond the incubation of the disease to make sure that those people do not have the disease.’
1875 But of course you cannot do that – or can you? – when somebody is effectively entering Gibraltar via the Airport.

I think the question that I have is: what happens if, effectively, we know that somebody is coming from those affected areas via the Airport? Because if they were coming from the Port, they would be prevented from coming into Gibraltar, as the Hon. Chief Minister has said, until the incubation period of the disease has elapsed; but it is much more difficult in relation to the Airport, unless of course you force people – and
1880 then we are into the realms of whether it is possible to force people – to effectively be tested for the disease.

Hon. Chief Minister: Mr Speaker, I think to a great extent the Hon. the Minister for Health has given the answer to that question now when he has referred to the quarantine issue.

1885 It would be very peculiar for us to receive somebody at the Airport from one of these destinations without knowing that they are coming, because the person will have transited through the United Kingdom and, as I have told the hon. Gentleman, we are told by the United Kingdom before people embark that there is a person from one of these destinations coming, and we may be able to prevent them from coming whilst they are dealt with in the UK, which is better prepared to deal with these issues at airports because they
1890 know who is coming from where.

So, if we were not to be alerted to the arrival of a person through that mechanism – which could happen, as I told the hon. Gentleman if that person did not transit through an airport in the UK but left an airport in the UK, having got off a plane from one of those places and having passed the UK protocol... So they get off the plane, they pass the UK protocol for arrivals from that area and they leave the airport – they are not
1895 in transit – and the next day, or later that day, because they wanted to go out... Let’s assume they are not trying to avoid the transit alert system... they get on a plane to Gibraltar. That could happen, and therefore the person could arrive here having been in one of those places. Then the protocol kicks in that the hon. Gentleman has referred to. That person would be taken aside, health professionals would be engaged, they would be offered the test; and if the health professionals thought it was appropriate, they might be quarantined, and if the individual did not wish to assist with that period of quarantine etc, they might have
1900 to be forcibly quarantined. It may be that that is something that we get to.

We are painting pictures that I hope we will never reach because people will not manifest in this way, people will be responsible if they come from one of these areas and they will understand that the health authorities do not just want to protect the general public from this disease, they will also want to help
1905 anybody who may have been exposed to it, to ensure that they get the right treatment from the moment that they say that they may have been exposed to it. Exposure to it, in geographical terms, does not mean that they are suffering from it. Somebody can be in Sierra Leone and come back from Sierra Leone without any difficulty – they have not been exposed to a person who has it; they have therefore not contracted it, they are not going to become symptomatic and they are okay. They are tested and then we can say to a great extent – unless it decides to mutate in a different way – that the virus is not present in the individual and that is it. But those are the types of protocols that would be engaged if somebody manifested with some transit through one of those countries.

There are other situations where people might not declare that they have come from one of these places – might have been able to avoid a stamp, might have been able to avoid the UK authorities. There are many
1915 ways in which this could happen.

My biggest concern, Mr Speaker, is not the Airport. My biggest concern is the land frontier. That is the most likely place for somebody to be able to get in. They simply get in a vehicle. If they have got a European passport, they flash it as they do at most times, and we would be very hard pressed to implement a harsher system now for people to come in in vehicular traffic without ourselves causing very, very
1920 lengthy queues indeed, probably of the sort that we complain the other side politically create in a reckless and negligent fashion.

We have to be careful not to put ourselves in a position, as the Hon. Sir Peter has said, where we are simply trying to ensure that nobody comes in with any chance of having been exposed to the disease – because what we need to do is be ready to treat it if it does manifest. Given the range of estimations that I have seen, this disease is either going to be dealt with very quickly or is going to explode before it is dealt with, but all the health professionals I have spoken to and all the advice I have read suggests that when the disease ‘hits’ western medicine, it is likely not to result in as many deaths as one is seeing in West Africa at
1925

1930 the moment, although we have seen deaths in Western Europe and in the United States, but all of those cases had manifested themselves a long time before treatment had actually commenced to the standards of western medicine.

1935 **Hon. D A Feetham:** Mr Speaker, I am grateful for that. Moving on... Although, before I move on, there is a tension here in the protocol, in the sense that the protocols for entering via the Port appear to me to be very resilient indeed – the Government is insisting on people effectively not disembarking unless the incubation period expires – whereas, of course, the protocols in the United Kingdom, the protocols they may have for entering the United Kingdom may not be as resilient as the ones via the Port. Therefore, effectively, via that route one may be allowing people – I just leave the Hon. the Chief Minister with this – to come in under less stringent protocols than via the Port, unless of course one is prepared to take the decision to effectively quarantine people coming from these particular areas at the Airport, which causes difficulties in itself. I just leave the Hon. the Chief Minister with that.

1940 Just moving on, if someone arrives in Gibraltar and develops symptoms and believes that they are developing symptoms – for whatever reason: they have been in contact, or at risk, or whatever – and it is not detected at the entry point but they develop those symptoms, what is the advice that the Government gives those people? Of course, everything that we have said today deals with protocols for the GHA dealing with the particular disease at entry points, but equally I have not heard anything – and it is important for information to be provided to the public as to what the public or a member of the public has to do in that kind of situation. It may not be as obvious as some Members or indeed listeners listening to my question believe it to be.

1950 **Hon. Chief Minister:** Mr Speaker, I am going to let the Hon. Minister for Health deal with that question, but in relation to the first part of it, when he talked about the more stringent conditions at the Port than at the Airport, he must not get away with thinking that we have had an instance at the Airport which has been dealt with any less stringently than at the Port. What I am telling him is that we have had incidents of people traveling from those places already manifest at the Port, and that is how we have dealt with it. We have not had any manifesting itself at the Airport, but as I have told him, we would deal with it in the same way. What I cannot tell him – and this is the real concern if we are going to flag some – is that we have not had somebody come through the land frontier who has actually been exposed, and that is the issue.

1955 So that takes us neatly to the second part of his question, which is: what happens if somebody has been exposed and is in Gibraltar undetected? Take it from me, it is more likely to happen through the land frontier than anywhere else. So, what is the position in that situation? There is, to some extent, already information put out in the public domain. There was a recent statement, I think, from the GHA, from Dr Kumar, but I will allow the Hon. the Minister for Health to deal with the substance of that.

1960 **Hon. Dr J E Cortes:** Mr Speaker, I think the question is what do you do if a member of the public feels they may have... What we must be clear about is that if you took a random sample of 100 people, you would probably have at least 10 who have some kind of temperature, for a variety of reasons. So, a member of the public who has reason to suspect that he or a relative may have the virus – and as I say, at the moment in Gibraltar that should be zero – would have to have had some contact. So everybody who has got a temperature should not now think, ‘Oh, I may have this!’ We cannot have that; but if there is a genuine reason to think that they may have come into contact and they have a concern, then they should present to the medical authorities, be it in the Primary Care Centre or in St Bernard’s Hospital, informing immediately, obviously with some kind of justification. You cannot just go, ‘Here I am, I think I’ve got Ebola,’ and you get a hundred people, assuming that, then they will be fast-tracked.

1970 As I said before, we have isolation facilities, we have all the necessary gear, and all the necessary procedures will be followed that are necessary to deal with such a case. So in that respect we are certainly ready to receive; but as I say, at the moment it should be zero.

1975 **Hon. D A Feetham:** Mr Speaker, I accept that it should be zero and I accept... Again, I do not want to alarm anybody that there is a huge risk here in Gibraltar, but the answer that the hon. Gentleman has given me does cause me some concern, having myself sat down with some experts both in emergency management and also in other areas in relation to this.

1980 The point that has been made to me is that the last thing that you want, if there is a concern that somebody has picked up this disease, is for that person to be advised to either go to the Primary Care Centre or to casualty, because the moment that that person visits the primary care centre or casualty you are then risking actually closing down the Primary Care Centre and casualty because people there will have then come into contact. All I am wanting is for the information to get out to the public, so the public know what they need to do. That is my only interest, and it has been suggested to me that the best advice is for those people to effectively remain at home, to contact the authorities from home, and you will then have a

1990 medical team, properly equipped with all the necessary equipment and safeguards to visit that individual *in situ* where that person is, in order to prevent a spread of the disease. I just wonder whether the Hon. the Minister agrees with that and whether he wishes to perhaps clarify the answer that he gave me originally.

1995 **Hon. Dr J E Cortes:** Mr Speaker, that is one scenario and there are many potential scenarios. This is all speculation, and what I think we must guard against is alarming the public when we realise that this is all speculative.

I did not say go and sit down in A&E; I said inform the authorities. If they are at home... The thing is there is such a wide range of possibilities. At what stage is it that you happen to have been to one of those countries? Do you have certain symptoms? What grade of symptoms do you have?

2000 What I can do, Mr Speaker, is... The Health Authority has a viral haemorrhagic fever policy, which goes to 36 pages, which covers all those areas. At the appropriate time, those parts of it would obviously... They are all available on the GHA website, or will be very shortly. I will make a copy of this available to the Member opposite. That covers all those scenarios, but what we cannot do now – well, we can do, if we have got time to go through it all – is look at all these. What I can say is that the protocols are ready. Anybody who has concerns should inform the health authorities, but as I say, it is speculation because at the
2005 moment there should be no people in that situation. If there are, then obviously we want to know.

Hon. Chief Minister: There is another angle to this, Mr Speaker, which is that people who might have a light fever should not call the GHA and ask to be seen at home, because there are likely to be hundreds of those people in Gibraltar today, and if everybody who has a light fever decides that they might have Ebola and wants to have the doctor go and see them, it is just going to put us in an impossible position.

2010 Therefore, the hon. Gentleman has to remember that what he is dealing with here is not swine flu. This is not an airborne epidemic; this is an epidemic that only passes through contact. Therefore, what might have been good in that instance – and there are some things which are similar and some of the triggers that were developed by the international community and which were adopted by C3 here at the time are still
2015 triggers that we will look for as the disease develops – are not necessarily the ways that we need to treat Ebola. Therefore, people who have a light temperature, who therefore *might* have Ebola – are not very likely to, but *might* have Ebola – should nonetheless manifest at the Primary Care Centre or at A&E.

2020 If you are going to give anybody advice, Mr Speaker, you should say, ‘Please don’t touch anybody else and don’t spit on anyone, please don’t have sex with anyone to exchange body fluids, and please don’t kiss anyone,’ because this is – as I read in *The Times* the other day, and I therefore do not say this frivolously – this is a disease that you can catch only from people who you are likely to have seen naked or somebody who you have touched. This is the way *The Times* described it, because it does require intimate contact.

2025 Therefore, if you are on a plane with somebody who has Ebola, you are not going to catch Ebola unless you come into contact with them. The important thing is contact. The advice should be to avoid contact with other people if you think you have Ebola – and ‘contact’ means in any way transferring fluid to a loved one, either on their skin or otherwise, but it does not mean do not turn up at a Primary Care Centre or at an Accident and Emergency Centre.

2030 If somebody is in the later throws of Ebola, the hon. Gentleman needs to understand that they are unlikely to be able to move and therefore they are unlikely to be able to go to a Primary Care Centre or an Accident and Emergency Centre. They are only likely to be able to be seen at home, because they would then be really manifesting very severe signs of this particular disease, and it will require the health professionals to come to them because they will not be able to go anywhere.

2035 **Hon. Dr J E Cortes:** Mr Speaker, if I may add to that –

Mr Speaker: May I? We have a problem here. The problem that we have is that here we are, all laymen, discussing a highly important and grave matter, but we are all laymen, and we are triggering off each other, Government and Opposition, additional points – and we could be here with additional points until tomorrow. But that is not the purpose, here in Parliament.

2040 This is a very grave issue. The public require information. They are not going to get all the information perhaps that they require by watching the transmission of the proceedings of the House or from reading whatever reports there are in the newspapers. The matter goes beyond that. For instance, press conferences: the media asking the specialists the pertinent questions on the matter.

2045 What I am saying is that we cannot ventilate the matter fully here today and what is happening is, rightly, a supplementary question is asked, an answer is given by lay persons, which in itself then triggers other supplementaries. As I say, if hon. Members wish to, we can carry on, because the last thing I want is to be accused of, as Speaker, is interrupting and not allowing a proper ventilation of what is a matter of public importance. But it is up to hon. Members, really.

2050 **Hon. Chief Minister:** Mr Speaker, if I might be of assistance, I think that is important guidance. We have two doctors on this side of the House, but neither of them has ever dealt with Ebola before, as I understand it.

If the hon. Gentleman will allow me, the advice that is out there at the moment and what we have published is what the specialists have advised we should say at this stage. There are other things that we would say at a later stage. Should the disease manifest in a different way, there are other protocols that we would put in place. That includes communications protocols.

2055 I am quite happy, if he wishes, to deal offline with any of the concerns that he may have, but he should have the confidence that the experts who are advising the Government – who are all, I am sure he will agree, entirely and fully versed with the concerns that are manifesting themselves throughout the medical and immigration community the world over, particularly in Western Europe and North America – are giving us the advice to say the things that we have said to date. But I am quite happy to deal with any issues that he wants to continue putting to the Government, to give him the satisfaction that there is not more that should be done or said at this stage and to deal with that offline so that we do not continue to ping-pong off each other, as you rightly say, as laymen, when in fact what has been done to date is what the experts have advised.

2060 **Mr Speaker:** May I also add that if at any stage, for instance later on today or even tomorrow, if hon. Members were to feel that it was necessary, there are rules which would allow the matter to be debated for 35 minutes without any recourse to the rules of Question Time. That could happen tomorrow evening, if Members so wish.

2070 **Hon. Dr J E Cortes:** Mr Speaker, may I assist just by... If I may follow on the point that you made earlier, that none of us are experts – this is why I referred to the clinical policy which has been developed by clinicians and which, as I said, I will make available. It is a very thorough document, which shows the protocols that would be in place.

Hon. D A Feetham: I am happy to correspond with the Government, but of course it is a matter of significant public interest. I do not want to necessarily debate it. There is no debate point.

2080 **Mr Speaker:** What I mean by ‘debate’ is that there would be 35 minutes allowed. Three or four Members of the Opposition could rise and raise a number of issues, and a Government Minister would then attempt to answer those issues.

2085 As I say, I intend to continue to be liberal. If Members wish to continue to ask supplementaries, I am not going to stop them. No-one is going to accuse me of interfering with the right of the public to be... know on what is a very serious issue. It is up to the Members.

Hon. D A Feetham: Well, Mr Speaker, I have very few supplementaries, if I may be allowed to just simply plough ahead.

2090 Nobody is suggesting that anybody who has a slight sniffle should call the GHA and then be visited by several men in suits, which will scare the entire neighbourhood! Nobody is suggesting that, but it has been suggested to me that perhaps more information... and I just leave it with the Government to consider what information it releases, or more information, bearing in mind everything the Chief Minister has said about the land frontier... and it is really virtually impossible, if there is a worldwide epidemic of this, for this not to reach Gibraltar... that the public is advised as to what somebody from the public does if reasonably, based on solid foundations, that person believes that, for whatever reason, that person maybe has contracted Ebola.

2095 All the advice that I have received – and I accept I am not an expert myself – is that the advice that those people should be receiving is not to leave their houses and to basically telephone the medical authorities, and then for any protocol of visits to those people to kick in, because what you do not want is for that person to effectively be walking either from their house to the Primary Care Centre, or indeed the Accident and Emergency. Indeed, the knock-on effect in those two places could be catastrophic.

2100 But can I move on and ask the Hon. the Minister for Health whether he is satisfied that everything is in place to properly diagnose the disease, and that the safety as well of Members of the laboratory staff in conducting those diagnoses is fully protected, and that everything is in place so that this disease can be properly diagnosed at the laboratory?

2105 **Hon. Chief Minister:** Mr Speaker, dealing with his first point, what I need to emphasise to him is that he is telling the House that all the advice that *he* has is as *he* has stated, and what *I* am telling the House is that all the advice that *we* have is as *I* have stated. I just wanted to be clear that this is not the Government deciding to take a different course to the one that he is suggesting. He tells us he is advised by an expert,

and I am sure I know who it is that he is being advised by and I would have a lot of time for the advice that that person would tender, but what I am saying to him is that we are being advised by the medical experts on the subject and we are obviously therefore following the advice of the medical experts and not transposing our own political view on what is the clear medical advice.

2115 Mr Speaker, before I allow the Hon. the Minister for Health to deal with the next substantive point the hon. Member is making, I would simply reflect with him that the way that this issue has manifested politically in a number of different countries when Ebola has arrived there has been either in parliaments working together with government and opposition, ensuring that they do the best for the community in order to try and deal with this in the least alarmist and most positive way; or, where a government has
2120 perhaps obviously dropped the ball, in a very contentious way in order to try and score political points. I am grateful that that is not the attitude he is taking this morning, and I want to invite him to continue on that course. This is not Spain. The Government here has not created a problem that has brought Ebola into the territory. There is no need for us to have that sort of debate. We need to be working together to ensure that we best protect our community from this disease, and the only risk we have taken is to allow the three
2125 miscreants who are Members of this Parliament, who went to Africa two weeks ago, to come back. The risk seems to have been well taken – they do not seem to be manifesting anything too dangerous yet, although I never enjoy being on the wrong end of Samantha Sacramento, whether she is feeling well or not!

Hon. Dr J E Cortes: Mr Speaker, the question of how to deal with an Ebola, or the outbreak of any other disease, does obviously include testing and so on, and these protocols are all part of the policy and the preparation that the GHA has in place.

My last recollection on the lab in particular was a meeting held last week in which it was identified that there were a few items of equipment which could improve the way in which we were able to deal with this, and my last information is that these were on the way by courier, and once that has... It may well have
2135 arrived already, I do not have the full details, but once that is in place, my information is that we would be ready to be able to deal with this.

Hon. D A Feetham: Thank you very much, because my understanding was that at the moment we could not deal with this, but he has confirmed that we cannot at the moment but we will be dealing with it in the future.

What about the isolation ward, Mr Speaker? Where is that going to be located and how segregated, and what is the distance between that isolation ward and other wards or other areas where patients and indeed staff are located?

2145 **Hon. Dr J E Cortes:** Mr Speaker, it is relevant again to remind ourselves that we are not talking about a cold or the flu. This is not something that is airborne, so you would have to have close contact with the affected patients.

The area that has been equipped to deal with any manifestation of this disease is the area that was formerly... well, that was earmarked but never opened as a hydrotherapy pool in the extreme south-east corner of the hospital. It has an airflow which is completely independent and does not flow into anywhere else in the hospital. There is separate access, which can be both vehicular and pedestrian, from behind the hospital, and therefore there would be no contact with the body of the hospital itself. The pool area has been boarded over so that it can be used, there are already beds there and so on, and the equipment is there in preparation. I am hoping that we will never have to use it, but it has got totally separate access and it is
2150 separated from all the wards in the hospital.

Hon. D A Feetham: Mr Speaker, that is very comforting to know, because that was one of the issues that I had in mind.

2160 What about CCTV cameras in both this particular ward and also in any decontamination unit? The reason why I ask is this: the hon. Gentleman may remember that in relation to the nurse in Spain who contracted the Ebola virus, it is thought that she contracted the Ebola virus when she was taking her equipment off. A period of a week or two actually elapsed. She had gone on holiday before she was diagnosed with the Ebola virus, and one of the points that has been raised in that context is that it is important to have both the patients but also the decontamination unit under 24-hour surveillance so that
2165 somebody can go through the film, so that they do not see anything that can possibly be deemed risky. In this particular case, it is thought that this particular nurse, when she was taking off her equipment, she then touched her mouth or her eye with a gloved hand that had been treating the patient. That is thought to be important. Is that something that the hon. Gentleman is also including within these two areas?

2170 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware of the setting up of any CCTV cameras. Setting up CCTV cameras in the hospital can have all sorts of other considerations by way of dignity, privacy and so

on, because it is not the same as having a nurse constantly looking over a person – it is something that can then be stored and you never know where it might end up.

2175 I do not have that information. I will seek it. What I can say is that the beds are located just outside a screened-off, glassed-off area, so that there would be a 24-hour-monitoring, direct visual access to the patients in question.

2180 As far as what may or may not have happened in the case of the nurse in Spain, there has been a lot of controversy, as we all know, about that, that we have picked up in the media and so on, and it does seem that it was the derobing which is the dangerous part. When you are putting this protective clothing on, there is no infection; when you are derobing, there could well be. Tragically, one learns from other people's mistakes, but we have ensured, even before this came out, that the 200 or so people who have been trained are aware of the correct derobing procedures. Sadly, we are human, and human error occurs, but we are taking every possible step to avoid that.

2185 I must add that, in the absence of the hon. Opposition Member spokesman for Health, I would like to make myself available to any Member of the Opposition who may want to stay in contact with me on developments, if they want to have any reassurance or further information as the weeks ahead hopefully pass without incident, and with, hopefully, the development of a vaccine – which some say is close and some say is not – which will be able to stop this tragic disease.

2190 We are concentrating, clearly, and for very good reason, on what would happen in Gibraltar, but we must spare a thought for all those thousands of people who are suffering in West Africa without the resources and the recourses that we fortunately have in Gibraltar.

2195 **Hon. D A Feetham:** Mr Speaker, I have further questions, but it has been sufficiently ventilated and I will now deal with any more of my concerns and the concerns that have been expressed, or questions that have been expressed that have been put to me, with the Hon. the Minister directly. I thought that it was important, rather than do that – which I could have done – for at least members of the public to see that the Government has got a handle on this and that issues that may be of concern to them, certainly of concern to us, have been properly ventilated in this Parliament, which has been my concern and the purpose of my questions.

2200

Hon. Chief Minister: Mr Speaker, that might be a convenient moment to recess the House to 3.00 p.m.

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

The House recessed at 12.49 p.m. and resumed its sitting at 3.06 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 8:25 p.m.

Gibraltar, Thursday, 16th October 2014

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The Gibraltar Parliament

The Parliament met at 3.06 p.m.

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

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

HEALTH AND THE ENVIRONMENT

Q505/2014 continued – Environment (Control of Dust) Regulation 2010 – Implementation at GOG construction sites – Statement by the Minister for Health and the Environment

Mr Speaker: Arising from the photographs that the Hon. Mr Netto provided this morning, I think the Hon. the Minister for Health and the Environment wishes to make a statement.

5 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, thank you for allowing me to provide some more information. During the period since the Question was asked, I asked the Environmental Agency and they have searched through their records. They have no record of any complaints from neighbours or anybody else about that particular site. They are continuing to look, but they have not been able to find one. But in any case, they have deployed an officer there this afternoon, just to check that everything is in order.

10 **Hon. J J Netto:** Mr Speaker, first of all I am grateful for that answer, but the fact that there may be no record of complaint at the Environment Agency does not mean that the residents within the neighbourhood of the construction site are not up in arms as a result of the dust emanating from the construction site. That is the first point I would like to make.

15 The second point I would like to make, which in fact I made earlier on, was whether the contractor on the site had gone through the proper procedure to apply for a permit for providing the dust sheets in accordance with the legislation. That part of my supplementary question has not been answered. Can the Minister provide some answer on that aspect?

20 **Hon. Dr J E Cortes:** Mr Speaker, I provided the answer, which seemed to be to the Member opposite's satisfaction this morning. I have volunteered additional information. If the neighbours are up in arms, they have not communicated it to the pertinent authorities; and if they do so now... although, as I said, an officer has been deployed. I just have to repeat what I said this morning: that these regulations will be applied to all sites. I just thought I would provide that additional information.

25 **Hon. J J Netto:** Mr Speaker, I do not want to get side-tracked with whether there has been a registered complaint or not. That is not the fundamental issue. The fundamental issue here is whether the construction site... have done what they are supposed to do in accordance with the legislation. Have they, or have they not, because if they have not asked for the permit to be issued by the Environmental Agency, it seems to me that they have been acting against the legislation itself. That is a more pertinent question – as to whether there have been any recorded complaints by neighbours in the neighbourhood or not – and on that aspect the Minister opposite has not provided an adequate answer.

30 **Hon. Dr J E Cortes:** Mr Speaker, I provided the answer to the Question, which was, if we will remember:

'Can the Minister for the Environment state whether all GOG construction sites are implementing the Environment (Control of Dust) Regulation 2010?'

I answered that they were, to the knowledge of the Environment Agency. That, I think, does answer that Question. If he wants more specifics on each independent and individual site, then he will have to ask for

that and I will get that information, but I think to the general Question I have answered it more than adequately.

40

CHIEF MINISTER

Q559/2014

**Employment (Bullying at Work) Act –
Monitoring of implementation**

Mr Speaker: Question 559.

45 **Clerk:** Question 559, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister state how he intends to monitor the implementation of the Employment (Bullying at Work) Act?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, closely.

55 **Hon. D J Bossino:** Mr Speaker, that adjective is not sufficient in my view. What mechanics is he going to put in place?

I refer him to the press release which appeared, and I am quoting from the *Gibraltar Chronicle* – I think this quote is personally attributed to him – when he says:

‘and we have given the GFSB and the Chamber of Commerce the confidence that we will monitor the implementation of the Act to ensure it is not abused in any way, and we reserve the right to tweak the law where necessary, again in consultation with all parties, should it be abused.’

But how does he intend... Which mechanics has he put in place in order to monitor the implementation of the Act?

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Hon. Chief Minister: Mr Speaker, this is not an issue of having to put in place any mechanics. These are claims that will have to be brought to the Industrial Tribunal, which is a public body. We are aware of what the substance of complaints that come to the Industrial Tribunal are, because the Tribunal is administered through Government officers, so if there are instances of claims of bullying coming to the Industrial Tribunal we will be following them very ‘closely’ – he does not like the word, but it is one that I intend to continue using during the course of this answer – to see whether there are any allegations by employers of abuse. Then, if there are, we will have to look into whether we believe that there is actually abuse in respect of any such case. Indeed, it may be that there are cases that do not come to the Industrial Tribunal in respect of which employers believe there may be abuse, and I have full confidence that they will be brought to my attention by the GFSB or by the Chamber.

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Hon. D A Feetham: Mr Speaker, the Hon. the Chief Minister draws an important distinction, because if he is going to closely... or the Government is going to closely monitor such claims, just simply looking at what happens in the Industrial Tribunal will not do, because there are many claims that do not get to the Industrial Tribunal. All of us who have been lawyers and have done Industrial Tribunal work will know that in actual fact sometimes it is actually far better for the employer just simply to settle it out of court before it gets to the Industrial Tribunal, because costs are not recoverable in the Industrial Tribunal.

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Is the Government simply relying on the GFSB and the Chamber of Commerce to provide that information to the Government, or is the Government going to be a little bit more proactive in its attempts to ‘closely monitor’ – those are the words that he has used – the implementation of this Act?

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Hon. Chief Minister: Well, Mr Speaker, if claims are abusive then some of them will get to the Industrial Tribunal, even if in the process of filing claims for the purposes of seeking abusive settlements. So we will have to keep a very close eye indeed on what happens in the Industrial Tribunal. But outside it, the only people who have considered that there is the possibility that this legislation will be abused are the Chamber and the Federation of Small Businesses – nobody else has expressed that view – and if they are

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able to bring to the attention of the Government instances of such abuse it must be because their members make complaint of it.

If traders – or employers; they do not need to be traders – do not make complaint of abuse to their representative body, it is going to be very difficult for the Government, however closely we want to monitor this, to be able to determine whether there is abuse, short of sending every employer in Gibraltar a questionnaire once a month. We do not intend to do that. We think if there is abuse it will be something that is brought to our attention by the Chamber and by the Federation, because their members will bring it to their attention.

Hon. D A Feetham: Well, actually, Mr Speaker, he makes again a point that I had in mind, which is the question of the questionnaire. It does not require a questionnaire every single month, but will the Government consider, for example, actually issuing a questionnaire perhaps once a year, or even on the first anniversary – it does not have to be every single year, but on the first anniversary of the implementation of this Act – which directly asks employers how they feel that this particular Act is working, and then perhaps again two years later, because after a year I suppose is too short a period?

Can I commend to the Chief Minister – bearing in mind that clearly his policy is to ‘closely’, in his words, monitor the implementation of this Act – can I commend that type of closer monitoring of the Act?

Hon. Chief Minister: Mr Speaker, I will take it in to consideration.

Hon. D J Bossino: And does he not, Mr Speaker, thinking about it, that the Chief Minister should rely on an analysis of the complaints which are filed in the Industrial Tribunal?

The Government may take a view that a particular or if various complaints are abusive, but that will not be the view of the complainants. Isn't it a bit late at that stage, in any event? The horse will have bolted by that stage, the complaints will have been filed, and that complainant has an entitlement to be heard in the Tribunal by a chairman. So is the Government, the state, now going to be investigating the complaints and coming to a conclusion as to whether complainants' complaints are abusive or not?

I just find it rather remarkable that the Hon. the Chief Minister should be relying on complaints filed in the Industrial Tribunal as a mechanism of monitoring – ‘closely’ monitoring, as he puts it – the workings of this Act.

Hon. Chief Minister: I know that the hon. Gentleman and I studied at different universities, but when I studied law, one of the things that I looked at was the papers of the Law Commission, an important part in the edifice of the rule of law in the United Kingdom, that does exactly what I have told the hon. Gentleman we are intending to do. In other words, it looks at claims filed and it suggests to legislators that there may be areas where legislation is open to abuse by any party in relation to, for example, personal injury claims, or in relation to, for example, separation agreements, or the absence of them. The analysis is done in respect of claims made. That does not suggest that the Government is going to get involved in cases that are live, but the Government may decide to change legislation as a result of seeing a trend of cases being brought in a particular way.

I commend to the hon. Gentleman the work of the Law Commission: if he knows it, he might not have asked the question that he has asked.

Q560/2014

Financial Secretary position – Reason why not advertised

Clerk: Question 560, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister state why the position of Financial Secretary was not advertised?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the vacancy of the post of Financial Secretary was not advertised by the previous administration when it first arose under the new Constitution. The same is true of the posts of Chief Secretary and of Chief Technical Officer.

The principle established by the former Chief Minister, which I have previously confirmed we stand by, is that these three posts are direct appointments by the Chief Minister himself, as they are in effect the

heads of the three, broadly speaking, divisions of Government, namely: the administration, in the guise of the Chief Secretary; the technical, in the guise of the Chief Technical Officer; and the financial, in the case of the Financial Secretary.

The position is the same in the United Kingdom in relation to the appointment of the Cabinet Secretary.

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Hon. D J Bossino: Mr Speaker, isn't the distinction to be drawn here that this particular individual... I make no comment as to the competence of this individual, whom I know personally; I know him very well. Isn't the distinction to be made here that the appointment has been made from the private sector? Wouldn't it have been procedurally wise for the Government to have opened up the vacancy to have allowed other potential candidates from the private sector and for him to have made a decision based on a string of candidates, rather than just the individual appointment which he has made?

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Hon. Chief Minister: Well, Mr Speaker, obviously not, because I did not do it that way – and *I will* make comment on the competence of the individual involved: he is a *highly* competent individual.

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What has occurred on this occasion is what occurred on previous occasions, both in relation to the appointment of the Chief Technical Officer and in relation to the appointment of the Chief Secretary – namely, that the recommendations made to the Chief Minister were unanimous in respect of who should take the post. Therefore, it was not the Chief Minister's doing to select Albert Mena, but the recommendations made to the Chief Minister, both by the departing Financial Secretary and by others in the administration, as to whether Albert Mena was the right person to do the job. That had been the case in relation to Ernest Gomez, where the then Acting Chief Secretary, Mr Richard Armstrong, the previous Chief Secretary, Mr Richard Garcia, and the previous before then Chief Secretary Mr Ernest Montado, all recommended Mr Gomez as the person who should be appointed. The same was true in respect of Mr Michael Gill's replacement, who was widely recommended to me by Mr Michael Gill and others, namely Mr Hector Montado, and it was the case in this instance in respect of Mr Mena.

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The interesting thing about this post, Mr Speaker, is that there was nobody inside the administration who was recommended for the post or who *wanted* to take the post, and that says a lot about succession planning in the many years that there have been since the last GSLP Government. One of the specific things that Mr Mena has been asked to do in post is to bring along and train up people who might be ready to take over from him at the end of the three-year period for which he has been appointed, because we believe this is a post that should remain within the Civil Service wherever possible, but in order to keep it within the Civil Service one has to make the effort to train people, one has to give people the resources in training, and one has to be ready to spend time in bringing people along. That had not happened before and that is why the recommendation was made to me, which I accepted, that Mr Mena should be appointed Financial Secretary, and why he is specifically tasked – as hon. Members will see from, I think, the press release at the time – specifically tasked with training somebody, or a number of people within the Service, to be in a position to take over from him.

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Hon. D J Bossino: Mr Speaker, is the Chief Minister saying that the recommendation in relation to Mr Mena came from the current Financial Secretary? Is my understanding of his answer correct? Sorry, the previous Financial Secretary.

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Hon. Chief Minister: Mr Speaker, yes, *inter alia* from Dilip Dayaram Tirathdas, who was the Financial Secretary before. If I may also say to him, Mr Speaker, there has only been one instance when the Financial Secretary has been appointed from the Civil Service – he should be aware of that. It is only Mr Dayaram Tirathdas who has ever been appointed Financial Secretary from within the Civil Service. Previously, all Financial Secretaries have been appointed from outside – indeed from outside Gibraltar, usually from the National Audit Office in the United Kingdom. So this is the first time that somebody has been appointed by the Chief Minister of Gibraltar from outside the Service, but if we are looking in percentage terms, 50/50, because there was only one previous appointment by a Gibraltar Chief Minister and that was the appointment of Mr Dayaram Tirathdas by Sir Peter Caruana at the time, but previously we have had Financial Secretaries appointed from outside – not just the Civil Service, but outside Gibraltar.

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Hon. D J Bossino: Yes, but this is the distinction I made in my first supplementary, that this is the first time that somebody from within Gibraltar, within the private sector, has been appointed by the Chief Minister.

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In relation to that point, Mr Speaker, in the press release it says that Mr Mena is on a three-year secondment from the law firm, Hassans. Can he give more details in relation to how that secondment is working? For example, is Mr Mena being paid by the Gibraltar Government, or by Hassans?

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Hon. Chief Minister: Mr Speaker, I cannot give more details at the moment, because I do not have notice of the question. I do not deal with aspects of who pays who, but I imagine that he is being paid directly by the Government of Gibraltar.

205 If he gives me notice of that question next time, I can bring all the details of the arrangement that has been entered in to.

Hon. D J Bossino: Mr Speaker, with the greatest respect to the Hon. the Chief Minister, the fact that Mr Mena is being employed on the basis of a three-year secondment, which has been agreed by the law firm Hassans, it would have been a natural follow-up question he should have expected from me, particularly because it actually features in the press release announcing Mr Mena's appointment.

210 Can he give other details in relation to this secondment? Quite apart that he says he needs notice as to the salary arrangements, are there other details that he can provide to this House in relation to the secondment from Hassans which would be relevant?

215 Normally, when you second as an employer – forgetting it is Hassans, forgetting it is Mr Mena; in any circumstances – there is normally something in it for the original employing party. Will Mr Mena continue to work with Hassans, or will he not? Will he divorce completely from Hassans? On issues like that, is he able to shed any light? As the Chief Minister of Gibraltar, who was the appointer, is he able to give any light in relation to those other matters?

220 **Hon. Chief Minister:** Mr Speaker, I do not accept that a question that says, 'Can the Chief Minister state why the position of Financial Secretary was not advertised?' leads to an analysis of what the terms of the secondment were. This is something that happened three months ago, and he will have realised that the Chief Minister of Gibraltar is quite busy, particularly in September and in October, to remember the details of a secondment.

225 Mr Speaker, I am not suggesting that he is not entitled to the information; I am just saying I need notice of the question.

It is very clear to me, Mr Speaker, that Mr Mena works wholly and exclusively for the Government of Gibraltar; he does not work for Hassans for the period of the secondment. I cannot provide him with further details of the secondment at this stage, but if he gives me notice of the question next time, or if he wishes to write to me, I will happily give him all the details that are available to the Government.

230 He has got a partner of Hassans sitting next to him – he might want to ask him.

Hon. D J Bossino: Mr Speaker, did the Hon. the Chief Minister say that this has been going on for the last three months? The announcement was made on 11th September. Just to point out to him that that is the date of the press release, which is when I found out and which is when the Gibraltarian public found out. Can he confirm since when Mr Mena has been appointed?

Hon. Chief Minister: Mr Speaker, I am on my feet with the information I needed to have in order to answer the Question he has asked. I do not have the starting date for Mr Mena; I do not have the details of the secondment. It is not that I do not want to give them to him. I am quite happy to bring them to this House and discuss them with him next time, but I do not have them with me. I cannot say whether he started on the 10th or the 12th or whether he started on the 9th or on the 30th. If he wants that information, all he needs to do is give notice of the question.

245 Why doesn't he want to give notice of the question on which he wants to have an answer? Does he simply want to ambush people into not being able to provide him the answers? Is this a memory test instead of an opportunity to provide information based on the questions that are put?

Hon. D J Bossino: Mr Speaker, all I have asked is a question following on from the Hon. Chief Minister's answer. He mentioned that this has been going on – I am paraphrasing – for the last three months. It arises from the answer that the Hon. Chief Minister has given me. So what I am asking him is if it is the last three months. The press release was actually dated 11th September. When was Mr Mena appointed? Does he not have this information on such an important position within the Government, which he himself has been responsible for appointing? I just do not understand this.

255 **Hon. Chief Minister:** Mr Speaker, I do not have the information. I make many appointments, not just the appointments that appear in the press; I sign many documents. If what he wants to do is test my memory by trying to work out whether I remember the date on which Albert Mena was appointed, the answer is I do not remember – and in his book I am therefore, for that reason and I am sure many others, not worthy to be Chief Minister. If he wants to know, he can simply ask me the question or I will write to him. I have said three months because it feels like three months, because a Chief Minister works about 48 to 72 hours a day and September now feels like three months ago.

265 **Hon. D J Bossino:** Mr Speaker, the Chief Minister mentioned in his reply that nobody wanted to do this job within the Civil Service. Is that the reason for the appointment, or is it as... Certainly that reason was not given by the Gibraltar Government – I assume he was the drafter of the press statement – when they announced Mr Mena’s appointment. The reason given was that they wanted a more commercial approach to investment planning and financial management. So is the reason that there was not anybody within the Civil Service who wanted to do the job, or is it that he himself, as the appointer, thought in his own mind that he wanted somebody with a more commercial approach to investment planning and financial management?

270 **Hon. Chief Minister:** Mr Speaker, he was much better at this in school than he is now. All of the above.

275 **Hon. D J Bossino:** Mr Speaker, can the Chief Minister state whether it is the Government’s intention not to renew Mr Mena’s appointment after the three-year stint is over?

280 **Mr Speaker:** Under no stretch of the imagination does that arise from the original Question. You were asking why was the position not advertised, and you are now expecting an answer on what is going to happen three years from now. Utterly out of order. Completely and utterly out of order. The hon. Member is getting carried away. Keep within the question. (*Interjections*) Yes, carry on.

285 **Hon. D J Bossino:** I am grateful, Mr Speaker. It really arises from the answers given by the Chief Minister. It arises from the succession planning point, where he said that the intention is for Mr Mena to train up those individuals within the Civil Service to that position in the context of the civil servants not wanting to do the job. So I think it arises from answers that the Hon. the Chief Minister has given me here today. That is why I think it is a relevant question. I certainly am not getting carried away – I think I am quite relaxed.

290 **Hon. Chief Minister:** Mr Speaker, I am quite happy to comment in this way: I am very grateful for the hon. Gentleman’s vote of confidence – given that he thinks we are going to be in Government in three years’ time, I will consider the issue at the time. It is certainly the intention of the Government – not just of the administration, I hope, of the Government, and I hope that we shall still be the Government in three years’ time, as he seems to think – that there should be somebody trained up to be able to do the job and willing to do the job in three years’ time, as I have suggested.

295 **Hon. D A Feetham:** Mr Speaker, may I just start prefixing my question by saying that the fact that I am a partner of Hassans does not mean that I have any knowledge about this particular matter. Indeed, I stay well away from partners’ meetings and well away from anywhere where I can gain any kind of information that can possibly lead to an accusation that I know things that perhaps I ought not to know. But in any event, it is all irrelevant at the end of the day: simply because I am a partner of Hassans will not prevent me, as he knows on the *Sunborn* and other issues, from asking questions and holding the Government to account.

300 Mr Speaker, he mentioned the training of successors to Mr Mena: does he think that three years is enough in order to train somebody to replace Mr Mena after the three-year contract has expired?

305 **Hon. Chief Minister:** Mr Speaker, I do not accept the premise of much of what the hon. Gentleman has said in the beginning of his question, but I will just deal with the substance of it. Of course I do. I have been Chief Minister for less than three years: look at the great job I am doing, and I took over from somebody who had been here for 16.

310 **Hon. D A Feetham:** Well, Mr Speaker, whether he is doing a good job or not is a matter that the electorate will be asked to decide next year – and I leave it to the electorate; I am not prone to making those type of arrogant, if I could say so, comments.

315 Mr Speaker, if three years is sufficient in which to train somebody to take over, and bearing in mind that the Hon. the Chief Minister has been in post for three years and the former Financial Secretary was there during those three years, why wasn’t the opportunity taken to, in fact train somebody to take over from the former Financial Secretary during those three years?

320 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman forgets that in fact the Financial Secretary retired a year ago – in fact over a year ago – and the question was whether it might have been possible to actually train somebody in post from the time that we were elected, when we started to look at this, and it was not possible *inter alia* because of the problems that we found.

325 He may recall that we found that there was almost no usable cash reserve, that we had to stop spending and had found that by the end of the first financial year there was only £2 million left in the kitty – something that the Hon. Sir Peter Caruana, although he likes to pretend is a lie, confirmed during the course of the debate during the last Budget. So it was actually a very difficult time for the last Financial Secretary.

330 Now that things are back on an even keel and the Financial Secretary is going to have more time available, we think it is possible for him to train somebody in three years. I very much hope that it will be possible to do so because I am sure Mr Mena will want to get back to his practice, I am sure all of his partners at Hassans will want him back, and I am sure that the Civil Service would like to find somebody out of their ranks being in post. And given that Mr Bossino himself thinks that we are going to be there in three years' time, I do not think there is such arrogance in saying that there is a chance we will win the election.

335 **Hon. D A Feetham:** Mr Speaker, given the amount of spending from the Government and the spending of public money as if there is no tomorrow, despite –

Mr Speaker: That has got nothing to do with it. You are now widening the whole ambit of the matter.

340 **Hon. D A Feetham:** Well, may I –

Mr Speaker: The hon. Member is now beginning to debate. If you are going to bring in questions of Government spending and so on, you are beginning to debate. You are not sticking to the subject matter.

345 **Hon. D A Feetham:** Of course I will abide by Mr Speaker's ruling and I apologise again if Mr Speaker believes that I have exceeded the bounds of what is reasonable. But Mr Speaker of course has to bear in mind that it is the Chief Minister who has introduced this question of the cash reserves; it has not been me.

350 What I was going to say was that, bearing in mind the answer he has given me about all those problems that – because the reason why he says that the Financial Secretary could not train somebody during the last three years was because of the problems that the Government encountered with cash reserves... what I am saying is that, given all those problems and given the way that the Government has been spending money and borrowing copiously in order to spend that money, wouldn't it have been a perfect opportunity, Mr Speaker, in those circumstances, to effectively train somebody in order to take over as Financial Secretary?

355 Of course, I recognise that the former Financial Secretary left, or his tenure ended, a year ago, but my understanding is that he continued in post after his contract expired, or after his formal retirement, so it would have been possible for him to have used the entirety of those three years to train somebody. It arises out of the answer that he has given me before, which was that it is possible and he hopes and he fully expects somebody to be trained in those three years by Mr Mena. If it is possible for Mr Mena to train somebody in three years, it would have also been possible for the former Financial Secretary to train somebody in three years.

360 **Hon. Chief Minister:** Mr Speaker, as a soliloquy it is not bad, but I did not perceive a question – although, of course, his perception of economic reality and the economic reality that we have all lived is completely different. Therefore, I do not think Mr Dayaram has had such an easy ride as he pretends; nor has it been so difficult once we have steadied the ship and got it on an even keel.

365 My position is very clear: I think Albert Mena will be able to train somebody in three years. I am not going to be shifted in that view by anything that the hon. Gentleman has said. If there is one thing that I hope is common ground, it is that given that we are both in different stages of partnership of Hassans – one of us active, one of us not – we all know that this is a man of great competence.

370 **Hon. D J Bossino:** Mr Speaker, just one final supplementary, I hope – although I proceed with some trepidation, because on the one hand, in one answer he says that I have no confidence in him as the Chief Minister, and then on the other hand, in relation to another answer he says that I perceive that he will be there for the next three years.

375 Mr Speaker, he said that the recommendation was made by the Financial Secretary *inter alia*, and I think he mentioned the previous Financial Secretary's name. Can he provide the details of the other individuals who would have provided that recommendation to him – other than the Financial Secretary, obviously?

380 **Hon. Chief Minister:** Mr Speaker, this is now some time ago, because this happened before the summer, but I can certainly tell him that the Financial Secretary is one of the people who I spoke to. I spoke also, of course, to the Chief Secretary, and I spoke to other members of the community who might be able

to advise me informally; none who would be advising me formally – this is an issue for the Chief Minister, and the Chief Minister takes wide soundings.

385 I took very wide soundings also at the time of the replacement of Michael Gill with Hector Montado, and the replacement of Mr Armstrong, who indicated he wanted to leave, with Mr Ernest Gomez – some of them people who had been in the Service, some of them people who have not been in the Service. I cannot recall much beyond the conversations I had with Mr Dayaram himself and with other Ministers.

390 **Hon. D J Bossino:** Mr Speaker, would the Chief Minister be willing to provide me with more specific answers to that question? He mentions ‘other members of the community’. I assume the reason why he is resisting providing me with that information is because of recollection issues, but would he be willing to provide me with that information if I gave him notice of a question, or would he still not wish to provide me with that answer for other reasons?

395 **Hon. Chief Minister:** No, not at all, Mr Speaker – there is no question of my not being willing to provide the answer. I would be very happy to provide the answer. I simply probably have to go back to my diary and check who I spoke to at the time that I know I was making this decision.

400 I know I certainly spoke to a number of other Ministers who have known Mr Mena, who have worked with Mr Mena – not necessarily from Hassans, but people from well outside Hassans; and Mr Dayaram, who is not at Hassans. If he simply gives me, in writing, notice by letter, or if he wishes to ask me next time, I will make sure that I am able to bring more names of those who I spoke to.

Q561/2014
Government credit cards –
Issue to civil servants

Clerk: Question 561, the Hon. D J Bossino.

405 **Hon. D J Bossino:** Can the Chief Minister provide details of which civil servants are issued with Government credit cards?

Clerk: Answer, the Hon. the Chief Minister.

410 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the following civil servants are issued with Jyske Bank pre-paid Visa cards for ease of payment: the Chief Secretary, the Financial Secretary, and the Commissioner of Police.

415 **Hon. D A Feetham:** Mr Speaker, if I transgress and if Mr Speaker thinks it does not arise out of the Question, I will give notice of it, but perhaps the Hon. the Chief Minister can assist. There are a limited number of individuals who have been provided with the use of a Government credit card, but what about individuals who, for example, are able to go to restaurants and entertain individuals in restaurants who may come from outside, for example, but then the bill is sent to No. 6 Convent Place? How does that work in his administration? Is there a group of individuals who have that facility and access to that facility, or has it got to be pre-arranged and pre-agreed with the Chief Secretary of Gibraltar?

420 **Hon. Chief Minister:** Mr Speaker, good luck to the restaurateur: there are 4,000 public sector workers, all of whom could wave... ‘*¡Mándasela a Picardo!*’ if they liked. Good luck if they do! As far as I am concerned, that does not happen. If it happens on particular occasions, it must be specifically approved either previously by the Chief Secretary.

425 I know of one instance, in an administration prior to mine, when a previous Chief Secretary had told me that he had done that and that he did not usually do it but he had done it for a particular purpose. He told me the funny story of the fact that the restaurant refused to pay rates, rent, electricity or tax, and therefore he took the view that he wanted to make the point to the restaurant, when the bill came, that it would be set off against all of their liabilities.

430 But if it happens, it must be in very specific circumstances: when people are visiting from outside and consent is sought from the Chief Secretary. Otherwise, there is no general tab at restaurants in Gibraltar in which people can simply say, ‘Send the bill to Fabian.’

435 **Hon. D A Feetham:** Can I just say that the reason why this Question is asked is because there was an individual, who works for the Government, in a restaurant where when the bill came the individual said,

‘Please send it to No. 6 Convent Place.’ And therefore we have been told... and we just want to know whether there has been a change of policy, but I am glad that the Hon. Chief Minister confirms that there must be specific authorisation before something like that actually happens, so that obviously there is control over the expenditure of public funds.

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Hon. Chief Minister: But not enough, Mr Speaker, because if somebody has taken him out and said that they should send the bill to No. 6 Convent Place I am very disappointed – and I am going to get to the bottom of who it was!

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Clerk: Question 562, the Hon. D J Bossino.

Hon. Chief Minister: Mr Speaker, if I might just... If it provides comfort to the hon. Gentleman, if he gives me the details of the individual etc, I can find out for him and confirm that it must have been specifically authorised – and I would like to know.

Q562/2014

Wholly owned Government companies – Provision of full list

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Clerk: Question 562, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide the House with a full list of wholly owned Government companies?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, details of wholly owned Government companies are published annually in the Approved Estimates of Revenue and Expenditure in the Summary of Public Finances at page X. It is a public document.

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Hon. D J Bossino: Mr Speaker, I assume therefore that page X of the Estimates will provide me with the complete list of the wholly owned Government companies and that there are no companies outside of that list currently. In other words, there have not been new companies added to the list as provided in the Estimates Book.

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Hon. Chief Minister: Mr Speaker, it is a list that is provided once a year and is provided in the approved... I do not think it is provided in the Estimates Book. I think this is an anomaly. In other words, I think this appears in the *Approved* Estimates Book, which is the book after the approval by the House. It appears just after we approve the estimates – I think it takes a few months. We usually call it the ‘Blue Book’, because it is usually blue; but it is published once a year when that is published.

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Hon. D J Bossino: Mr Speaker, is he aware that it is published, because certainly what I have available to me is still the draft Estimates Book, which is the one we debated during the course of the Appropriation Bill. I had in my mind actually to call the office here to find out whether it was available, but I seem to recall that on previous occasions – and for me there have only been two previous occasions since I have been a Member of this House – the book has been made available to me by sending it to me. I have never had a need to make a telephone call to the Department here. But I am not aware that it has been published and available.

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Hon. Chief Minister: Mr Speaker, it is either handed to Members by being left on their desk here when we have meetings, or it is delivered to them. I do not know whether it has been delivered to them or not. It may be in the course of publication, but it is published once a year and that is where the list is. There is usually an interval between estimate and publication – the summer usually makes up most of that interval. I cannot tell him on my feet whether we have got the latest one. I probably have one in the office.
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(*Interjections*) Yes, Mr Speaker, here it is. (*Interjection*) Yes, it is. It is actually yellow this year.
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(*Interjection*) Yes, that is it. There it is. Yes, that is the page. I am just saying that this year it is not a blue book; this year it is a yellow book. But you should have it already.

Q564/2014
Gibraltar International Mint Ltd –
Government partner

Clerk: Question 564, the Hon. D J Bossino.

490 **Hon. D J Bossino:** Can the Chief Minister advise this House who the Government partners in the Gibraltar International Mint are?

Chief Minister (Hon. F R Picardo): Mr Speaker, the partner of the Government in Gibraltar International Mint Ltd are Gib 3000 (International) Ltd.

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Hon. D J Bossino: Mr Speaker, would the Chief Minister be kind enough to provide me with details of who the shareholders are? I can carry out a company search, but I would be grateful if he would provide me with those details across the floor of the House now. Thank you.

500 **Hon. Chief Minister:** Absolutely, Mr Speaker: Line Holdings Ltd, which is owned by the hon. Gentleman, by me, and by the 28 other partners of Hassans.

Hon. D A Feetham: Mr Speaker, just trying to inject some seriousness into the question and answer session, when I asked about the investors – the question that I had been asking... I think I had asked it about five times before January of this year – the Hon. the Chief Minister then said to me, ‘Yes, the investors that I had in mind in May of 2011, when I said that I had them up my sleeve, that they were there, lined up, so that when we won the election they would be investing in Gibraltar, was a mint company,’ and he said a mint company from Austria.

510 I think what my hon. Friend is getting at is, ‘Well, who are these Austrian investors?’ It is the identity of the Austrian investors, not whether it is a Gibraltar company or whether a nominee company owns the shares of that company on trust for someone else. He did say in January of this year that it was Austrian investors, and as I understand it, what he is seeking to get to is who are those Austrian investors.

Hon. Chief Minister: Well, Mr Speaker, I have actually said more. It is just that the Question is phrased in terms that he requires me to give the formal answer. I have said that Sonja Kohn is a lady who is in part a partner of the Government in relation to the Mint. I think she has been mentioned in Government press releases on a number of occasions, so I do not think that is an issue that is any mystery, Sonja Kohn... But I just cannot tell him, Mr Speaker, with absolute certainty today that she is the only beneficial owner of Gib 3000 (International) Ltd. I cannot tell him with certainty today because it is, as he knows, a Jewish feast, and the person who I would call to make sure that that is the case is today not available – but I am able to give him the information if he asks the question again next time.

515 **Hon. D A Feetham:** Yes, Mr Speaker, if he can. It is the first time, I have to say, that I hear Mrs Kohn’s name mentioned publicly by the Chief Minister in the context of this particular Mint investment, and indeed it appears to have stumped hon. Members on this side. We certainly had not heard her mentioned. But if he can investigate it and see who else effectively are partners in this particular venture, apart from Sonja Kohn... But I am very grateful to the Hon. the Chief Minister.

530 **Hon. Chief Minister:** Mr Speaker, as he can imagine, I have absolutely no intention of trying to stump him in anything that I do or say, but I shall certainly be happy to look at it if the hon. Gentleman puts the question himself next time.

Q565/2014
Marriott Hotel site –
Coach park

Clerk: Question 565, the Hon. S M Figueras.

535 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say how long the coach parking at the intended site of the Marriott Hotel will remain there and whether a timeframe for the handover of the site is agreed with the developer?

Clerk: Answer, the Hon. the Chief Minister.

540 **Chief Minister (Hon. F R Picardo):** Mr Speaker, negotiations for final completion with the developer are in hand and expected to be concluded within the next months before the end of the calendar year. Vacant possession will follow thereafter, probably in the course of the first quarter of next year. The coach park will either remain on part of the site by licence of the new owners of the land whilst they develop another part of the plot; or it will move, if necessary.

545

Q566/2014
Contactless ID card –
Roll-out date and cost

Clerk: Question 566, the Hon. S M Figueras.

550 **Hon. S M Figueras:** Can the Chief Minister say when he expects the contactless ID card to be rolled out in the community and the anticipated cost of the initiative?

Clerk: Answer, the Hon. the Chief Minister.

555 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is foreseeing that the new e-ID card will be launched in the first quarter of 2015, with the contract value of the whole turnkey solution being an estimated £1.6 million.

Q567/2014
Mr Tyrone Duarte –
Payment, role and location

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

560 **Hon. E J Reyes:** Mr Speaker, can the Chief Minister please state how much the Government, or any company or authority for which the Government is responsible, pays Mr Tyrone Duarte, together with what his role is and where he will be based?

Clerk: Answer, the Hon. the Chief Minister.

565

Chief Minister (Hon. F R Picardo): Mr Speaker, Mr Tyrone Duarte is employed as a Senior Information and Knowledge Development Officer. (SIKO) He is paid a monthly salary of £5,833 and is based in the London Office. He is responsible for the provision of policy-neutral research, analysis and advice to support policy formulation, strategy and decision making in relation to international issues. The post was advertised internally and externally simultaneously.

570

UTILITIES

Q568/2014
Lathbury Barrack site power station –
Cost of cancelling contract

Clerk: Question 568, the Hon. J J Netto.

575 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state what was the total cost associated with the cancellation of the contract entered by the GSD Government for the installation of a new power station at the former Lathbury Barrack site?

Clerk: Answer, the Hon. the Chief Minister.

580 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question together with Questions 569 to 618.

Q569/2014
Improvement and Development Fund –
Breakdown of expenditure to Electricity Authority

585 **Clerk:** Question 569, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please provide a breakdown of expenditure for works and equipment, with a brief description, to the Electricity Authority since December 2011 through the Improvement and Development Fund?

Q570/2014
Switchgear in distribution centres –
Cost of replacement

590 **Clerk:** Question 570, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state if, as a result of the new power station, the switchgear currently installed at various distribution centres is being replaced; and if so, what is the cost?

595 **Mr Speaker:** Since all the Questions are to be asked by the Hon. Mr Netto, there is no need for the Clerk to call Mr Netto's name on every occasion. Just call the Question.

Q571/2014
Generators installed at power stations –
Number, maximum output and availability

Clerk: Question 571.

600 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please confirm what is the total number of generating sets and their individual maximum rated power output in MWe currently installed at the different power stations, and separately the total number and rating in MWe of all those generating sets that are being rented, and confirm which generators, if any, are currently not available for service and why?

Q572/2014
MW power demand –
Maximum for winter 2013-14 and summer 2014

Clerk: Question 572.

605 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please confirm what has been the maximum power demand in MW for the winter period of 2013-14 and for the summer 2014?

Q573/2014
SO Energy –
Number of power outages and reasons

Clerk: Question 573.

610 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state the total number of power outages in the electricity grid, during the period in which the company SO Energy has been operating; and from the total number of power outages, how many have been attributed to failure of their generation and/or other equipment installed on their site or caused by their operations?

615

Q574/2014
North Mole proposed reclamation area –
Use for purposes other than new power station

Clerk: Question 574.

620 **Hon. J J Netto:** Mr Speaker, given what the Hon. Chief Minister had to say in his Budget address on Monday, 30th June 2014 – *Hansard*, line 926-27 – can the Minister for Utilities clarify for what ‘other purposes’ may the proposed reclamation area be utilised, other than for the new power station?

Q575/2014
New power station –
Part to be located at proposed North Mole reclamation area

Clerk: Question 575.

625

Hon. J J Netto: Mr Speaker, given what the Hon. Chief Minister had to say in his Budget address on Monday, 30th June 2014 – *Hansard*, line 926-27 – can the Minister for Utilities clarify what part of the new power station will be located at the proposed reclamation area off the North Mole, and what part will be located elsewhere?

Q576/2014
New power station site –
Reclamation works

630 **Clerk:** Question 576.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state if the reclamation site to house the new power station has started; and if so, state on what date and when will the reclamation be completed in order to allow the construction of the power station?

Q577/2014
New power station reclamation works –
Name of company and cost

635 **Clerk:** Question 577.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state the name of the company that will do the reclamation for the new Power Station, and what will be the approximate cost for this work?

Q578/2014

**Waterport Power Station –
Need for new building for employees; location and cost**

Clerk: Question 578.

640

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state if there will be a need to build a new purpose building to house the offices, workshops and welfare facilities for the employees of Waterport Power Station as a result of the new power station; and if so, please state on what site and what the cost will be?

645

Q579/2014

**New power station –
Need for new distribution centres; numbers, location and cost**

Clerk: Question 579.

650

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state if, as a result of having a new power station, there will be a need to build new distribution centres; and if so, please state how many, where such centres will be located, and what will be the cost?

Q580/2014

**New power station –
Need for more interconnector cables; numbers, location and cost**

Clerk: Question 580.

655

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state if, as a result of the new power station, there will be a need to provide more interconnector cables laid for the network grid; and if so, how many, where, and what will be the cost?

Q581/2014

**Pipeline to new power station –
Cost of new navigational controls on vessels**

Clerk: Question 581.

660

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state what, if any, recurring financial cost may result from the introduction of new navigational controls to be introduced on vessels entering the Port of Gibraltar by the possible usage of tug boats and pilot fees due to the laying of a pipeline from the Detached Mole to the proposed site for the new power station; and if such costs materialise, will it be the cruise liners, the Government or what other entity that will pay for such fees?

Q582/2014

**Pipeline to new power station –
Commencement date and cost**

665

Clerk: Question 582.

670

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state if a pipeline across the north entry of the Port for the purpose of transporting the fuel from the Detached Mole to the new Power Station is planned and; if so, could the Minister state when will such work commence and how much will this part of the works cost?

Q583/2014

**New power station –
Gas pipeline from Spain or North Africa**

Clerk: Question 583.

675 **Hon. J J Netto:** Mr Speaker, given the supplementary answer given by the Hon. Chief Minister to Oral Questions 243-258 – *Hansard*, line 1058-9 – can the Minister for Utilities state if there are plans afoot for having a pipeline from Spain or North Africa for the purpose of bringing gas to Gibraltar for the new power station; and if so, from where?

Q584/2014

**Pipeline across the Port –
Risk assessment**

680 **Clerk:** Question 584.

685 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities state whether any risk assessment has been conducted with respect to the impact of a possible pipeline across the Port, who conducted that risk assessment, what mitigations are required by the risk assessment, what impact such mitigation would have on Port operations; and will the Hon. Minister provide Parliament with a copy of such a report?

Q585/2014

**New power station –
Types of engines to be purchased**

Clerk: Question 585.

690 **Hon. J J Netto:** Mr Speaker, given the comments of the Hon. Chief Minister at his Budget address in relation to the new power station on Monday, 30th June – *Hansard*, line 900 – can the Minister for Utilities explain why the Government has opted to purchase three of the six MAN engines for gas-only operations and the other three as dual-fuel-built gas/diesel engines, when according to the Chief Minister ‘the new power station will operate using natural gas with diesel only as a backup’?

Q586/2014

**New power station –
Limitations of gas engines**

Clerk: Question 586.

695 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities state if three of the six engines to be purchased for the new power station can only be used on gas? If so, does it mean that, in the event of gas shortages, the three remaining dual-fuel generators operating on diesel will have enough output to meet Gibraltar’s needs?

Q587/2014

**New power station –
Dates re commencement of works and readiness to generate electricity**

Clerk: Question 587.

700

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state when will works for the commencement of the new power station start, and when will the new power station be ready to generate electricity into the grid?

Q588/2014
New power station –
Purchase and cost of heat recovery system

Clerk: Question 588.

705

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state if the Government will go ahead in purchasing the heat recovery system for the new power station; and if so, could the Hon. Minister provide the cost for the purchase of it and its instalment?

710

Q589/2014
Supply of gas to GOG –
Government’s Priority Information Notice

Clerk: Question 589.

Hon. J J Netto: Mr Speaker, given the supplementary answer given by the Hon. Minister for Utilities to Oral Questions 243/2014 to 258/2014 at line 1036-41 of *Hansard*, can the Minister state how many companies responded to the Government’s Priority Information Notice (PIN) for the purpose of supplying gas to the Government, by which method was it communicated to the companies operating in this business, how will the Government consider each respective proposal, will there be a tender process to consider the business proposals, and is the notice period now finished?

715

Q590/2014
Liquid natural gas storage tanks –
Number, construction and capacity

Clerk: Question 590.

720

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state the number and construction type – atmospheric, single, double, full containment or pressurised – of storage tanks that will be constructed for the storage of liquid natural gas, and what will be the amount stored in each tank?

Q591/2014
Liquid natural gas storage tanks –
Location on site of new power station

Clerk: Question 591.

725

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state if the liquid natural gas storage tanks will also be sited in the proposed new reclamation site that will house the new power station?

Q592/2014
Liquid natural gas storage tanks –
Location at Detached Mole; start and completion dates of works

Clerk: Question 592.

730 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state if the liquid natural gas Storage Tanks will be situated at the Detached Mole, and if so, by when will works start and by when will they be completed?

Q593/2014
Liquid natural gas storage tanks –
Name of company and cost of works

Clerk: Question 593.

735 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state which company will undertake the works for the liquid natural gas storage tanks at the Detached Mole and for what price?

Q594/2014
Liquid natural gas –
Site for conversion into gas

740 **Clerk:** Question 594.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state on what site will the liquid natural gas be converted into gas prior to it being used by the generators?

Q595/2014
Liquid natural gas –
Transportation to new power station

Clerk: Question 595.

745 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state how will the liquid natural gas be transported from the storage area in the Detached Mole to the location of the new permanent power station?

Q596/2014
Liquid natural gas –
Country from where sourced

Clerk: Question 596.

750 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state what will be the country from liquid natural gas will be sourced?

Q597/2014
Liquid natural gas –
Method of transportation to Gibraltar

Clerk: Question 597.

755 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state by what method will liquid natural gas be transported to Gibraltar?

Q598/2014

**Liquid natural gas –
Reliability of source; contingency plan**

Clerk: Question 598.

760 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities state how reliable will be the source from which liquid natural gas is procured; is there a contingency plan elaborated in case the primary source fails to deliver for any particular reason or reasons; and if so, could the Hon. Minister provide Parliament with a copy of such a contingency plan?

Q599/2014

**Liquid natural gas storage tanks –
Frequency of replenishment**

765

Clerk: Question 599.

770 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state how often will the storage tank facilities for liquid natural gas require replenishing, based on expected monthly consumption of the new power station?

Q600/2014

**Liquid natural gas storage tanks –
Contracting of tanker; size, type and cost**

Clerk: Question 600.

775 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities state if the Government intends to contract a liquid natural gas tanker specifically to meet the needs of replenishing the storage tanks for the new power station, or outsource this aspect through contract to a company; and if so, what specific type and size will it be and at what price?

Q601/2014

**Liquid natural gas –
All-in rate cost**

Clerk: Question 601.

780 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities state what will be the all-in rate cost to the Government as a result of transporting the liquid natural gas to Gibraltar and its further storage, regasification and final distribution to the new power station, inclusive but not limited to contracts or contract, fuel, shipping, fees, copex and opex etc, both for the duration of the contracts or contract and on a monthly basis?

Q602/2014

**Liquid natural gas –
Receiving terminal technology**

Clerk: Question 602.

785

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state what type of liquid natural gas receiving terminal technology is being considered for the regasification process and will it only include the low-pressure system as fuel for the power station, or will it also include high-pressure gas supplies for pipeline off-takers?

Q603/2014
New power station –
Expenditure on consultants

790 **Clerk:** Question 603.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities provide a breakdown of all the expenditure, with a brief description, since December 2011 in relation to all the various consultants used for the purpose of having a new power station with all associated works, inclusive but not limited to the liquid natural gas storage tanks and receiving terminal facility?
795

Q604/2014
Environmental Agency –
Details of health and safety assistance engaged; costs

800 **Clerk:** Question 604.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please confirm if indeed it is the UK Health and Safety Executive that has been engaged for the purpose of assisting the local Environmental Agency, or perhaps some other person or entity providing work on a freelance basis to the UK Health and Safety Executive; and if so, please provide details of such and costs?

Q605/2014
New power station –
Health and safety considerations re liquid natural gas facilities

805 **Clerk:** Question 605.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state if the UK Environment Agency and the Health and Safety Executive will be considering such things, amongst others, as accidental spillage, tank ruptures, seismic movements and terrorist attacks in relation to the liquid natural gas facilities for the new power station, taking account of all the industrial activities in the surrounding area, plus all the residential housing estates in the Westside of Gibraltar, inclusive of the hospital; and if so, provide a copy of these reports to Parliament?
810

Q606/2014
Liquid natural gas –
Health and Safety Executive guidance re storage

815 **Clerk:** Question 606.

Hon. J J Netto: Mr Speaker, further to the reply given by the Hon. Minister for Utilities to me on 8th August 2014 with regard to the comments made thereunder of ‘the Health and Safety Executive who have looked at different scenarios on the storage of liquid natural gas and provides guidance and advice’, could the Hon. Minister also provide details of the scenarios looked into by the Health and Safety Executive and provide Parliament with a copy of this report?
820

Q607/2014
Liquid natural gas storage tanks and receiving terminal facility –
Hazards and risks identified

Clerk: Question 607.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities state what health and safety hazards and risks have been assessed by the UK Environment Agency and the Health and Safety Executive in relation to the

825 new power station and the liquid natural gas storage tanks and receiving terminal facility, and provide Parliament with a copy of their findings?

Q608/2014

**Liquid natural gas terminal –
Exclusion zones and containment facilities**

Clerk: Question 608.

830 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state if there will be exclusion zones around the liquid natural gas terminal; and if so, who will be responsible for policing? Additionally, will there be containment facilities available in case of spillage; and if so, could the Hon. Minister provide details?

835

Q609/2014

**New power station –
Potential risks to developments, housing estates and Airport runway**

Clerk: Question 609.

840 **Hon. J J Netto:** Mr Speaker, can the Government say if any report has been carried out to determine the potential risk to developments, housing estates and the Airport runway due to the proposed new permanent power station; and if so, could the Government provide Parliament with all documents in relation to this matter?

Q610/2014

**UK Environment Agency –
Assistance re application of successful bidder and preparation of permit**

Clerk: Question 610.

845 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state when was the UK Environment Agency contacted for the purpose of assisting the local Environmental Agency for the purpose of ‘helping to assess’ the application of the successful bidder for the new power station and the preparation of the necessary permit to be issued, when will this process be finished, and will the Government provide Parliament with a copy of the conditions within the permit?

Q611/2014

**UK Environment Agency –
Assistance re application of successful bidder and preparation of permit; cost**

Clerk: Question 611.

850

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state what, if any, will be the cost of engaging the UK Environment Agency to help assess the application of the successful bidder for the new power station and for issuing the necessary permit?

Q612/2014

**Environmental Agency –
Details of health and safety assistance engaged; costs**

Clerk: Question 612.

855 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please confirm if indeed it is the UK Environment Agency that has been engaged for the purpose of assisting the local Environmental Agency, or some other person or entity providing work on a freelance basis to the UK Agency; and if so, please provide details of such and cost?

Q613/2014
UK Health and Safety Executive –
Assistance re application of successful bidder and preparation of permit

Clerk: Question 613.

860 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities please state when was the UK Health and Safety Executive contacted for the purpose of assisting the local Environmental Agency for the purpose of 'helping to assess' the application of the successful bidder for the new power station and the preparation of the necessary permits to be issued; when will this process be finalised; how much will it cost; and will the
865 Government provide Parliament with a copy of the report submitted by the Health and Safety Executive, plus the ultimate conditions attached by the local Environmental Agency to the permits to be issued?

Q614/2014
New power station –
Consideration of IPPC Government application

Clerk: Question 614.

870 **Hon. J J Netto:** Mr Speaker, can the Minister for Utilities state by when will the Environmental Agency be in a position to review and consider the IPPC Government application for the new power station?

CHIEF MINISTER

Q615/2014
South Mole, Detached Mole and North Mole –
Containment measures to avoid major incident

Clerk: Question 615.

875 **Hon. J J Netto:** Mr Speaker, can the Government state what environmental, health and safety and fire prevention measures are in place at the South Mole, the Detached Mole and the North Mole in order to guarantee that any incident likely to occur by any industrial activity, either public or private, will be contained within each respective zone boundaries and will not spill over to another industrial activity nearby, causing a chain reaction leading to a major incident?

Q616/2014
New power station –
Proposed land reclamation; cost of each caisson acquired

Clerk: Question 616.

880 **Hon. D A Feetham:** Yes, Mr Speaker, my three-Question contribution to the power station.

Mr Speaker: After that *tour de force*!

885 **Hon. D A Feetham:** Indeed, after that *tour de force* by my hon. Friend, Mr Netto.

Can the Government state, what is the cost of each caisson acquired by the Government for the purposes of the proposed land reclamation at the North Mole.

Q617/2014
Liquid natural gas installation –
Final decision re location

Clerk: Question 617.

890 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether it has now made a final decision on the location of the liquid natural gas installation?

Q618/2014
New power station –
Final decision re location

895 **Clerk:** Question 618.

Hon. D A Feetham: Can the Chief Minister state whether the Government has now made a final decision on the exact location of the new power station on or around the North Mole?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to attempt to answer in narrative all of the particular Questions that the hon. Gentleman has asked, but he will see that all the answers are in the narrative I am going to provide, which I think he will be happy to see provide a lot of information that has become available since the last time the issue was debated in the House.

905 As has been mentioned before, the cost of making the decision not to proceed with the proposed power station constitutes a penalty of €5 million, which the previous administration agreed would be payable in such circumstances. This figure includes some of the cost of the works already carried out, meaning that the actual penalty of not going ahead amounted to a net amount of just over £3 million at the rate of €1.20 to the pound.

910 Since December 2011, and due to the total lack of investment from the previous administration, the GEA has embarked on its 17-year HV network replacement and upgrading programme, as part of which 13 substations have already had their switchgear procured, solely and directly funded through the Improvement and Development Fund. I am now handing out a table with the breakdown requested in respect of these particular works.

ANSWER TO QUESTION 618 - Answer to Questions 569 and 570

£227,229.84	S6 Line Wall Road - S/S Upgrade - Premset
£208,365.68	S17 Palace Gully - S/S Upgrade - Premset
£149,705.84	S34 Laguna - S/S Upgrade - Premset
£89,945.12	S11 Devils Tower Road - S/S Upgrade - Premset
£67,722.08	S4 Forty Steps - S/S Upgrade - Premset
£49,262.24	S18 Sandy Bay - S/S Upgrade - Premset
£67,722.08	S31 Sandpits - S/S Upgrade - Premset
£67,722.08	S9 Rosia Road - S/S Upgrade - Premset
£67,722.08	S19 North Face - S/S Upgrade - Premset
£79,015.04	S2 Casemates - S/S Upgrade - Premset
£67,722.08	S21 Varyl Begg West - S/S Upgrade - Premset
£49,262.24	S8 Mount - S/S Upgrade - Premset

920 As a result, one switchgear at Jumpers Bastion will need to be upgraded in the near future at an estimated cost of £852,120, and another at Orange Bastion Distribution Centre will be downrated to a substation category with the existing switchgear.

As regards the information on the generating sets, I now hand over the information requested in a separate handout.

925 **ANSWER TO QUESTION 618**
Answer to Question 571

The total number of generating sets and their individual maximum rated power output and condition is as follows.

930

Location	Generator set No	Output (MWe)	Remarks
Waterport	1	5.1	Beyond Economic Repairs (BER)
	2	5.1	Under repairs
	3	5.1	Operational
SDPS (Ex OESCO)	1	2.5	Operational
	2	1.8	BER
	3	2.5	Operational
	4	5.1	BER
	5	5.1	BER
	6	5.1	Operational
	7	5.1	BER
GMES	7	2.16	Ex MOD (ISGS); Operational
	8	2.16	BER
	9	2.16	Operational
	10	2.16	Operational
	11	4.68	BER
	12	4.68	Operational
Bldg 124	14	3.8	BER
	H1	0.8	Owned by GMES, Operational
	H2	1.6	Operational
	H3	0.8	Operational
Energyst	H4	1.6	Operational
	6 units x 1.4 MWe	8.4	Rental units at SDPS All Operational
So Energy	5 units x 5	25	Rental Turbine installation All Operational
Spark Energy	16 units x1.4	22.4	All Operational

935 The maximum power demand in 2013-14 was recorded at 35.7MW on 5th February 2014 and 34.9MW on 10th September 2014. That was probably at lunchtime, I dare say. From the handout provided, hon. Members will see that there is presently enough installed capacity to meet Gibraltar's peak demand as is and as estimated to be up to 2020.

Her Majesty's Government has opted to purchase three of the six MAN engines for gas only and three other dual-fuel gas-diesel engines, precisely because of what I have previously stated, so that the new power station will operate using natural gas with diesel only as a backup. Should there be a gas shortage, the dual-fired gas generators can produce 39.45MW and 4MW extra of heat recovery.

940 The heat recovery generators are included as part of the new power station project at a cost of £8 million and will provide an additional 4MW of electrical power, giving us a total capacity of 43.45MW with only the three dual-fired gas-diesel engines.

945 Since the commissioning and start of operations of SO Energy on 20th December 2012, there have been 83 power cuts in total, most of them very minor. A total of 43 of these power cuts have been attributed to the failure of turbines.

The reclaimed land at North Mole can be used for various activities other than the new power station. The land could in part be used to allow expansion of Port-related activities or the creation of much needed light industrial units within the area of the Port.

950 Details of the exact final locations of both the new power station and the LNG installation are being finalised by Bouygues, who were the successful company in the tender process.

We can confirm that works related to the reclamation at North Mole commenced in June 2014. All nine caissons required as part of the project have now been completed and are currently berthed awaiting placing. Enabling works in the form of the installation of marker buoys at the site are currently underway and once these works are completed dredging works will commence. It is anticipated that the reclamation will be completed in April 2015.

These reclamation works at North Mole entail what is essentially a two phase project, although this will be let in various work packages. The first phase is the construction of the perimeter of the reclamation with caissons and a small section of rock revetment, and this is then followed by the second phase, which will see the actual reclamation of land using rubble.

At present, contracts have been awarded for the construction of the perimeter of the reclamation site. These have been awarded to Casais (Gibraltar) Ltd.

The second phase of the works was recently put out to tender and is currently being assessed, and the contract for this will be awarded in due course. It is not considered appropriate to reveal the estimated total cost of the project whilst an award has not yet been made for the second phase, but a statement will however be made upon any allocation.

A new purpose-built building to house offices, workshops and welfare facilities for the engineering employees of Waterport Power Station will be erected as part of the construction of the new power station and is included in the tender price.

As a result of having a new Power Station being built at a site at the North Mole, there is a direct need to construct one distribution centre and equip two new distribution centres. The two distribution centres will be located at the Mid Harbours site, known as the Mid Harbours Distribution Centre, which is already constructed, and adjacent to Waterport Power Station, known as the Waterport Distribution Centre.

Switchgear and associated equipment for Mid Harbour are estimated to cost £1,065,150.

The estimated cost for the the Waterport Distribution Centre is £2,150,507 of which £668,000 is for the construction of the building and £1.4 million is for switchgear and equipment.

Additional cables will of course also need to be installed. The number of cables will vary from three to seven, depending on the route. The estimated cost of the cable is £1.3 million and £680,000 for necessary infrastructure.

No recurrent financial cost is forecast, however, as a result of the introduction of any new navigational controls relating to a potential undersea pipeline.

Until the risk assessments, site investigations, vapour dispersion model and general safety and other considerations are complete, issues of the exact location of the LNG installation, the position of the pipelines across the north entry of the Port, the general transportation of fuel, the type of LNG receiving terminal technology for regasification, whether low or high-pressure systems, the supply arrangements with the preferred supplier and the construction type of storage tanks and how many times they have to be replenished cannot be exactly determined.

Additionally, Mr Speaker, I can confirm that there are no plans afoot for a gas pipeline from Spain or North Africa.

I am also able to confirm that the contractor will take on site on 1st July 2015 and the works will commence shortly thereafter. The power station is estimated to be completed and fully commissioned, supplying to the distribution network, by late 2016 or early 2017.

Fourteen companies have responded to the Prior Information Notice (PIN) in respect of the supply of gas to the Government. The Method of Communication to Companies was in the Official Journal of the European Union. The Government is currently considering a number of proposals to see which could lead to concrete agreements. The notice period is, in fact, still open.

The source of the LNG will be the responsibility of the company that is successful for the storage, regasification and supply. Her Majesty's Government will obviously ensure that its fuel agreement is robust and tight enough to ensure continuous uninterrupted deliveries, as has been done to date in respect of diesel.

In the event that LNG supply delivery from all sources should fail, we are seeking to have a strategic reserve of gas, something which we do not presently enjoy in respect of diesel, and in the unlikely event that the LNG storage tanks are depleted, the new power station will indeed be able to operate on diesel. The reverse is not true today, or in respect of the plant planned by them when they were in office, and so we will therefore have more fuel resilience with this proposed power station than we do today or would have if their power station had progressed.

It is envisaged that the LNG will be transported to Gibraltar in any event by sea.

Since December 2011, the following expenditure has been incurred in relation to the consultation regarding the new power station: the evaluation of power station, £77,626; the initial assessment to determine if LNG storage could be done, £2,700; and the initial vapour dispersion model for LNG, which cost £13,305.

The UK entity HSL, which I understand is the Health and Safety Laboratory, has been engaged in assisting the Environmental Agency in assessing the proposed LNG storage plant. HSL will be requested to

consider all relevant issues such as exclusion zones, spillage, type and size of storage facilities, vapour dispersion modelling, plus all other risks and hazards.

1015 In the UK, HSL is the authority involved in the successful assessment of installations under the Control of Major Accident Hazards (COMAH) provisions and the Seveso Directive. The total cost to date of that consultation has been £70,152.

Neither the UK nor the Gibraltar Environmental Agency have been involved in assessing the application of the successful bidder for the new power station.

1020 The operator of the new power station, Gibelec, has not yet submitted an application for a permit under the Pollution, Prevention and Control Regulations (PPCR) and has been made aware of the need to do so.

The cost of engaging consultants from the UK Environment Agency has to be met by the operator as provided for by the PPCR.

1025 The impact 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 for other activities is still to be assessed against the impact of both the new power station and the LNG project. This forms part of the current site safety investigation and other assessments that have to be carried out by the contractor.

Finally, Mr Speaker, the cost of each caisson unit for the reclamation is £430,000. These units have not been 'acquired', as they have been constructed in Gibraltar by Casais.

1030 **Mr Speaker:** Fifty Questions have been taken together and answered together. To assist Members of the Opposition, I propose that copies of the answers be given to them, giving them an opportunity to look at them properly so that they know what... It is impossible to keep track of answers to 50 Questions. (*Interjection*)

1035 Then I will allow supplementaries – give hon. Members an opportunity to read the answers carefully and allow supplementaries. What I will not do is to allow supplementaries in an hour's time or in two hours' time. Do hon. Members follow the point that I am making? I am prepared to devote time to supplementaries arising from the main answer – but now, not tomorrow or the day after. Do you understand what I am saying?

1040 **Hon. Chief Minister:** Mr Speaker, if it is of assistance to the Chair and to hon. Members, this may be a convenient moment to recess for 15 minutes, and it gives them time to have a look at –

Mr Speaker: The other thing is to go on with other Questions while photocopies are being made.

1045 **Hon. Chief Minister:** Yes.

Mr Speaker: Photocopies can be made and they can be circulated to hon. Members. We can carry on with a few more Questions and perhaps make a bit of progress until five, and then we can have a break. Is that agreeable?

1050 So we now call Question 619, which is also to the Chief Minister.

Hon. D A Feetham: I can ask supplementaries on my bit – I do not need any more time.

Mr Speaker: You want to ask supplementaries now?

1055 **Hon. D A Feetham:** I think that I can ask supplementaries on mine.

Mr Speaker: Very well.

1060 **Hon. D A Feetham:** It gives an opportunity for everybody else to...

Mr Speaker: Yes, very well, okay.

1065 **Hon. D A Feetham:** Mr Speaker, yes, in relation to the caissons, on which the Hon. the Leader of the House kindly answered that each caisson had cost £430,000 and there are nine in total, how many of those caissons are going to be used in the first phase, as he put it, of the reclamation?

1070 **Hon. Chief Minister:** Mr Speaker, I confess I am a little thrown by his question. All nine, because the caissons are the first phase; they are the perimeter.

Hon. D A Feetham: So effectively all nine. This is not the case where the Government is going to be using only two caissons now for a smaller reclamation, and then perhaps in the future do a larger reclamation with the remainder of the caissons? That is not the position?

1075 **Hon. Chief Minister:** Mr Speaker, I sincerely do not know where he has got that from. As far as we are concerned, it is nine caissons to create...to in effect square off the top of the North Mole.

1080 **Hon. D A Feetham:** Mr Speaker, originally, the intention was – he has made statements to this effect – for the power station to be built on the land reclamation. He then said that part of the power station was going to be built on the land reclamation and other parts of the land reclamation were going to be used for other purposes. He then made another statement, or the Government made another statement, saying that actually what is envisaged now was for the power station to be built in the area where the old wine factory was, which is further towards the Waterport housing estate.

1085 Mr Speaker, is that because the Government has *post facto* decided to go ahead with the land reclamation, that it has received advice that no part of the power station can actually be built on that land reclamation for, for example, foundation reasons?

1090 **Hon. Chief Minister:** No, Mr Speaker, it is because there are different ways in which you can fit the power station in, depending on which is the preferred bidder. There are some of the bids which might have required the whole of the use of the reclaimed area, some of the bids which could use part of the reclaimed area and part of the other, and some time for the reclamation area earth to settle; and depending on how long it takes to settle, some part of the power station may be on it and some part may not be. But let's be clear: it may be that part of the power station does actually end up being on the reclaimed land. The final footprint, the final design, is part of what works have been contracted to provide and that is in the process of being finalised, and therefore the exact final footprint is not yet entirely determined.

1095 In terms of maximising the space, what the Government has to do is to ensure that we get the best possible configuration out of every square inch of Gibraltar, as the hon. Gentleman knows, and if you are going to have a gap here or a gap there, it makes sense in the end, once you know more or less what the size of something is going to be, to consolidate where it is going to be and not leave big gaps in any particular part of any area, because otherwise that will be wasted space. But we are literally talking about movement of in the region of 50 to 75 metres in one direction or another.

1100 **Hon. D A Feetham:** Mr Speaker, is it fair to say that, even though a decision can be made – or maybe not; I ask him to answer that as well – in relation to where to locate the power station, whether it is off the land reclamation or partly on the land reclamation, any works cannot really commence until you have received the study from Shell, because the way that the gas is going to be piped to the power station may well have an impact on the design, I suppose, and the location of the power station?

1105 I am just trying to get an idea of timelines from that, because I know that, of course, the study for Shell is not expected until about May or June of next year.

1110 **Hon. Chief Minister:** Yes, Mr Speaker, I understand what he is saying. That is not the advice that we have. The advice that we have does not suggest that the location of the power station is in any way related to where the LNG supply is going to come from, because at the end of the day, at the power station you have a pipeline – you have a pipeline that comes from your own regasification unit rather than from Algeria, but what you have is a pipeline – and that pipeline can be made to go to wherever, within reason – obviously, because there is expense if you have to dig very far, but within reason – to wherever it is that you need it to be.

1115 **Hon. D A Feetham:** Indeed, Mr Speaker, the commencement of the works of the power station will be independent of this study by Shell in relation to the supply of liquid natural gas to the power station?

1120 **Hon. Chief Minister:** Yes, Mr Speaker, because all we are looking at there is exact location, exact details. What is determined is that we can supply natural gas to the power station.

1125 **Hon. D A Feetham:** And can he confirm – because again there have been a number of statements in the past about the location of the natural gas installation and where that is going to be located – or can he provide information to this House as to the locations that the Government are currently looking at? We know that the Detached Mole is one of those locations. From the many statements that the Government has made it appears that that is the preferred location of the Government, but I have also seen statements from the Government saying that there might be other locations that the Government is considering. Can he give

some information to this House on what are the current locations, so that we get a flavour of how and from where the liquid natural gas is going to be transported via pipeline to this particular power station?

1135 **Hon. Chief Minister:** Well, Mr Speaker, the suggestions are not very distant from where we have stated publicly. It is either the Detached Mole or the area of the North Mole, but as he knows, we have to be very careful with the circle of risk which emanates from one of these facilities, and therefore there may be other potential sites within the North Mole. There may be other areas within the area of the Detached Mole that could be the areas for the regasification unit. There is not much of an alternative.

1140 **Hon. D A Feetham:** So indeed the only locations therefore that Shell are considering for the purpose of their study and how to deal with supply issues to the new power station of liquid natural gas are really the Detached Mole or the North Mole. There are no other locations that are currently under consideration. Can he confirm that is the position?

1145 **Hon. Chief Minister:** Yes, Mr Speaker, that is the position.

1150 **Hon. D A Feetham:** Mr Speaker, does he have, bearing in mind that this particular study, for which the instructions have gone to Shell quite recently for the conduct of this particular study, that this particular study is going to be concluded by May or June of next year... when does he envisage therefore, that the commencement of the works for the liquid natural gas installation is going to start? Bearing in mind the statement that the Hon. the Chief Minister made earlier, which was that this was going to be a liquid natural gas power station with diesel back-up – although it is dual-fire, effectively the intention is to run it on liquid natural gas – the timeline in relation to the liquid natural gas installation is going to be absolutely crucial to when you have a fully running and functioning power station.

1155 **Hon. Chief Minister:** Mr Speaker, in time to provide the gas by the time the power station is commissioned.

1160 **Hon. D A Feetham:** Yes, but, Mr Speaker, the Hon. the Chief Minister very confidently predicted that the power station was going to be completed – that is the answer that he gave earlier – by the end of 2016 or the beginning of 2017. That, to me, indicates that the Chief Minister has information at his disposal. He would not have given me that answer... Unless, of course, he is bluffing – and I do not attribute for one moment that he is bluffing in relation to this – he must have timelines in relation to the liquid natural gas installation, which is an absolutely critical part of the commencement of, and the completion of the power station. Therefore, he must have some timelines in relation to the liquid natural gas installation, both in terms of the start of the those works and indeed the finishing of those works.

1170 The reason why I am asking this question is very simple: I just see a power station and I see the liquid natural gas installation very much still in the planning stages, and what I want is some reassurance from the Government to the people of Gibraltar that this is something that is going to be completed as expeditiously as possible, so all the power cuts are a thing of the past and people are not inconvenienced in the way that they have been inconvenienced over the last three years.

1175 **Hon. Chief Minister:** Mr Speaker, people have been inconvenienced for more than the past three years, because power cuts are not something that started happening in the past three years. People can have the confidence that they have a Government that is going to ensure that this issue is being dealt with, with all due expedition. In fact, within two years and 10 months of being elected we have been able to analyse the contract that they were going to enter into, we have been able to analyse what is best for Gibraltar, we have been able to run a competitive process to have a new power station in a new location and do all the analysis necessary in order to be able to reach the stage at which we are now – which, although it is still a planning stage, the hon. Gentleman will know does not mean there are not things happening in relation to building.

1185 The most essential parts of a power station are not the walls, which can go up very quickly: they are switchgear and they are engines. The engines are already in production for Gibraltar for its new power station, so that we can confidently predict that we will be ready by late 2016, early 2017, by which time we are confident that we will be able to provide gas to the location of the power station. Whether that involves some temporary facility providing gas from the new area or whether it involves the final gas facility, we are very confident that there will be gas flowing to the power station when it is ready to be commissioned. That is something that can be available even before the power station is ready to go, so that we do not have a power station sitting idle waiting for gas or having to be fired on diesel – which is the solution that *they* were going to provide for the community for the next 30 years, but which, as he knows, we consider to be hugely more expensive than gas and hugely more polluting than gas, and therefore also more expensive than gas again, because we would have to pay fines under the Pollution Prevention and Control mechanisms

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because we would not be using the best available technology and our carbon footprint would be high and we would therefore have to buy a huge amount – literally millions of pounds – of carbon credits if we were to burn diesel.

1195 So he can have the confidence that he is asking for, for the community. He can go forth and tell the community that the Chief Minister has given him the comfort that he sought: that the power station will be ready as a priority by the date that we have announced, that it is an absolute priority for this Government, that it is the best possible solution for this community for many generations, and that the fuel will be there too.

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Hon. D A Feetham: Yes, Mr Speaker, well, turning to the distribution network, because of course the building of a power station and the building of the liquid natural gas is not the end of the story. In order for this community to be safe in the knowledge that power cuts are going to be a thing of the past, there needs to be also a new distribution network.

1205 Is he confident that by the end of 2016, beginning of 2017, there will not only be a fully functioning power station but also a renewed, up-to-date, fully functioning distribution network for Gibraltar as well?

Hon. Chief Minister: No, Mr Speaker, and neither would they if they had proceeded with their power station.

1210 He needs to understand what he is asking about. The distribution network, if we were to do it in five years or in three years, would involve none of Gibraltar's roads being traversed for that period. It involves a lot of different areas and junctions having to be literally dug up because of the way the cables were put in in the old days. This is not just an issue where I can blame the previous administration; this is an issue of how we have done electricity for the past 100 years. So a lot of our infrastructure is actually in a hole in the ground, not in a duct, and therefore it is going to take a period of time in order to be able to do this reasonably and not digging up all the roads in Gibraltar.

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What we have done, and I started doing it in December 2011, was pressed the button on continuing to make the investment in respect of the new distribution network. I would not allow that to be something that was going to be delayed, and the works have continued – and the hon. Gentleman has seen the work that has already been done. There is much more work to be done in the future, but we need to understand at the moment there is a very... and again, as we were this morning with Ebola, we are to a certain extent laymen, but there is a very bad schematic available of Gibraltar's distribution network, and therefore when a contractor goes on site to develop a new building, or simply to dig up a road for another agency – for example, somebody goes to dig up the road for AquaGib – they dig and they hit a cable because there is not a good plan of where those cables are.

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So we have a creaking infrastructure because it is old, we do not have it all in ducts – which we need to have in the future because then it is easier to replace if one particular cable goes bad – and we do not have the switchgears that we need to have. So the replacement of the switchgear, the replacement of the cabling, the introduction of ducts and, in effect, a new schematic – which will be available, I suppose, online for whoever it is that is an approved contractor in Gibraltar – will be the solution. That solution, we have to understand, under *their* plan and under *our* plan, takes a period of time, because otherwise all you do is collapse Gibraltar if you dig up every road at the same time.

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This should not be an issue of dispute between us, because this is being pursued. The difference is that we pursued it immediately without stopping for the power station contract, whilst they did very little – they have to accept, I think – for the first 12 or 16 years in respect of this, and we are going to do it all starting in respect of the new power station. In fact, it was part of their contract for the power station, but it would not have been resolved in the period of the power station works. It is work that has to necessarily continue after the power station is ready.

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Hon. D A Feetham: Mr Speaker, no, I do not accept that we did very little, and indeed, as he has rightly pointed out... No, I do not accept that. As he has rightly pointed out, the contract for £120 million for the new power station, the GSD contract, included a new distribution network, which included dual cables all around Gibraltar, with five, effectively, distribution units at particular intervals as well around Gibraltar.

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But of course, I am not interested, really, in the past, Mr Speaker, even though I think the criticisms are unfair in the sense that, in the same way as it took the GSD four years of preparation and dealing with injunctions to get to the stage where it got to in 2011, it appears that it is taking the Government four years equally to prepare to a situation where it can commence the works, which are not going to be commencing until next year.

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But what the people of Gibraltar really want to know, Mr Speaker, is when will the power cuts be a thing of the past. That is really what they want to know, and it appears to me that we are none the wiser as to when that is likely to happen, because we do not have any time limits as to when the distribution network will be completed.

1255 Can I ask the Hon. the Chief Minister when he envisages that there will be a new network for Gibraltar, knowing that it is difficult, because I accept that it is difficult, but what people want to know is when will those power cuts be a thing of the past – bearing in mind that he himself, or the Hon. the Deputy Chief Minister, in communiqués issued from his office, has actually said that a lot of these power cuts are due to the ‘creaking’ – in their words – distribution network?

1260 **Hon. Chief Minister:** Well, Mr Speaker, when will the power cuts become a thing of the past? When we fix the negligence that they were responsible for the past 16 years. I know he does not want to talk about the history of this subject because it does him huge political damage.

1265 Mr Speaker, there was a report dated 2005 to the then Government, the GSD, which urged them to act now, because otherwise... In 2005 – not in 2011, not in 2010, not in 2009, 2008 or 2007, or even in 2006. In 2005, the GSD Government was told to act now – this is what the report says, from somebody who was then inside the Government – otherwise, the existing attitude of the GSD Government at the time, of praying and keeping their fingers crossed, was not an option in relation to the electricity distribution network, which was falling apart. This is an internal document of the GSD Government.

1270 Mr Speaker, we will fix the power stations and there will be no more power stations when we have dealt with that which they failed to deal with. Under their power station contract there was also not a time limit for the ending of the distribution works as he suggests that might have been dealt with in the period of the build of the power station. This takes longer, and people have to make a choice between us doing this properly, or trying to do it so quickly that we turn Gibraltar upside down and it is impossible to drive anywhere or have any transport links between any particular roads in Gibraltar – or we do this properly, in a way that ensures that we are no longer subject to praying or keeping our fingers crossed, which is the regime to which they condemned us.

1275 So every power cut today that relates to the creaking infrastructure arises from the 2005 report to the GSD – that the attitude of praying and keeping their fingers crossed had to come to an end and they had to act now – not being heeded and not acting then, because by the time we were elected their contract was still not final and they had not yet started to do the work. Mr Speaker, I think it is absolutely shameful that this community has been put into a position by the previous administration where we are suffering these power cuts as a result of the creaking distribution network that we have.

1280 In two years and 10 months we have taken massive steps forward. Immediately we were elected we gave the go-ahead for the distribution network to begin. It has been ongoing, it will be finished as soon as it can be, and we will then finally have the distribution network we deserve, no power cuts, a new power station that burns gas instead of diesel, which pollutes less, which costs less, which addresses recurrent expenditure and addresses power cuts.

1285 And Mr. Speaker if it takes us five years to do that. We were elected in December 2011, so give us the credit of 30 days – January 2012 to early 2017, late 2016, a full four or just about five years: if it takes us five years to do that, and we do not face injunctions and we do not face all of that other nonsense that the hon. Gentleman referred to, then they too could have done it in five years – and they did not, because between 2005 and 2010, if they had chosen gas, if they had gone down to North Mole and they had done everything that we have done, they might have made the right analysis and they might have delivered the solution, but they did not.

1290 The GSD condemned Gibraltar to the power cuts we are suffering today. The GSLP Liberals will release it from that condemnation and will deliver the power that a modern community like ours deserves. *(Banging on desks)*

1300 **Hon. D A Feetham:** Mr Speaker, as usual, a lot of bluster from the Chief Minister, and quite frankly, a lot of exaggeration. There is nothing that this community ought to believe from the words that the Chief Minister utters. No, Mr Speaker, because he also said on 30th June, just after we had had the Budget debate, downstairs in the lobby of this House, that the difference between the £120 million that we had contracted for the building of the power station, *and* indeed a new office block for Gibelec *and* a new distribution network *and* new storage facilities... that the difference between £120 million and £68 million was that because somebody in the GSD had pocketed the difference.

1305 That is the kind of politics that the hon. Gentleman undertakes constantly and consistently from this House and elsewhere, and if he can shamefully – because that is shameful exaggeration and a complete and utter untruth, I must say... If he can do that in relation to that and exaggerate in that way and make that point in that way, which is absolutely shameful, then I have to say that nobody can take the points that the Hon. the Chief Minister has made seriously.

1310 Mr Speaker, the reality was, does he not accept, that in 2005 there was a report, which he is selectively quoting from: the GSD put its plans in motion in 2007; it was prevented, because of injunctions, from effectively commencing the works until 2011; the contracts were in place, the funding was in place, and indeed if the injunctions and the litigation had not prevented us from doing so, we would have commenced

1315 the works; and had he and his Government not put a stop to the GSD contract, the power station would have been built and the distribution network would have been built, or would have been in the process of being completed, and all the power cuts that we have been experiencing would have been a thing of the past; and that therefore the reality is that the large responsibility for the power cuts that we have been experiencing in Gibraltar lies at his door. Nothing to do with us, Mr Speaker?

1320 **Mr Speaker:** Before hon. Members get carried away any further, in the last hour 50 Questions have been asked on this matter of the power station, involving a great deal of work no doubt by the Hon. Mr Netto, and at very short notice answers have been provided, as far as I can see, to all the Questions by technical officers and other civil servants who must have devoted a great deal of time in compiling all this information. I think that that effort deserves high parliamentary standards and that we should maintain them.

1325 For the last few weeks I have been able to follow in the media the exchanges between the two sides of the House: a slanging match on who is to blame for power cuts and who did this and who did that on the power station, or did not. If hon. Members want to continue in that vein and have a debate, we can set time aside here in this House for such a debate on a motion which either the Chief Minister can bring or the Leader of the Opposition can bring; but I am not going to allow what we have achieved in the last hour to deteriorate into a further slanging match. Therefore, I will call both hon. Members to order and move on to something else.

1330 **Hon. D A Feetham:** I agree entirely with Mr Speaker, (*Interjection*) and again I apologise if I have exceeded the bounds of what is reasonable.

I was responding to political points that the Hon. the Chief Minister was making, because I had wanted to just simply concentrate on allaying the concerns of the public, and my Question –

1340 **Mr Speaker:** I allowed –

Hon. D A Feetham: – was about when the distribution network was going to be completed, so that people understand that beyond a certain date they can expect the power cuts to be a thing of the past. I never made any adverse points.

1345 **Mr Speaker:** I allowed the Hon. the Leader of the Opposition to make the point (*Interjections*) before intervening and pointing out as I perceived the situation to be.
Now, the Hon. Mr Netto.

1350 **Hon. Chief Minister:** No, Mr Speaker, sorry with respect, I have been asked a Question by the Hon. the Leader of the Opposition. He has then got up and made another point. He has accused me –

Mr Speaker: I am prepared to let the Chief Minister answer that question in the knowledge that I will not allow any further –

1355 **Hon. Chief Minister:** I appreciate it, Mr Speaker, but –

Mr Speaker: But I will call upon Mr Netto, because he is the original (**Hon. Chief Minister:** Yes, indeed.) questioner and he must have an opportunity to ask supplementaries.

1360 **Hon. Chief Minister:** Mr Speaker, the Hon. the Leader of the Opposition has said something that I did not say and attributed it to me. I did not say, downstairs in the lobby of the House or elsewhere, that somebody in the GSD had pocketed the difference. What I said was that the GSD would have had to explain where the difference was going. *Their* ears might have heard something else, and they might have heard something else for their own reasons. They are not to attribute to me their own malice in respect of those matters, but they will have to explain to the community – and this is a simple point and they will not be allowed to get away without explaining to the community – how they could have condemned us to a higher cost in respect of a power station than this community should be paying, and how they could have condemned us to diesel when the cost of the diesel was going to be so high, not just because diesel is more expensive than gas, but also because one has to pay fines in respect of burning diesel because of the carbon credits that they incur.

1370 Mr Speaker, the hon. Gentleman has talked about a delay between 2007 and 2011 relating to injunctions that were in place. This is an important issue. The hon. Members had the stewardship of the affairs of Gibraltar for 16 years, and in that time it is now clear, and in the public domain, that they received reports telling them that they had to act earlier in relation to power. In 2003, they received a report that told them

1375 that the Waterport Power Station, which had been commissioned in the early 1980s, was not going to be able to last until 2010. In 2005, they received a report about the creaking distribution network.

Mr Speaker, the hon. Gentleman tells us now that in 2007 they started to act. Well, what did they do between 2005 and 2007?

1380 Of course people want to know what is going to happen in respect of power generation. Of course there has been a lot of work put into providing these answers – not just by civil servants, as the Hon. Mr Speaker will know, but also by politicians, who have been working very hard to give answers to this community and to provide the narrative that I have provided. As you yourself have said, Mr Speaker, we have provided the answers to just about every single one of those 50 Questions that the hon. Member has asked, where we have been able to. What the community cannot be asked to forget – and look, it is politics, but it is also the
1385 reality and it is part of the debate, with a small ‘d’ – is that the hon. Members opposite failed to act in the period when they were elected. For the hon. Gentleman to get up and therefore say that any power cut that is being suffered today, two years and 10 months into our administration, is solely our responsibility is the cheapest way of trying to do politics and pull the wool before people’s eyes that has ever been seen in western parliamentary democracy. In fact, it is a joke: that is why he is not credible, Mr Speaker.

1390 **Hon. D A Feetham:** Mr Speaker, Point of Order. The hon. Gentleman has said that I have misquoted him. I am going to quote exactly what he said. Mr Netto basically went up to GBC, because I asked him to. I made a note of it and Mr Netto went up and this is exactly what he said:

‘One is tempted to ask who was going to pocket the half of the extra amount that it was going to quote.’

That is what he said.

1395 **Hon. Chief Minister:** Exactly.

Mr Speaker: I think the Hon. the Chief Minister has really clarified (**Hon. Chief Minister:** Exactly.) exactly what he meant, and that he was not attributing any unseemly conduct on the part of anybody.
1400 (*Interjections*)

Hon. Chief Minister: On the Point of Order, Mr Speaker, the hon. Gentleman has now got himself on the hook of *Hansard*. He said, during the course of his question a moment ago, that I had said one thing. I clarified what I said, which is much closer to what he has actually read than to the thing he said. And so,
1405 Mr Speaker, if the Point of Order is going to get anywhere, what we need to do is adjourn the Point of Order until *Hansard* is available and the hon. Gentleman can see what he says that I said originally and what he now accepts that I said – and what I reflected I had said is much closer to what I actually said than what he pretended to have said.

1410 But they will have to answer to this community: where were they going to throw away the money? Where was this going to go? Where was this – (*Interjection*). Is it that twenty... Right where was the money... In what pocket was the money going to end up? Because £20 million is a lot of money; £60 million is a lot of money. That difference they have to account for to the community. Why did they go for a more expensive option, that was going to incur fines and that was going to make Gibraltar a polluter and a consumer of carbon credits in a huge amount? They need to explain that; they know they cannot. That is
1415 where the bluster comes from, trying to avoid that point.

Mr Speaker: Mr Netto.

Hon. J J Netto: Thank you, Mr Speaker.
1420 I have got a few supplementary questions whereby I would like to try and get more information from the information that the Chief Minister has already provided.

I beg your pardon for the tone of my voice, but I am actually losing my voice. I will try to do my best.

1425 The Hon. Chief Minister, in his answers, talks about the process of taking the risk assessment, the site investigations, the vapour dispersion modelling and the general safety and other issues, and then he actually goes on, in bullet points, to name which ones they are – I do not know whether he has got his own note in front of him.

1430 Basically, in that aspect of his answer that he has provided, what I would like is, if it is possible, for him to give me the information as to by when will the Government be in a position to consider those issues. In other words, by when will those issues be available to them and be in a position to consider them?

Hon. Chief Minister: Mr Speaker, I am happy to provide the hon. Gentleman with the information, once it is provided to me by the technical people who prepare the answer. I do not have that in my

1435 supplementary list of notes for today, but I am quite happy to make a note of that – because it is a defined part of my answer – get a date for him of by when that is going to be available, and write to him and provide it. I may even be able to provide it tomorrow morning when we come back.

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

1440 The next supplementary question: just a few paragraphs down from where we were just discussing now, the Chief Minister went on to say that the source of the liquid natural gas will be the responsibility of the company that is successful, and then he goes on to continue to say with the storage, gasification and the supply. Again, I would like to know whether he has an indication by when this will be so?

Hon. Chief Minister: Just to clarify, is the hon. Gentleman asking me when does he think that we will have selected the final supplier of gas?

1445

Hon. J J Netto: Yes.

1450 **Hon. Chief Minister:** Right, okay. Again, there are technical considerations in all the proposals put to the Government which are subject to assessment and there is a technical process to go through, so I will get that date and let him have it.

1455 **Hon. J J Netto:** Mr Speaker, the same applies on the following page, if he moves forward. When he talks about the UK entity, Health and Safety Laboratory (HSL), doing the things that they need to do. I would like a date for that, if it is possible.

Hon. Chief Minister: Mr Speaker, I will provide it on the same basis, if possible.

1460 **Hon. J J Netto:** Again, Mr Speaker, a few paragraphs down from there, he goes on to say that the operator of the new power station, Gibelec, has not yet submitted an application for the permit under the Pollution Prevention and Control Regulations. Again, by when will the Government think to be in a position to be able to do so?

1465 **Hon. Chief Minister:** There I think I can provide a little bit more information, Mr Speaker. I think that is at the end of the final design being available to Gibelec. Gibelec can then go to the Environmental Agency under the IPPC directive.

If he wants the exact date when we currently think that will be possible, then I – (*Interjection by Mr Netto*) Well, I am quite happy to give him an indication, as I have with the others, when I get that from the Chief Executive and the technical people.

1470 **Hon. J J Netto:** There is a sentence and then there is another paragraph, and it goes on to explain what is being considered in relation to fire prevention measures in relation to the South Mole, to the Detached Mole and the North Mole. In other words, in order to look at all these activities in relation to the new power station and what current level of safety is required once the assessment has been conducted, by when he reckons this part of the exercise will be completed and the Government will be in a position to provide an answer?

1480 **Hon. Chief Minister:** Well, Mr Speaker, if he looks at that paragraph, the last phrase there is ‘carried out by the contractor’. That will require me to be in touch with the contractor through the technical people, so that I may not be able to give him in short order. I think the best thing is if I write to him with all of these dates that he has asked me for. I have got a note of five and I am quite happy to write and give him that detail, certainly before the next meeting of this House.

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

1485 For the sake of clarification, I suppose the answer to this particular supplementary question is going to be that he is not in a position to provide me with information, because one of my earlier questions was in relation to what sort of terminal technology would be applied for the purpose of regasification for the liquid natural gas, and I was asking him the question whether the technology to be used was going to include either a low-pressure system as fuel for the power station or will include a high-pressure gas supply. I suppose that the answer probably he is going to give me now is that they are not in a position to be able to give me that answer. Is that correct?

1490

Hon. Chief Minister: Well, Mr Speaker, I can tell him that both will be possible and that there are choices to be made as to which will be preferable, depending on distance of the regasification facility to the

1495 power station and different technical issues and choices to be made which are not yet finally determined; but both the choices might be available and can be applied in different circumstances.

Of course, the regasification facility may also do other things and therefore there may be other... It may be that the regasification facility provides high-pressure gas and low-pressure gas as well, depending for what purpose it is to be used. So there are a number of options on the table there, but the final choices will be made nearer the final design of both facilities.

1500

Hon. J J Netto: Thanks, Mr Speaker.

The Chief Minister, in the answer that he provided earlier on, was talking about the Health and Safety Laboratory, which was I think the one that was going to be assisting the Environmental Agency. Just for my own satisfaction, when we are talking about the Health and Safety Laboratory in the UK, are we talking about... that this is a particular body within the UK Environment Agency, or is it a completely different entity?

1505

Hon. Chief Minister: Mr Speaker, the Hon. Minister for Utilities has been dealing with them, I think specifically, but they are a 'related entity' I think is the correct way of describing them.

1510

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, may I assist? It is the Health and Safety Executive and it is an arm of the Health and Safety Executive, which is called the Health and Safety Laboratory – so they do tests and stuff, but they are basically the same entity which do all these assessments for the Environment Agency in the UK.

1515

Hon. J J Netto: I think I am getting more confused as a result of that particular answer, because if I take what the Hon. the Minister for Utilities has just said, it follows that the Health and Safety Laboratory is providing assistance to the UK Health and Safety Executive, while the answer provided by the Chief Minister was in relation to the UK Environment Agency. Are we getting our wires crossed here?

1520

Hon. Chief Minister: No, Mr Speaker, (*Interjections*) the Environment Agency is a UK Government entity. It subcontracts a lot of its work to the Health and Safety Executive and the Health and Safety Laboratory. We are plugging in to that, which is a... I do not know that I can tell him it is private – I think it is public-private – but we are plugging in to that where we can buy services from them.

1525

The Environment Agency of the UK has no jurisdiction and would not be able, at UK public expense, to be involved in our work, so what we are doing is going to the semi-public-private agencies that they use, that do also sell their services, in order to buy their services for Gibraltar. But not the Environment Agency – they are constitutionally distinct from us and would not be involved.

1530

Hon. J J Netto: Yes, but there are clearly two different sets of considerations to be considered in all this process: one is environmental issues in relation to pollution and things of that kind; and then there is another kind of assessment to be done as far as health and safety is concerned.

Do I take it, for the sake of clarification, that the Health and Safety Laboratory will be providing both the environmental aspects and separately the health and safety aspects?

1535

Hon. Chief Minister: Mr Speaker, I see where he is going now.

The Gibraltar Environmental Agency will deal with all of the pollution aspects and has the responsibility to do that. The Health and Safety Laboratory and the Health and Safety Executive are contracted to give the risk assessment work that needs to be done and the health and safety assessment which are being done; but the pollution work is done principally by the Gibraltar Environmental Agency, that will be responsible for the IPPC permits etc when that time comes. So it is a different aspect.

1540

The confusion, if it is being created, is because what the hon. Member has said, in order to try and assist, is that the Health and Safety Executive and the Health and Safety Laboratory are part of the wider UK Environment Agency; but as I say, they are entities from which one can buy services, and the services we are buying are risk assessment services and health and safety services, not pollution assessment services, where the Environmental Agency will either do that itself or buy in such expertise as it might usually do when assessing Waterport and OESCO and GMES.

1545

Hon. S M Figueras: Mr Speaker, yes just a couple of points there that perhaps the Hon. Chief Minister can clarify. He referred to the heat recovery generators as being included as part of the new power station project, but then made reference as well in the page following – a third page – to the switchgear and associated equipment for Mid Harbour at £1,065,000 and then the estimated costs for WDC at £2,668,000 and £1,482,000 for other equipment. Are those costs that he set out there not included in the power station project?

1550

1555 **Hon. Chief Minister:** I think, from memory, they are not; I think they are additional costs.

Hon. S M Figueras: Then my only other supplementary is: in relation to the total number of power outages that the Chief Minister helpfully set out in response to one of the Questions, he said that there were a total of 83 power outages since SO Energy provided turbines, and 43 were attributable to turbines. That is more than 50% of the outages attributable to the turbines.

1560 Two aspects to the supplementary: one is to which turbines were the outages attributable – was it to the ones that SO Energy had provided, or others; and is it in the Chief Minister’s knowledge from the technical officers that he will have been dealing with in respect of these Questions, is this proportion of outages being attributed to turbines something that is normal, or are there any particular circumstances that are attributing to this higher incident rate?

Hon. Chief Minister: Mr Speaker, the only turbines in Gibraltar are the SO Energy turbines – everything else is engines, so there are only five turbines in Gibraltar – and the high number of outages appears to be because of manual operation of the turbines at one stage and because of sulphur content of fuel being higher than usual operations are recommended for those turbines, something which was recently determined by the operator – remember, the Government is not the operator – and they have therefore changed the fuel that they take for those turbines to ensure it is lower in sulphur content.

1570 **Hon. S M Figueras:** And can the Minister say with any certainty... and I will appreciate if he cannot, because it may well be a very recent development, or at least the diagnosis of the sulphur content being an issue might be recent. Is it anticipated that, having determined that that was the cause, that the rate of outages may decline significantly?

Hon. Chief Minister: I think it is possible to say that once that was determined the number of outages has become considerably reduced.

1585 **Hon. J J Netto:** Mr Speaker, I am not quite sure whether I actually got an answer for one of the particular Questions I had. This actually dealt with whether they were in a position to know the all-in rate cost, which is quantity surveying terminology. I think engineers tend to use the copex and opex definition in relation to the transporting of the liquid natural gas to Gibraltar with storage, regasification and final distribution. Will that be still pending; and if so by when will the Government know the answer to this?

1590 **Hon. Chief Minister:** Well, Mr Speaker, that is going to be the subject of the negotiation finally between the people who are bidding and the price that we get. That is going to be I think what in Spanish is called the ‘*madre del Borrego*’.

Mr Speaker: We will now have a recess until 5.30.

The House recessed at 5:11 p.m. and resumed at 5.34 p.m.

CHIEF MINISTER

Q619/2014

**Haresh K. Budhrani QC, former Speaker of the House –
Leak re tax affairs –
Commissioner of Income Tax report**

Mr Speaker: The Hon. the Leader of the Opposition.

1595 **Clerk:** Question 619, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister confirm that the report into the leak of the tax affairs of the previous Speaker of this House has now been completed?

1600 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, the Commissioner of Income Tax has finalised his report into the leak of the tax affairs of the previous Speaker of this House.

1605 The investigation has proved inconclusive and the Chief Secretary is now considering it to determine what, if any, further investigation is deemed necessary.

1610 **Hon. D A Feetham:** Mr Speaker, on previous occasions he has indicated to me that the report was actually being prepared by the Speaker of the House – sorry, by the Chief Secretary, I beg your pardon. I have asked this on a number of occasions, so just to clarify, it is a report that has been prepared by the Commissioner of Income Tax, not the Chief Secretary?

1615 **Hon. Chief Minister:** I think *for* the Chief Secretary, Mr Speaker, because it was the Chief Secretary who was investigating this and it was the Commissioner of Income Tax who was preparing the report for him – because it happened in his Department, and therefore that, I think, is the structure of what has occurred.

1620 **Hon. D A Feetham:** Mr Speaker, again I have asked this particular question on a number of occasions in this past: will the Chief Minister undertake to make this report public, or at the very least provide Members of the Opposition with a copy of this report, bearing in mind not only that we are dealing with a criminal offence in relation to the leaking of the tax affairs of the previous Speaker, but that it involves a Member of this House?

1625 **Hon. Chief Minister:** Mr Speaker, it is not my report to make public, but I will certainly approach the Chief Secretary in that respect to see whether he will agree to disclose the report as it is now, or such other future report as he may be considering taking, to Members opposite. I think this a hugely important issue. It must not be underestimated. None of us would ever want to find our tax information on the front page of any newspaper.

1630 For whatever reason it happened, my own view is that I am uneasy with a report that is inconclusive and that we must try further to determine exactly what happened. As I told the House before, I do not discard... In fact, I do not think I have powers to instruct the Chief Secretary, but I do not discard seeking to persuade the Chief Secretary to involve the Royal Gibraltar Police if that is the only way to try and drive this to some conclusion.

1635 **Hon. D A Feetham:** Mr Speaker, I do not quite understand that answer, because if the investigation, which effectively was concluded in December of 2013... This is an answer that he has given me previously when I have asked this. The investigation itself was concluded in December of 2013. If there had been any evidence at that stage that led or pointed the finger to anybody in relation to the committal of a criminal offence, I would have expected the Chief Secretary, or anybody else within the Government, to have provided that evidence to the Police. It does appear to me to be very late in the day to be considering instructing or passing the matter on to the Gibraltar Police – unless, from the conclusion of the investigation in December of 2013 to now, there has been some further evidence that has come to light which actually throws some light in relation to the matter, but that does not appear to be the case.

1645 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is forgetting that I have told him this before. I have told him my opinion about this before, but we were waiting for the report to be prepared – and the report that has been prepared suggests that the conclusion is not pointing in any particular direction.

1650 That is why I think it may be necessary to involve the RGP – not because the report points in a direction or does not point in any other direction, but because if it has been inconclusive it may be that the RGP needs to start from scratch and they may be better able to find forensically where this leak has occurred. We are talking about a ‘leak’, Mr Speaker – we are using laymen’s terms. There must have been some information provided in breach of the Income Tax Act. That is what we are talking about. I think it was appropriate for the Income Tax Commissioner to be involved with the Chief Secretary in trying to determine it internally, but as I have said before, we should not discard the Royal Gibraltar Police becoming involved.

1655 **Hon. D A Feetham:** Mr Speaker, I accept that you cannot discard that, but what surprises me in relation to this is that we are dealing with two separate issues: we are dealing with an internal investigation by the Commissioner of Income Tax and the Chief Secretary, which produces a report internally to the Government about the question of the leak; and secondly, it is a criminal investigation by the Police.

1660 I would have thought, given the fact that quite evidently there has been a breach of the criminal law – the only issue is by whom, but there *has* been a breach of the criminal law, because obviously the tax affairs of the Speaker were leaked and that is a breach of the criminal law – that the Police would have been brought in at a far earlier juncture. Is he saying that actually the Police were not brought in at the beginning,

1665 when we knew there was a breach of the criminal law, and there is consideration of bringing the Police in at this juncture – which appears, with respect to the hon. Gentleman, quite a strange way of proceeding?

Hon. Chief Minister: Mr Speaker, I have told him this before and he has not told me it was a strange way of proceeding when I said it last time that I thought this was sufficiently serious that at some stage the Police might have to get involved.

1670 He needs to understand I am not Columbo; I am not the investigator here. I am allowing the process to run its course in the appropriate way. Allowing the Civil Service to be independent means allowing the Chief Secretary to run investigations which relate to the Civil Service, and it also means that if the Royal Gibraltar Police see something on the front page of a newspaper which they think they need to investigate, they do so whether or not the Chief Minister calls them in.

1675 I do not think it is appropriate for me, as Chief Minister, to be calling the Police in or not calling the Police in. What I think is appropriate is for me to give the Chief Secretary the view, when he finally has that report and discusses it with me, if it is as inconclusive as it appears to be, that he may wish to communicate with the Royal Gibraltar Police to see whether they can identify how this leak has occurred.

1680 I do not think there is anything particularly strange in that. I think it is clear that what we are trying to do is understand what has happened and we should all be on the same side – namely, working out how somebody's tax affairs ended up on the front page of a newspaper. *That* is the most important thing.

Hon. D A Feetham: Mr Speaker, obviously I agree with that, but I still believe that there are two separate aspects to this: there is the internal investigation by the Chief Secretary and criminal investigations.

We know that there has been no criminal investigation, because nobody has formally reported it to the Police or asked the Police to investigate the matter, which I would have thought should have occurred at the beginning, because otherwise what we have is the situation that the Police would have done so off their own bat, just based on the report on the front page of the *Chronicle*. There is no indication that that has occurred.

1690 But the report is what interests me. On a number of occasions I have said, 'Is the Government going to make it public?' At that stage, the Chief Minister said, 'Well, we don't know whether there is any evidence of pointing the finger at anybody, which might then have repercussions in terms of the disclosure of that report,' which I understood. But the report appears to indicate that the investigation is inconclusive. Therefore, in the light of that, doesn't he agree that there are no conceivable reasons why this report ought not to be disclosed to Members of the Opposition and that ultimately it is not a decision for the Chief Secretary – ultimately it is a decision for the political Government as to whether this report, a report to the Government itself, is disclosed or is not disclosed?

Hon. Chief Minister: Mr Speaker, it is not a report to the Government. It is a report to the Chief Secretary. It is a report that he has control of.

Mr Speaker, as I told him last time – he is forgetting, or neglecting to mention – the issue may be that if the Royal Gibraltar Police is to become involved, then publishing this report at this stage, before they can become involved and deal with the issue in such manner as they may consider appropriate, may not be the most appropriate thing.

1705 I know that the Chief Secretary follows the proceedings of this House assiduously. He now knows that the hon. Gentleman wants him to provide a copy of his report to him.

Hon. D A Feetham: Mr Speaker, the Chief Secretary has known that the Leader of the Opposition and the Opposition want a copy of this report since I first started to ask the questions in I think it was June of 2013. So he certainly knows that.

Mr Speaker, what I do not want – and can I receive some assurance from the Hon. the Chief Minister in relation to this – is that this is consistently played into the long grass.

In December of 2013, he said to me, 'The investigation has concluded, but the report has yet to be finalised.'

1715 I then asked him in February, 'Is the report finalised?' and he said, 'No, the report is not yet finalised.'

I asked him in June of 2014, 'When is the report going to be finalised?' and he said, 'At the end of October the report will be finalised.'

1720 Now he is saying, 'As a consequence of that report, there may have to be – we do not know – some report to the Police,' which I would have thought would have been done anyway at the start of the investigations, that you have two parallel investigations, and we then might find us in a situation where there are going to be further delays in the disclosure of this report until after the next general election, or into the long grass.

Can he, at the very least, alleviate concerns that we may have that the Government is playing this into the long grass?

1725 **Hon. Chief Minister:** I can, Mr Speaker: the Government has no interest in long grass. This is a Government that, in two years and 10 months, has transformed Gibraltar. We are a very nicely trimmed lawn, in fact. We are not long grass.

1730 Long grass is to receive a report in 2003 that tells you that your engines in your power station will not make it past 2010 and do nothing about it; to receive a report in 2005 that says that your distribution network is not going to survive and that you need to be on a wing and a prayer and do nothing about it. That is long grass, because we were elected six years later and nothing had happened.

Mr Speaker, if something happened in December 2013 and I am reporting again to the House in October 2014, and there has been progress from the end of an investigation and now a report is already in place, that is not long grass.

1735 But this is not my report, Mr Speaker. I have told the hon. Gentleman I share his concerns. He should have been assuaged by that.

Hon. D A Feetham: Mr Speaker, unfortunately I am not, because of the way that this has been played out.

1740 The Hon. the Chief Minister will recall that originally what we asked for was an investigation by this Parliament, because it involved a Member of this House. There were exchanges in this House at the time when the former Speaker made his statement, and one of the points that was made by the then Leader of the Opposition was this, if I may just remind him. He said:

‘a report which can only have been leaked either by a civil servant in the Income Tax Office, by a civil servant in the office of the Chief Minister to whom the report was sent or, for the sake of equanimity, by the Chief Minister or by somebody to whom the Chief Minister gave a copy – it cannot be anybody else: one of those four must be the source of the leak...’

1745 Of course, that remains the concern that we want to be absolutely assuaged: that nobody on the Government benches has been involved in the leaking of this report in order to effectively have the Speaker removed from office. That is the point. Indeed, quite apart from that, Mr Speaker, there are very limited potential sources of that leak.

1750 **Hon. Chief Minister:** Mr Speaker, he should not rely on the Hon. the former Leader of the House as the bible when he says there can only be four potential sources and one of them is the current Chief Minister... as being absolutely and completely the only way in which things can happen. They could have happened in myriad other ways, especially now, in the days of technology and people from very far away being able to get into anybody’s computer from anywhere else in the world. There could have been a little boy in Peking who got into the computers of the Income Tax Office and decided to leak it to the *Chronicle*, or whoever it was leaked to. He should know better than that.

1755 But now we know exactly what he is getting to, Mr Speaker. As usual, what he is trying to do is to impute improper motive to his political opponent – in particular to me. He has, in effect, said that what he wants to be satisfied of is that I did not leak the matter of the previous Speaker’s tax affairs. Mr Speaker, I give this community as a whole an assurance, if I have to, that it is not the current Chief Minister who is in the business of leaking anything to the newspapers – but it is absolutely, frankly, shameful that he should have the audacity to suggest that it was me.

1760 **Hon. D A Feetham:** Mr Speaker, I have not suggested that the Hon. the Chief Minister as a source of the leak. What I have suggested is that there are very limited *potential* sources of this particular leak. We are talking about the tax information of the Speaker of the House at the time. The source of that leak could only have come from a very limited number of sources, which I have just described.

1770 Does he not agree with me that, in order to dispel any possible suggestion that anybody on the Government benches was involved in the leaking of this particular report to bring about a particular result, that the investigation had to be conducted openly and transparently? That is why we asked for a parliamentary investigation, but now I am asking... That is the reason why we need to see a copy of the report: to see exactly how the investigation was conducted and to make our own minds up as to the thoroughness of that report and that everything that ought to have been done has been done in order to make sure that the source of this leak could have been traced.

1775 Nothing that he has said today has alleviated any concerns that I may have, because of course the Police have not even been brought in. The matter has not even been reported to the Police, which I would have expected at the very outset, given the fact that this was a criminal offence from the very beginning. I would have expected a criminal investigation from the very beginning, not three years later – or two years later, I beg your pardon.

1780 **Hon. Chief Minister:** Mr Speaker, this is the most disgraceful conduct by the Leader of the Opposition. He is, in effect, accusing me of committing a criminal offence, or saying that I am a suspect in the commission of a criminal offence.

Let me tell him that there are other people who may have made that leak. That leak could also have been made by the *former* Chief Minister, who I understand had access to a similar document. Therefore, he
1785 might like to get up and impute Sir Peter Caruana also with the *potential* that he might be the *fifth* person who might fall under suspicion.

Because of course, if it is that Sir Peter should not fall under suspicion because he was the person who appointed Haresh Budhrani as Speaker of this House, then I am exonerated in exactly the same way, Mr Speaker because you see, after the election it was I who asked Haresh Budhrani to remain as Speaker, and
1790 in fact it was I who used *my* Government's majority to see him approved as Speaker, having previously voted against him.

So I did not need to enter a conspiracy of the sort that the hon. Member has tried to attribute to me in order to 'get rid' of Haresh Budhrani as Speaker. All I needed to do was to ask my Great Aunt Wilma to be Speaker, and with my 10 votes in this Parliament Haresh Budhrani would not have been Speaker and my
1795 Great Aunt Wilma would have been.

Does he get it now? Does he understand that in the Machiavellian world that he lives in, in which he has spun this web where he can feel that he can make accusations against people, there was absolutely no need to do the sort of thing that he has imagined in his worst nightmare; that actually, if I wanted to get rid of Speaker Budhrani, all I needed to do was not persuade myself to appoint him?
1800

Hon. D A Feetham: Mr Speaker, can we set at least some finality in terms of dates for a decision by the Government as to whether this report is going to be disclosed to the Opposition or not, bearing in mind that I have been asking this question consistently and constantly, as the rules allow, for the last two years? And can he give me an indication by when he will make a definitive decision as to whether this report is going to
1805 be disclosed to Members of the Opposition or not?

Hon. Chief Minister: Mr Speaker, he needs to go back to *Hansard*. He needs to see what I have said. He needs to see I have said this is not my report; it is the Chief Secretary's report. He needs to see exactly what it is that he has been asking about.
1810

Frankly, Mr Speaker, given what he has said this afternoon, I am not going to give any further answers. I am going to reflect on what he has said and how he has said it and whether it is actually quite proper for him to come to this House and make those sorts of imputations.

Hon. D A Feetham: Mr Speaker, he obviously does not like anybody questioning him. He obviously does not like anybody putting him under any kind of pressure at all – legitimate pressure, because it is not a point that I am just simply taking out of my sleeve – as he did with those investors in May of 2011 – now. It is something that we have raised and we raised, and flagged up at the very beginning when the Speaker made his statement to this House.
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Does he not recognise that a report to the Chief Secretary, or by the Chief Secretary, is disclosable if the political Government agree to disclose it? There is nothing, there is no impediment, there is no magic to the fact that this is a report produced to the Chief Secretary. We are dealing with the leaking of the tax affairs of the Speaker of this House. It could have been any Member of this House. Therefore, there is not only the question of the underlying criminality – because that is what it was: the leaking of what are confidential tax affairs – but also a matter of concern to this House. Does he not recognise that it is *his* decision – not the Chief Secretary; *his* decision – as to whether this particular report is disclosed or not, and he cannot hide behind the Chief Secretary?
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Hon. Chief Minister: Mr Speaker, I am not a man who hides behind anyone. That is why I have got to where I have. I am not a man who stands in the way of people who want to disclose things that belong to them. That report belongs to the Chief Secretary. This is not a Government that tells the Chief Secretary what to do. Clearly, he was a Member of a Government where the attitude was completely different, because the suggestion coming from the hon. Gentleman is that Chief Secretaries do what Chief Ministers tell them. Well, we know what sort of Chief Minister he would be then, if he ever made it to the post, and what sort of experience he has of the person who used to do it when he was elected.
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He has made a very, very serious accusation today, Mr Speaker, across the despatch box. It is absolutely and utterly unfair. He has not paused to think. He has not realised that I am the one who appointed Haresh Budhrani when we were successful in winning the election in December 2011. That has infected his logic.
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What I am going to say to him is that I am feeling absolutely no pressure. I think he is making a complete and utter fool of himself by his line of questioning, and all he is doing is disclosing why it is that he always rubs people up the wrong way. He gets up and he accuses me of being potentially a suspect in the
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commission of a criminal offence and he expects me just to smile at him and say, 'Yes, Danny, I'll roll over and you can have whatever you like.' Well look, Mr Speaker he needs to wake up earlier than that to persuade me of the fact that he has made any serious point whatsoever in respect of the allegation that he has made.

1845 And I will tell him something else: the tax affairs of every Gibraltarian and resident of Gibraltar are just as important as the tax affairs of any Member of this House. That is the attitude of the Government. As far as I am concerned, there can be absolutely no other approach. Everybody is entitled to confidentiality. He obviously thinks that people in this House – or at least *he* is – entitled to a bit more than any other citizen. Well, he is absolutely wrong, as far as I am concerned.

1850 But what he should stop, Mr Speaker, is trying to spread as much muck as he can in order to try and sully all of us by trying to make us suspects in criminal investigations, because if he goes down that route, one day the worm might turn and say everything it knows.

Hon. D A Feetham: Mr Speaker, if the hon. Gentleman has anything to say, he should say it openly and not make statements in key or code. I am here to listen directly and respond to anything that the Hon. Chief Minister wants to say.

I know that I rub him up the wrong way – I know that I do – but I rub the Hon. Chief Minister up the wrong way just by simply standing up and asking questions of him. He has become everything that he used to criticise in his predecessor. That is the reality. He is the 'New Dawn' Chief Minister! (*Laughter*) Quite frankly, I do not see the rays of sunshine shining on his Government.

1860 Is he really seriously suggesting and seriously asking the people of Gibraltar to accept as a position that a report produced by the Chief Secretary is only disclosable at the behest of the Chief Secretary, without the political Government actually taking a decision and saying, 'No, we believe that this particular report is so important that it be made public; it is so important that we show transparency and openness in relation to this particular issue that we are going to make it public.'? Quite frankly, I do not think that anybody in Gibraltar is going to believe the Chief Minister if he says that is the position.

Hon. Chief Minister: Well it must be, Mr Speaker, because *he* thinks everybody in Gibraltar is used to the way they used to do things or the way *he* would do them.

1870 He is absolutely wrong about everything he has said. He does not rub me up the wrong way every time he stands up. Most of the time he tickles my fancy and I laugh a lot because he makes such a fool of himself. Most of the time, the best that he can do is make us laugh. But there are only extremes: he either plays the fool or he makes an allegation of a criminal offence being committed. He just cannot play it straight: that is his problem.

1875 In *my* Government, the things the Chief Secretary is responsible for, the Chief Secretary is responsible for. Has he written to the Hon. the Chief Secretary and asked him for a copy of the report? I dare to say that he has not, Mr Speaker. In *my* Government, the things that people are responsible for, they take responsibility for. They are empowered, and that is what a Government should be doing with its Civil Service; not what we saw in the 16 years that they were in Government.

1880 He says I am becoming everything that I used to criticise in the hon. the now backbencher, then Leader of the House. Well, I do not know whether that makes me, in his estimation, the second greatest Gibraltarian of all time, (*Laughter*) which is what he used to call Mr Caruana when he was in Government, in another flight of fancy, although he now spends most of his time criticising things done '*a la Caruana*'.

1885 Mr Speaker, the position is very clear; I have set it out already. He just wants to keep going and going, because I guess he does not want to get on to the other Questions and he wants to repeat the issue over and over again.

As far as the Government is concerned, the Chief Secretary's report belongs to the Chief Secretary and *he* can make decisions about it.

Q620/2014
HM Attorney General post –
Number of applications

Clerk: Question 620, the Hon. D A Feetham.

1890 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state how many people have applied for the post of Her Majesty's Attorney General of Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

1895 **Chief Minister (Hon. F R Picardo):** I will answer this Question together with Questions 621 and 622.

Q621/2014
HM Attorney General post –
Salary

Clerk: Question 621, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister confirm that the post of Her Majesty's Attorney General for Gibraltar will continue to attract the same salary, with the usual annual increases, as it does at present?

Q622/2014
Director of Public Prosecutions –
Creation of post

Clerk: Question 622, the Hon. D A Feetham.

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Hon. D A Feetham: Can the Chief Minister please state whether the Government intends to create the post of Director of Public Prosecutions?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, there are six applicants for the post of Her Majesty's Attorney General for Gibraltar. The interview process is presently on foot for this post.

Salary is as advertised in Bulletin of Circulars HRD No. 9/2014, which was advertised internally within the public service as well as publicly in Gibraltar's press and in *The Times* – of London, I should say.

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In a number of other Overseas Territories the role of Attorney General has been split to provide for a Director of Public Prosecutions that has day-to-day management of criminal prosecutions, although often under the overall supervision and constitutional purview of the Attorney General. That may be an option for the future in Gibraltar, but it is not a matter on which any decision has yet been made by Her Majesty's Government of Gibraltar; nor is the Director of Public Prosecutions a post for which there is any active recruitment. The only relevant post in respect of which recruitment is currently active is the post of Attorney General.

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Hon. D A Feetham: Mr Speaker, how many Gibraltarians out of the six applicants have there been?

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Hon. Chief Minister: Mr Speaker, I confess I cannot give an answer in that respect with accuracy.

Hon. D A Feetham: Mr Speaker, I did not quite catch the answer... I do not think he has provided the answer to the Question about whether the salary is going to remain the same for the post of Her Majesty's Attorney General.

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Hon. Chief Minister: He needs to listen more carefully, Mr Speaker. What I said was this: salary is as advertised in Bulletin of Circulars HRD 9/2014, which was advertised internally within the public service as well as publicly in Gibraltar's press and *The Times*. I assume he saw the advert in the press.

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Hon. D A Feetham: Mr Speaker, does the Government envisage to have a situation where £128,000 is paid to the Attorney General of Gibraltar for his role as Attorney General, but perhaps he may be asked to perform other functions, for which the Government pays the Attorney General something over and above the £128,000, if indeed it is the Government's intention for the Attorney General to perform roles over and above what the current Attorney General performs?

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Hon. Chief Minister: Mr Speaker, the advert I am looking at says £120,000. I do not know whether the £128,000 is with the increase given this summer, but the advert says £120,000.

I am not going to be involved in answering hypothetical questions. There is an advert with a salary, and that is what is presently being interviewed for by the Specified Appointments Commission. That is the

1945 position. I am not going to try and in any way interfere with that process, which must remain entirely neutral and independent.

1950 **Hon. D A Feetham:** Mr Speaker, I accept that there is a process and the Special Appointments Committee will then advise the Governor as to the preferred candidate, but I am trying to explore with the Hon. the Chief Minister the Government's thinking in terms of the appropriate candidates for this particular... and how far the Government is willing to go in terms of, potentially, the candidate who is chosen doing something else, other than Attorney General, over and above the traditional role of Attorney General, and if that person might then be paid something over and above the £120,000 or £128,000 for the role of Attorney General.

1955 It is an important point. I will tell you what my concern is in relation to this. An Attorney General will have security of tenure and will have security in terms of salary. His salary is £128,000. If you then have a situation – and he will know where I am going with this – where that particular candidate, the chosen candidate, is then paid say £200,000 or £300,000 over and above to perform certain other functions, then potentially that goes to the heart of the security of tenure for the Attorney General, because the Government can effectively turn, at any moment, the tap off in terms of the larger portion of the salary. That is what I am getting at. What I am getting at is the successful candidate will only be doing his or her role as Attorney General of Gibraltar and be paid £128,000 – nothing else.

1965 **Hon. Chief Minister:** Mr Speaker, I know exactly what he is doing, and I know exactly what he has said about this subject to many people about this issue and how he has expressed his views in respect of particular individuals.

1970 All I am going to say is that there is a Specified Appointments Commission interview process ongoing for a job with an advertised salary, and I am not going to go anywhere near seeking to influence the decision of the people who are constitutionally required to make the recommendation to His Excellency the Governor by engaging in a debate with him to try and pull them one way or the other – which is exactly what he is trying to do.

1975 **Hon. D A Feetham:** Mr Speaker, I am not trying to pull anybody in one direction or another; I am trying to get, as I have in relation to other answers, other questions, a straight answer from the hon. Gentleman.

1980 *He* makes policy: *he* must know what the policy is. Is the policy that the person chosen as Attorney General simply does work traditionally done by the Attorney General; or does he leave his doors open for that person not only to do that work but to do work over and above that which the Attorney General has traditionally done – and does he also leave his doors open therefore for that person to be paid extra over and above the £128,000?

If the answer is, 'You're barking up the wrong tree completely; no, that is not on the horizon, it is not in the Government's plans,' it ought to be capable of being given a straight answer.

1985 **Hon. Chief Minister:** Mr Speaker, the problem is that my answers are always straight: it is the questions that are crooked.

The hon. Gentleman is trying to do something which is nefarious, and I am not going to fall in the trap. I am not going to fall in the trap of giving effect to the wishes that he has of trying to stymie one or other candidates.

1990 There is a process. There is a Specified Appointments Commission that is interviewing a number of candidates. They have to be constitutionally independent whilst they do that and they have to make a recommendation to His Excellency the Governor, and there is an advert –

1995 **Mr Speaker:** May I correct the Chief Minister? They do not make a recommendation; they *advise* the Governor. There is a difference between advice and recommendation. It is the same with the Public Service Commission.

Hon. Chief Minister: I take that point, and the hon. Member –

2000 **Mr Speaker:** The Public Service Commission advises the Governor – the Governor has to act on that advice.

Hon. Chief Minister: Advice. I appreciate, Mr Speaker, the importance of that distinction, and thank you for pointing it out, but I am not going to tread into any debate which can affect the impartiality of the SAC whilst it does the work that it is doing.

2005 To those who are informed of what is going on, what the hon. Gentleman is trying to do is absolutely clear and transparent, and those who know the conversations that he has had about this will be even more clearly of the view that what he is trying to do is to stymie a particular candidate.

Well, Mr Speaker, we take a different view. We take the view that the Specified Appointments Commission has too important a job to do. It must not in any way be interfered with – not even should there be a debate that might suggest something which could put one candidate in a stronger or less strong position.

2010 That is why I am not going to go anywhere near the issues that the hon. Gentleman wants me to go to, for the reasons that he specifically wants me to go to; but he needs to know that this community expects more from its Leader of the Opposition than simply trying to snooker people in the way that they advance themselves for applications for jobs.

2015 **Hon. D A Feetham:** Mr Speaker, it is an outrageous suggestion that somehow, because I am asking questions, that I am trying to snooker somebody's application for Attorney General. Nothing could be further from the truth.

2020 I am asking about Government policy. It is in the gift of the Chief Minister to come clean on Government policy. All I am asking is: is it Government policy that the Attorney General of Gibraltar, whoever is chosen – I do not *care* who is chosen, quite frankly – is just going to be doing that job, or is there a possibility in Government policy that he or she is going to be doing something over and above that? That is all I am asking, and that should be capable...if it is a possibility, without going into whatever candidate has applied, if that is a possibility, if that is the Government thinking, he ought to be able to say to this House, 'Yes, that is a possibility,' and then defend the policy, as no doubt he will if that is the direction the Government is going.

2025 **Hon. Chief Minister:** Mr Speaker, doesn't he understand that the process of interview and advice is presently on foot? It is happening as we speak – and he wants to have a debate about it which could somehow affect the interview process or the advice that might be given.

If he wants to know what the Government's policy is... If he were genuine for one moment, if there were one fleck of good faith about him, he would simply look at the advert. That is the Government's policy. It appeared internally in the Government and it has been advertised externally. That is the Government's policy: there was a job; there is a salary. He cannot be seriously saying to me – and he has wasted already precious minutes of this Parliament's time – that he wants to know what the Government's policy is. We advertise all sorts of jobs and he never says to me, 'Is it your policy that, in respect of this job, the salary is the advertised salary or a higher salary that you are going to negotiate?'

2035 If he thinks for one moment that anybody on this side of the House or in the wider community is going to believe that he is doing this out of the kindness of his heart and trying to ensure that the security of tenure of the Attorney General is not affected, well then those people who might think that do not know him and they have not seen the advert and they do not see what is clear in black upon green in my copy and black upon white in just about everybody else's, as to the salary of what the Attorney General for Gibraltar will be.

2040 **Hon. D A Feetham:** Well, Mr Speaker, let me put it another way then. Perhaps he can answer this: will the role of the person who is chosen to fill the post of Her Majesty's Attorney General be limited to the role as set out in that particular advert and nothing else?

2045 **Hon. Chief Minister:** Mr Speaker, he has finished with the salary; now he is going to start with the role.

The role of the Attorney General, Mr Speaker, is set out in the advertisement and in the Constitution and in the Laws of Gibraltar. That will be the role of the Attorney General.

2050 **Hon. D A Feetham:** And, Mr Speaker, the Government has no policy in order to extend the role of the person who has been chosen as Attorney General beyond the work description set out in that advert?

2055 **Hon. Chief Minister:** Mr Speaker, the role of the Attorney General is set out in the advert for applicants to understand and in the Constitution. There are some statutes which also set out the obligations of the Attorney General.

2060 The Government is unable to change the role of the Attorney General, should we wish to do so, without having a new Constitution. Which part of that doesn't the apparent senior lawyer, who has been Minister for Justice, understand? Or is it that he is just being intentionally obtuse?

Q623/2014

Tunnel project –

Allocation of contract to GJBS; commencement of works

2065 **Clerk:** Question 507, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what posts in the Care Agency are being currently filled in an acting capacity and since when that has been so?

2070 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Mr Speaker: Question 623.

Clerk: Sorry, 623.

2075 **Hon. D A Feetham:** Mr Speaker, can the Government explain why the tunnel project has been allocated to GJBS without any tender, and when are the works likely to commence?

Clerk: Answer, the Hon. the Chief Minister.

2080 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the tunnel project works were allocated to the Government's wholly owned company, GJBS, without tender by the previous administration.

The contractor is currently beginning their mobilisation and work is expected to commence on site within the next few weeks. (*Banging on desks*)

2085 **Hon. D A Feetham:** Mr Speaker, it is, in fact, a decision that the hon. Gentleman opposite criticised at the time, was not happy about at the time and went on at great lengths in relation to the tender process. What is it that has made them take a different line now from the line that they were taking then?

2090 **Hon. Chief Minister:** Mr Speaker, as you can imagine of somebody who has accused me of committing a criminal offence, I am not going to take anything he says at his word, and therefore I do not accept that I have ever criticised the previous administration for giving the allocation of this work to GJBS. Everything that he has said, as far as I am concerned, he has to prove.

2095 The fact is that what we did was we created a prequalification tender for the continuation of the tunnel works as one of the potential options that we allowed ourselves for the resumption of the work. So we had a tender award to our own wholly owned company and we prequalified third parties.

As a result of the decision of the court, we have made the decision that we want to continue with the wholly owned Government subsidiary and not proceed down the road of a further European tender, which would involve a further delay.

2100 Mr Speaker, the hon. Gentleman was asking when it had happened and now pretends to have known. It appears to me that he forgot that actually it was when he was in Government that the tender to GJBS was awarded directly.

Hon. D A Feetham: Mr Speaker, he may think whatever he wants about my state of knowledge.

2105 The reality therefore is that the decision the Government has taken is based on the speed of the works being carried out, and that therefore he agrees that the original decision that was taken by the GSD administration, post the problems that we experienced with the original contractors in relation to the tunnel, was quite justified. Therefore he must accept that.

2110 **Hon. Chief Minister:** No, Mr Speaker. His question is clear: he asks can we explain why the tunnel project has been allocated to GJBS. We did no such thing: *they* did, and he had forgotten that they had done it. All we have done is continue that and allow it to continue without kicking in a different process. His Question is designed to create scandal around the idea that GJBS might have got something without tender, and then asked when the works are likely to commence. He had forgotten that it happened when *they* were in power!

2115 Mr Speaker, he accuses people who forget the slightest detail of being unfit to do the jobs for which they are appointed, and then he goes and forgets something as important as this, which is one of what he describes as the major civil engineering works for the benefit of this community, and comes to this House and asks us why the project was allocated. We could simply have turned around and said, 'Ask Sir Peter, because it was not us who allocated it.' The Question is about *allocation*, and we did not make the allocation.

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Does he want the list of the number of contracts that were awarded directly to GJBS, without going to tender, by them when they were in administration – himself in particular; or shall I just keep that for another day, when he is not accusing me of committing criminal offences?

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Hon. D A Feetham: Mr Speaker, at this stage I am not accusing the Hon. the Chief Minister of *anything*. He really is very tetchy this afternoon, and I seem to be rubbing him up the wrong way every single time I ask a Question.

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The reality is that this contract was allocated. It was allocated to a company. There was a dispute that arose for a variety of reasons, which led to litigation. The previous administration allocated to GJBS the doing of certain works in relation to the tunnel, which had been left in a certain state as a consequence of that dispute with the original contractors. It could have been open to the Government to have not continued with that decision to continue with GJBS and basically award the contract to somebody else, or to have another tender. I wanted to understand what was motivating the Government decision, and what he has just said is that the decision is based on the fact that what you want to do is to effectively complete the works as quickly as possible.

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There is no imputation at all on the Hon. Chief Minister. He really must calm down today.

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Hon. Chief Minister: Mr Speaker, I am going to give him an out, and it is going to be one which is actually one which he can perform quite quickly. He can tell it to the marines, and as they are coming next weekend he can tell them then, because *they* might believe him.

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He had simply forgotten that it was their Government that actually had given the contract to GJBS. When we were elected, GJBS were in the process of completing the tunnel project, they were estimating what it was going to cost, they were mobilising on site, and their estimate was then a very high figure, in fact. What has happened is that we have not proceeded with the project; we have told them to pause. We prequalified others, we considered what to do and we continued with the allocation that had been made by them.

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Does that mean that we have agreed with the allocation made by them? Well, yes, it does mean that we agreed with the allocation made by them. Is that man bites dog? No. He will know that I often come to the House and say that we are pursuing a course of action which was commenced by them. I have told him today that the appointments of Chief Secretary, Chief Technical Officer and Financial Secretary have been done in the way that was established by the Hon. the former Leader of the House. I have no problem in saying so.

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He had just forgotten, Mr Speaker. Why doesn't he just own up? Instead of getting up and calling me another name, saying that I am tetchy, saying that I need to calm down... All of these reactions that he tries to produce to pretend that he is calm himself and not tetchy – because what one says is what one is reflecting about oneself – just do not wash. So he needs to calm down, be less tetchy and own up; or go and tell it to the marines. They are holding a fantastic concert next weekend. I suggest he tell the whole band and see whether he finds one who will believe him.

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Hon. D A Feetham: Mr Speaker, thank you very much for the advice on going to the marines and everything else. Apart from all the other qualities that he undoubtedly has, he is also a psychologist and a psychiatrist to boot!

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But does he not accept that yes, GJBS had been contracted by the GSD Government to effectively step into the breach that had been created by the mess that we had been landed in through the breach of contract, which has now been confirmed by the courts... the tribunals in the UK, the arbitration tribunal, that it was a breach of contract by the original contractor; but it could have been open to the hon. Gentleman to just simply award the contract somewhere else, or have a tender?

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What he has done, effectively, is just simply go with a decision that we had taken originally, which had been questioned by the hon. Member when we took it originally.

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Hon. Chief Minister: Mr Speaker, I do not accept that we questioned it. As I have told him, I take nothing that he says for granted or at face value. But he has to stop digging. He has to stop digging and just accept that he forgot this.

I am not just proceeding with a decision made by the previous administration to award the contract to GJBS. I have defended in Court, and spent most of the last two and a half years since we were elected defending the decision and the *modus operandi* of the decision-taking process of the Hon. the former Chief Minister, which is what, has enabled us to succeed.

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I could have taken another attitude: I could have landed Gibraltar in it for a few million pounds, just for the sake of demonstrating that what they had done was not properly done. I did not do that. I did not even countenance it for a moment. I set out to defend the decisions of the previous Chief Minister of Gibraltar in the commercial and economic interests of this community. I took advice and I worked very hard on the

2185 issue, so I am not just agreeing with the decision to award it to GJBS: I spent many hundreds of thousands of pounds defending Sir Peter Caruana's decision to terminate the OHL contract, and in doing so have won in the High Court in London and, I am confident, will succeed in defending any appeal, and will have produced in that way the largest award of damages in favour of the Government of Gibraltar in the history of Gibraltar. That is what I have done.

2190 What the hon. Gentleman needs to do is to do a bit more research and not come here with ill-researched Questions to waste this community's time, because *this* Question clearly demonstrates that he had just plain forgotten.

I will tell him what this will do for his honesty: if he just owned up, he might actually start growing in stature; but at the moment, frankly, I think the community is very clear in what it thinks about him.

2195 **Hon. D A Feetham:** Mr Speaker, he is not the judge –

Mr Speaker: I am going to allow one last supplementary, then we are going to move on to the next Question because we have been over 50 minutes with a couple of Questions.

2200 **Hon. D A Feetham:** He is not, Mr Speaker, the judge of public opinion. Public opinion will be determined next year in the general election.

2205 But when he talks about gaffs – and I do not accept that that is so; I knew exactly what had happened post the termination of the contract in relation to the original contractor – when he talks about gaffs, well perhaps he ought to consider the gaff on GBC about people being able... should be allowed to vote at 16 because they can die for their country, when that is patently not the case and he had not done his research.

Mr Speaker: That has got nothing to do with it. It is totally irrelevant. You are now debating. You are now scoring debating points on some other issue. Please come back to earth and deal with –

2210 **Hon. D A Feetham:** My last supplementary, Mr Speaker.

Hon. Chief Minister: Mr Speaker –

Hon. D A Feetham: I am on my feet, Mr Speaker.

2215 **Hon. Chief Minister:** If I may just be –

Hon. D A Feetham: No, I am on my feet.

2220 **Hon. Chief Minister:** If I may just intervene.

Hon. D A Feetham: I have not started my question.

Hon. Chief Minister: Will you give way?

2225 **Hon. D A Feetham:** No, I will not give way, because *he* never gives way. Well look, I will give way to him, despite the fact that he never gives way to me – but I will give way to him.

2230 **Hon. Chief Minister:** Mr Speaker, I made the mistake on television when I used that example. It has become patently obvious I was wrong about that example. When you make mistakes, you admit it. But it is not what is driving my policy. Sixteen-year-olds can vote to break up the United Kingdom and to take us out of the European Union, and I think that is the more pertinent point.

But look, if you make a mistake... I am the first one who says I am not perfect. It is a pity he thinks he is.

2235 **Hon. D A Feetham:** Mr Speaker, I do not think that I am perfect; I just have not made a mistake. (*Interjections and laughter*) I was perfectly aware that GJBS had been taking over the mess of OHL, but the decision of the Government three years later to effectively award it to GJBS appears to us to be a different decision.

2240 What does – and it arises out of an answer that he has given to the last Question that I asked – what does this Question, Mr Speaker... Does the hon. Gentleman want me to give way? Because he is talking, does he want me.

Hon. Chief Minister: No, no. I am capable to do two things at once. [*Inaudible*].

2245 **Hon. D A Feetham:** How does the Hon. the Chief Minister defend Gibraltar, take a position that does not cost any money to Gibraltar, by allocating the tender to GJBS, or not allocating the tender to GJBS, or essentially saying that the tender should not have been allocated to GJBS?

2250 The reality, the substance, as I understand it, of the case in relation to the OHL case, the original contractors in relation to the Airport, was whether they were entitled to ask for more money to effectively complete the contract – whether they were entitled to walk away, presumably, from the contract. But those are extraneous to GJBS and extraneous to any of these exchanges that we are having here.

I am the first – as I have done publicly – to actually congratulate the Government for concluding the case, which no doubt we would have brought also to a conclusion had we been in Government. There is no issue between us in relation to that.

2255 **Hon. Chief Minister:** Mr Speaker, everything that we do right, they would also have done; everything we do wrong, they would never have fallen into the trap of doing. Well, that is the pleasure perhaps of being in Opposition: there is no responsibility for anything.

Mr Speaker, I just do not understand the question he has formulated now. It is just absolutely without head or tail.

2260 There has not been a tender. The tender was originally the one that created the award to OHL. At the end of the OHL tender, there is an allocation. There is only one allocation here: it is a GSD Government allocation to GJBS. Therefore, the question can the Government explain why... No, Mr Speaker, the hon. Gentlemen is saying to fill the tunnel. He is completely wrong. The GJBS allocation from the GSD Government was to *complete* the tunnel works. At one stage, when we paused the works, I gave the instruction to fill the tunnel works because of airfield security. He has got that wrong as well.

2265 The allocation by the GSD Government was to complete the tunnel works. We paused on that and prequalified others to leave open the door to ourselves to go to another European tender. We decided not to, and therefore we allowed GJBS to continue. It is that simple, but he has again demonstrated he does not know what he is talking about when he has said that the GSD's allocation of the work to GJBS was for them to *fill in* the tunnel. That is completely wrong. That came almost a year later, under my administration for airfield security purposes.

2270 Mr Speaker, he just needs to take advice for once in his life. It is about a tunnel that we are talking. Well, in this case, he needs to stop digging, and leave it to GJBS – they will do a damn better job.

Q624/2014

Ad hoc talks –

Separate voice, vote and veto for GOG representatives

2275 **Mr Speaker:** Question 624.

Clerk: Question 624, the Hon. D A Feetham.

2280 **Hon. D A Feetham:** Mr Speaker, can the Government please confirm that at any *ad hoc* talks, whether at a technical level or otherwise, representatives of the Government of Gibraltar will have a separate voice, vote and veto over any decision taken?

Clerk: Answer, the Hon. the Chief Minister.

2285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there will be a separate voice, but there will be no votes or anything to veto, as everything will be *ad referenda* to respective Governments. If anything is to require a vote, our technical people would have one; but there will not be anything to vote on. There will be no need for any veto for the same reason, but all parties will of course have one.

2290 These are technical talks, not political talks. They will be akin to the technical-level discussions under the Trilateral, where officials met to try and prepare issues for the political-level talks. The work, if it can begin, will be to try to achieve consensus on matters which are, by their very nature, technical.

As we have repeatedly stated, and as the United Kingdom itself confirmed in New York last week before the 4th Committee of the United Nations, we remain firmly committed to the Trilateral Forum for Dialogue. These *ad hoc* talks would therefore be running parallel to that political forum when re-established.

2295 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Chief Minister accept that the technical detail is often as important as the substance and that great care must be taken that no adverse concession is made on

2300 any technical detail in talks, and that therefore it is important that nothing can be agreed on technical details without the Government of Gibraltar technical team's consent? Therefore, is it the case – my understanding of the answer that he has given – that the Government's technical team will have an effective right of veto over anything that is agreed at those technical talks.?

2305 **Hon. Chief Minister:** Mr Speaker, these are not talks to which anybody is going with the power to agree anything for Gibraltar. These are *talks* – in other words, exchanges of views *ad referendum* to the Government and to the respective governments and authorities, and the respective governments and authorities will then take views as to things which *might* potentially be agreed. If one party does not want to agree them, then there will be no agreement. This is what I am trying to convey to him.

2310 Although the language of 'voice, vote and veto' is attractive – the three 'v's – it is not relevant, because we are only talking about issues that *might* result in a potential agreement. If the technicians talk about it, they are *none* of them empowered to make any concession on absolutely *anything*. They come back to the Government and the Government *might* take the view that there *might* be a potential for an agreement to be done on a particular *technical* issue, *not* a political issue.

2315 So there is absolutely no question of anybody having to fear anything being put past Gibraltar, because we will have *more* than a veto and *more* than a vote. In other words, if we do not agree to something, it does not progress, and the same is true for all the other parties that are present. So this is only – as I have told him before – a process that might be able to reach an agreement on something very technical by consensus. There is no question of *anybody* being able to do *anything* in those talks or make any concession in those talks, unless they had come back to the Government and the Government were prepared to do so.

2320 This is not a Government that has been known for wanting to make concessions. I know that I have often been criticised for that, but we are going to continue to steer the course that we steer.

Hon. D A Feetham: Well, thank you very much for that, Mr Speaker.

2325 So, effectively, no agreements are going to be reached on anything in relation to these technical talks, and therefore what we are talking about is, just by way of example, perhaps the provision of some suggested framework for some further talks, or the provision of a framework about matters on which further talks are going to take place. Ultimately, it is the decision of the political governments as to whether something is done in that particular way, or if something is going to be discussed; but there are going to be no agreements on anything in relation to those technical talks.

2330 **Hon. Chief Minister:** I really cannot decipher what he has said, Mr Speaker. I prefer the way that I have expressed it and I will lie on that explanation. It is in *Hansard* and the hon. Gentleman can refer to it again, if he wishes.

2335 I think I have been extraordinarily clear in setting out that there is no opportunity for anybody who is going to attend such talks, *if* they occur, to make any concession, because the people who attend will not be empowered to make concessions. All they will be able to do is to understand technical issues put to them and refer those issues back to the Government, so that if it is possible at a technical level to agree something – and we are talking about *very* very technical level – then it may be possible to agree them if it does not involve any concession by any party.

2340 We are not in the business of making any concessions; we are not in the business of giving anybody else vetoes over us. We are in the business of saying, 'Let us re-establish contact, let us do it at a technical level, let us do it so that if there are things that can be in some way unblocked... let us understand the technical issues as the other side see them, let the technicians then bring that back to the Government,' and the Government will be able to make political determinations of those technical issues as appropriate.

2345 **Hon. D A Feetham:** Mr Speaker, who sets the agenda for the technical talks? Does the Chief Minister envisage that, effectively, on the Gibraltar side, there will be a number of issues the Gibraltar side will want to discuss, and then on the Spanish side there might be further issues, and then it is for the technicians to talk about the technicalities of those talks and then refer it back to the political Government? Is that how it is going to work? I would presume that there would be some kind of agreed agenda from the Governments, before we have these particular talks, as to the areas on which the technical people will be talking about.

2350 **Hon. Chief Minister:** Mr Speaker, those issues will have to be agreed between the three Governments, again by consensus. The issues that the technicians will be able to consider will be those that by consensus, and therefore each of us with a veto, the three parties might be able to agree.

2355 **Hon. D A Feetham:** And are there any particular areas that the Hon. the Chief Minister... and perhaps he might not want to discuss this across the floor, but if I ask him in private for a briefing in relation to what

areas are the ones that, from the Gibraltar side, they would wish to effectively bring to the table of these technical talks, will he provide me with that information?

2360 Are we essentially talking about this, and it all boils down to this: we are talking about very low-level talks in order to attempt to build bridges that might lead to further more substantive talks in the future, and that is really in essence what we are talking about?

2365 **Hon. Chief Minister:** Mr Speaker, I have given the description that I have given on what the talks are for and about, and I have said before in the United Nations that I hope that they will serve as a catalyst to restart dialogue, so I am grateful that the indication is that the Hon. the Leader of the Opposition has actually read my speech. He might even have watched it live, as GBC were able to organise that for the first time – something for which I am sure the community is grateful.

2370 Mr Speaker, if he can bear to be in the presence of somebody who he has said is a suspected criminal for long enough for me to give him the information, I am quite happy to do so.

Hon. D A Feetham: Mr Speaker, he keeps on saying that I have said that he is a suspected criminal. I have not said anything of the sort, but of course he knows the point that I am making about the report and he can act openly and transparently by directing the Chief Secretary to disclose that report.

2375 So therefore, if my secretary phones No. 6 Convent Place to arrange for an appropriate time at which I can be briefed by the Hon. the Chief Minister in relation to the areas that the Government want to bring to the table in relation to these technical talks, that he is prepared to sit down with me in order to provide me with a briefing in relation to these technical talks?

2380 **Hon. Chief Minister:** Mr Speaker, again he has been very clear in suggesting that it is for Chief Ministers to direct Chief Secretaries, so I think now it is becoming increasingly transparent that that is the sort of Chief Minister he would be: he would be constantly directing the Chief Secretary to do things. Bang would go, once again, the independence of the Civil Service, should he ever be elected. Well, at least he is being honest about *that* issue.

2385 Mr Speaker, if the marvellous Liana – whom I remember well from the time that I used to be active in practice at Hassans – were to call my office, she will of course be treated with the utmost of courtesy; and if what she asks for is an appointment for the hon. Gentleman, then there will be one provided.

2390 I have been the Chief Minister who I think has shared across the floor of the House, but sometimes *in camera*, the most information. He knows that I have proposed the establishment of the Chief Minister's Consultative Council, which is going to soon produce the legislation for this House to consider, and ahead of that, on Privy Council terms, I am prepared to brief him, as I have before, on these issues.

But he just seems to want to make noise and be heard to utter the words '*ad hoc*' and to give us *his* wisdom on the subject. I guess that is why he put a Question and did not simply call me already, before putting the Question, to ask me exactly the same things *in camera* on the basis that he has now.

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q507/2014

Care Agency – Posts filled in an acting capacity

2395 **Clerk:** We now go to Question 507. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what posts in the Care Agency are being currently filled in an acting capacity and since when that has been so?

2400 **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 Questions 508 to 511.

Q508/2014
Care Agency –
Employment contracts of less than one year

2405 **Clerk:** Question 508, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state how many employees working in positions within the Care Agency 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 within the Care Agency if he or she has entered into more than one contract?

Q509/2014
Care Agency –
Employment by a third party

Clerk: Question 509, the Hon. D A Feetham.

2415 **Hon. D A Feetham:** Can the Government please state how many employees working in positions within the Care Agency 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 within the Care Agency?

Q510/2014
Care Agency –
Stress-related sick leave

Clerk: Question 510, the Hon. D A Feetham.

2420 **Hon. D A Feetham:** Can the Government state how many employees of the Care Agency are currently on sick leave for anxiety and stress-related conditions, together with a breakdown of how long those individuals have been on sick leave?

Q511/2014
Care Agency –
Suspensions from employment

Clerk: Question 511, the Hon. D A Feetham.

2425 **Hon. D A Feetham:** Can the Government state how many people are currently suspended from employment in the Care Agency, identifying each department and the date each person was suspended?

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

2430 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, on Question 507, the posts within the Care Agency currently being filled on an acting capacity are as follows: Senior Care Worker, since June 2011; Nursing Co-ordinator, since June 2012; Deputy Nursing Co-ordinator, since June 2012; Team Leader, July 2012; Senior Care Worker, July 2012; Unit Manager, October 2012; Manager, 2012; Senior Care Worker, February 2013; Team Leader, August 2013; Senior Care Worker, August 2013; Team Leader, October 2013; Senior Care Worker, February 2014; Manager, May 2014.

2435 In relation to Question 508, the Care Agency employees working on contracts of less than a year are 92. Of these, 39 are British Gibraltarian and 53 are others. In relation to the length of the current contract, there are 90 of 11 months, one of six months, and one of one month. The total length of time that that individual
2440 has been placed in a position within the Care Agency, if he or she entered into one or more contracts, are as

follows: under one year, 2; between one and two years, 31; between two and three years, 7; between three and four years, 13.

2445 For Question 509, 33 Care Agency positions are currently being filled by employees of a third party. This comprises 10 care workers, eight nursing assistants, one handyman/driver, seven nurses and seven admin. They are not employees of the Care Agency, and as such there is no contract between the Care Agency and these individuals. The Care Agency engages a third party to provide cover for a post, and it may be that that post is covered by different individuals.

2450 For Question 510, the figure is so low, Mr Speaker, that to disclose more specific details of those with this particular illness would make these individuals easily identifiable. A person's medical information is confidential, and as such I am not prepared to make public statements on the medical condition of Care Agency employees.

For Question 511, there are currently four people suspended within Social Services, with the following suspension dates: one since May 2014, one since August 2014, and two since September 2014.

2455 **Hon. D A Feetham:** Mr Speaker, may the hon. Lady assist me with the number for Question 509, which I did not quite pick up from her answer?

Hon. Miss S J Sacramento: Mr Speaker, the number is 33.

2460 **Hon. D A Feetham:** Mr Speaker, does the answer to Question 508 and also 509 include people that are working within Mount Alvernia, the Jewish Home and the John Mackintosh Wing of the Hospital?

Hon. Miss S J Sacramento: Mr Speaker, the Question relates to Care Agency posts and the answer that I have given is in relation to Care Agency posts as they are provided for in the Estimates Book. So, if...

2465 Yes, Mount Alvernia, you said, and John Mackintosh Wing in relation to the Jewish Home, which is relocated to John Mackintosh Wing – and what was the third one that you said, sorry? (*Interjections*) The Jewish Home has been relocated to John Mackintosh Wing while it undergoes refurbishment, and Mount Alvernia, because these are Care Agency posts because they appear in the Care Agency section of the Estimates Book.

2470 **Hon. D A Feetham:** Mr Speaker, that includes also Question 509, which is the Question relating to the recruitment consultants. The 33 people you are taking into account in answer to Question 509, people on short-term contracts via a recruitment consultant... that answer also takes into account the people working in Mount Alvernia, the Jewish Home and also the John Mackintosh Wing of the Hospital.

2475 **Hon. Miss S J Sacramento:** Mr Speaker, my response initially was actually in relation to Question 509, because if you recall my answer, it very clearly says 33 Care Agency positions. A position of the Care Agency is that as reflected in the complement in the Estimates Book, and as I said, there is no distinction. The Jewish Home does not exist at present in its current location; it has been transferred to the John Mackintosh Wing.

2485 **Hon. D A Feetham:** Just so that I am absolutely clear... It is not my area of responsibility – it is the hon. Lady, Isobel Ellul-Hammond – although obviously I have an understanding of it, having been in Government, but not to the detail that some others may have had. But, Mr Speaker, when we talk about the Care Agency, is there anybody else who might be employed – and I will ask the question later on; I will give notice some other time – who might come within Questions 508 and 509, who may be within her responsibility overall for her Departments and who is not, strictly speaking, Care Agency but maybe somebody else, so that this answer may not be complete because it has not been asked in the comprehensive way that it might be asked? Or is, effectively, the answer, as far as employees for whom she is responsible, a comprehensive answer in relation to those employees?

Hon. Miss S J Sacramento: I do not know, Mr Speaker. I find the Questions very clear and I think that the answers are very clear.

2495 In respect of Question 508, it is in relation to people who are employed by the Care Agency; so people on Care Agency contracts are people in Care Agency posts employed by the Care Agency, and those are the figures relating to those people. And for Question 509, it relates to Care Agency posts. That is the Question that is asked and that is the answer that has been provided.

I think that my answers have been very clear.

2500 **Hon. D A Feetham:** Mr Speaker, we have 33 individuals who have been effectively placed within the Care Agency, wherever it is within the Care Agency, via a recruitment consultant, and there has been quite

a lot of discontent amongst individuals who find themselves in that situation. Because of course what we are being told is that effectively what happens here is that the Government, or the Care Agency in this case, is paying the recruitment consultant £x amount and the recruitment consultant is then paying the employee the minimum wage – or something just above the minimum wage, but is making a substantial profit in relation to those employees – and that there are people who are working in these areas on very low wages and with little security of tenure. It is effectively a way in which no doubt one can keep people in employment and keep the unemployment figures down, but it is highly artificial because it really provides no long-term security for those employees.

I wonder what the hon. Lady has to say about that and what comfort the hon. Lady can provide to those individuals who obviously feel that they are being exploited in some way in being placed in this particular way.

Hon. Miss S J Sacramento: Mr Speaker, I am not sure that I understand... Well, I understand where the hon. Gentleman is trying to get, but unfortunately he is not going to get there, because the regime that we have with third-party recruitment agencies who supply labour to cover posts for the Care Agency temporarily is no different to the engagement of people by subcontractors which the Care Agency used in the past – for example, to provide domiciliary care. In fact, it is actually better, because we have negotiated the hourly rate which we pay to the subcontractors and it has been reduced significantly; so if the profit margin is what concerns him, then I can reassure him that it has actually gone down, and thankfully the minimum wage has been increased in the last three Budgets, so people's salary automatically has been increased in line with that – and we make sure of that, Mr Speaker.

So, if he is now concerned with that, then it is a shame that the Care Agency was not concerned with that when the same regime applied for domiciliary care which these Care Agency subcontracts in the same way.

Hon. D A Feetham: Mr Speaker, my concern actually is that, whilst there has always been an element of recruitment from recruitment consultants in the past, the present administration is really taking this much further than was the case when we were in Government, and there unfortunately is a situation where people are being effectively employed on short-term contracts, on very low wages with minimum job security. What it does is effectively keep people from the unemployment list, but it also allows the Government to have people employed within the public sector without increasing the complement within the public sector.

Can the hon. Lady at least confirm that none of these 33 are effectively occupying a vacancy, a post that is vacant, and what they are really doing is – which appears to be the answer she gave me – is filling in for somebody else or filling in on a temporary basis, rather than filling a job on a long-term basis, which would be quite unfair, quite inequitable, to have people on one-month contracts, basically renewed and renewed and renewed.

Some of them have been there for quite a number of months already and obviously feel very aggrieved about the situation – that they are being forced to sign one-month contracts and being kept, effectively, in post without that post being advertised.

Hon. Miss S J Sacramento: No, Mr Speaker. He seems to misunderstand. First of all, we do not use... When I refer to these third parties, they are not recruitment agencies; they are employers themselves, and the people who are deployed to the Care Agency are employees in their own right. It is just that they are not employees of the Care Agency; they are employees of the third-party provider.

What the Care Agency does is, in the event that we need short-term cover, we recruit from employees from these third-party providers, as opposed to having a bank. So, for example, if we were to have a sickness... say a short-term sickness or a long-term sickness, or a maternity-leave cover – a post for which we need cover – then we get it from this bank, as opposed to issuing someone with a short-term contract from the Care Agency. This is how these Care Agency posts are being covered.

To say that these people have short-term contracts is disingenuous, or to imply that the Government is somehow providing these people with lack of security is very misleading, Mr Speaker, because the Care Agency can use one of the agencies that it uses to place employees within the Care Agency, who one day can cover a sickness absence in Mount Alvernia and when the person returns from sick leave, then that employee, who is the employee of the third party, can then be deployed elsewhere – say, for example, in the community to provide domiciliary care. So it is completely misleading, Mr Speaker.

Hon. D A Feetham: Mr Speaker, I will just read you, so that the hon. Lady understands – and this is not something that I am again inventing – that there are serious concerns in relation to some of these 33. I will just read her something that was sent to me. It is a communication that was sent to me by somebody who is in this situation, and it says this:

‘Many other employees and I have a huge grievance. I am working in a particular area...’ –

– I am not going to tell you where –

‘at the Care Agency. I am contacting you because in order to apply to the Care Agency you have to go through a recruitment agency, S&K Recruitment. They only give one-month contracts, which are renewed or not on a monthly basis. Most are also on a minimum wage, when the Care Agency pays S&K at a heightened rate. We have no employee rights and no job security, even though we work in the Care Agency.’

And it goes on.

That is the concern that has been expressed to me, not only in a communication that I received yesterday, but indeed before that I had seen a number of people who came to see me, expressing the grievance of this use of a recruitment agency being abused.

2565 I want to explore with the hon. Lady what Government policy is in relation to this. At least will the hon. Lady look at this and ensure that people’s positions are not abused and this does not become habitual – that you have people on one-month contracts renewed and renewed and renewed, working in these positions, so that effectively what you have is a source of cheap labour with absolutely no job security at all?

2570 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately, the hon. Gentleman still does not appear to understand. These people are not employees of the Care Agency and the contracts are not issued by the Care Agency.

Hon. D A Feetham: I understand that.

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Hon. Miss S J Sacramento: Then he will understand that the contracts are issued by the third-party provider that we use to refer a workforce to the Care Agency to cover short-term posts, Mr Speaker.

2580 **Hon. D A Feetham:** Mr Speaker, surely the hon. Lady cannot absolve herself of any responsibility, simply because she says, ‘These are not employees of us; they are employees of S&K or any other recruitment consultants, who then effectively subcontract the labour, place the labour within the Care Agency,’ – because she is the main employer. All it is is a chain. The Care Agency asks the recruitment consultant, ‘Do you have people?’ and the recruitment consultant places.

2585 If this is being abused, what she cannot do, in my respectful view, is, effectively, to just simply wash her hands by saying it is S&K’s problem, it is not the Government. They are working within the Care Agency and the Government is paying S&K for those services, and S&K, or anybody else for that matter – I do not want to focus on S&K; it is just the example that was provided – are then placing those people with the Care Agency.

2590 **Hon. Miss S J Sacramento:** Mr Speaker, I do not know how to explain this, because it appears that the hon. Member continues to miss the point.

2595 These are not posts that are being filled by Agency employees on an indefinite basis; these are posts that are being filled on a temporary basis. Because it is on a short-term basis that we require cover, then it is a matter for the employer, the third party, to issue whatever contracts the employer deems fit for those employees.

2600 Mr Speaker, for these posts it is only because we require people to cover for a short period of time. It may be that that employer may, when... If say, for example, someone is covering a maternity leave and the Care Agency member of staff returns, then the Care Agency would no longer require the temp cover. Then that temp may be sent by that employer to another organisation. This is what it is, Mr Speaker. These are temps. It is not people who are employed by the Care Agency and it is not the Care Agency that is abusing or undermining anybody. On the contrary, it is people who now have the opportunity to have employment.

Hon. D A Feetham: Mr Speaker, does she not recognise that actually it is she who is missing the point in relation to this?

2605 The posts that are being filled, temporary or otherwise, temporary maternity... Let’s focus on maternity because it is an example that people will understand. It is a Care Agency position that is vacant because somebody is on maternity leave. The Government, the Care Agency in this particular case, then goes to a recruitment consultant and says, ‘Do you have somebody to fill this particular post?’ and the recruitment consultant then places someone in that particular post.

2610 But surely it must be a matter of concern to the hon. Lady and to the Care Agency if effectively what is happening is that there is a huge disparity between (1) what the Government is paying that recruitment consultant and (2) what the recruitment consultant is paying the worker who is going to be placed; and also that any disparity that there may be between what the Government would actually pay for somebody to do

2615 that particular job, had the Government been recruiting that person on a temporary basis directly, and what that person is being paid, unfortunately, via the recruitment consultant.

Those are concerns that have been expressed to me, and all I want is an answer that at least indicates and allows me to go back to those people who have expressed these concerns and say to them, 'Yes, the Government is now aware of this, the Government is looking into it, and if there is an abuse of this,' – you are clearly of the view there is abuse – 'it will be dealt with.' That is all.

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Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, given the concern the hon. Member has, I assume that, as appears to be the case in other areas, as with tunnels, he is not aware of things that were going on when he was in Government. Otherwise, he would have known that the disparity when he was in Government was that the workers were getting £5.40 –

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five pounds forty – and the Care Agency was being charged £14.30.

I can assure the hon. Member that that disparity has now been cut in half, and that now, of course, instead of £5.40, they are on £6.50, and that in fact the use of relief cover was an invention of the previous Government, which was predominantly being used in the Health Authority, where it got to the stage that so many jobs were being covered under the label of 'relief cover' that it got to £2½ million a year. The then

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Chief Minister realised that the workforce of the Health Authority was being expanded under his nose, without his knowing it, under the cover of the relief cover, to the extent that he took it away from them three or four Budgets ago and decided he would control it directly – not in order to improve the role of the workers, but in order to stop the system being used to not simply replace existing people in the complement but to have a much larger complement.

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The only innovation that has taken place is because in principle the concept of the relief cover existed in some places and not in others. In the places where it did not exist there was another kind of grievance, which was that if people were working in a place and somebody was on maternity leave and somebody was sick and somebody was absent, the people left behind were not given any support and therefore they had to cope with the workload irrespective of how shorthanded they were. So the expansion that there has been –

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and there has been expansion – has been, in effect, to create, as the hon. Member will know, a token vote in every single head of expenditure of £1,000 where the head of department feels that the workload in a particular area cannot be simply handled. Because if somebody misses one day and is on USL then there is no need to bring somebody in, but if it is going to be longer and the people there feel that the service will suffer or the people will be having difficulty in coping, then it is at the discretion of the management as to

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how many people they bring in. The entity that has been mentioned as an example is the entity that was there, already doing it, in 2011. It is not a new entity. There are three or four companies that have been supplying Government with this, but this one has been the one that has been used mostly in the past and is being used mostly now. The differential, if anything, is less than it used to be, and the reason for doing it was that there was a logic to the introduction of that many years ago. We have accepted the logic of the previous Government and made it apply to all heads of department in all the votes, instead of in just one or two. That has been the change.

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Hon. D A Feetham: Mr Speaker, I am afraid that in blaming the previous Government for the current state of affairs he forgot one fact that he normally throws in my direction, and that is Luis Montiel. I did not

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hear him mention Luis Montiel in the answer that he has given me, and I want to congratulate the Hon. the Father of the House for not mentioning and for resisting the temptation of mentioning the former Minister for Employment.

I am interested in alleviating the concerns of these individuals. Therefore, what I do then is go back to these individuals and say that the Government does not believe that there is a proper grievance that they may have in relation to the current state of affairs. That is what his long answer really amounts to.

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Hon. J J Bossano: Mr Speaker, I have not mentioned Luis Montiel because it was not his idea, as far as I can tell; but I hope before the day is over we will have an opportunity of mentioning Luis Montiel!

(Laughter)

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On this occasion, I do not know why he needs to be the intermediary here, to go between us and the people concerned.

It is not something new. It is something that has been going on for a very long time. To the extent that there is more of it, there is more of it because it is an opportunity that is being given, which in the context in which I have explained it is that in the places where it did not exist before it was not that they were being employed on better conditions, it is that they were not being employed at all. That is to say the people who did not have relief cover did not employ anybody. So, if you take the relief cover away, it does not mean that most people will be able to get a job; it means they will *not* have a job. That was the case before, and that is the difference between before.

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2675 Before, predominantly most of the relief cover, which as I have said ran to over £2 million, was in the Health Authority and got very big there, and therefore it really... When we came in, there was still some of that left there and there were people who had been there permanently for years, but the Department had never got the political or the Treasury support to increase the complement. So, in effect, if the complement said there were x posts, there were x posts on paper, in the estimates that we were voting in this House, and then there were perhaps another 10% over the x which were being shown as relief cover, when in fact they

2680 were not relieving anybody – they were actually jobs being occupied by supply workers under the previous administration: a decision taken by the management in order to get past the filter of the limit that they could spend on personal emoluments and the limit they had on money.

2685 That was happening then, but of course the people who were there understood that in fact if the Department had been working to the complement that had been voted, it was not that they would have been able to get a job, because a job did not exist. So the reality of it is that if tomorrow there is a reason for increasing the number of jobs, then when those jobs come out, the people who have been doing relief cover will probably have a better opportunity, because they will have some experience and that may stand them in good stead. But at the end of the day, if the relief cover is stopped it just means that they will be without work. It may not be an ideal job, but certainly it is a job that, as far as I am concerned, is better than being

2690 on the dole and on my list with me trying to find them work.

Mr Speaker: I think we have dealt with this question of the recruitment consultants at very, very great length and we are going to move on to the next Question.

Q512/2014
Question unallocated

Clerk: Question 512 is unallocated.

Q513/2014
Dr Giraldi Home –
Tribunal of inquiry into allegations of abuse –
Publication of report

2695 **Clerk:** We move now to Question 513, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please confirm whether the report from the tribunal of inquiry into the allegations of abuse at the Dr Giraldi Home will be made public?

2700 **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): Yes, Mr Speaker.

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q545/2014
Department of Employment –
Requests for vacancies

2705 **Clerk:** We now move to the Questions to be answered by the Minister for Enterprise, Training, Employment, Health and Safety.

We start at Question 545. The Hon. D J Bossino. (*Interjections*)

Hon. D J Bossino: Yes, asking Questions of the Hon. the Minister for Employment, I will try to be as short and crisp as possible in my Questions –

2710

Mr Speaker: And I will enjoin upon the Hon. Minister to also make his answers as short as possible in the interests of good procedure. (*Laughter and interjection*)

Hon. D J Bossino: Mr Speaker, I am sure he will.

2715 It was Question 545. (**A Member:** Yes.)

Can the Minister for Employment confirm that requests for vacancies are not being rejected by his Department on the basis that the person who is requesting them is already in employment?

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

2720

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Yes.

Is that short and crisp enough?

Mr Speaker: Yes. You have omitted, Mr Speaker. (*Laughter*)

2725

Hon. D J Bossino: Just a short supplementary. The reason why I raise this and I know that is his position. I asked it in a different way, some time ago, as to whether it was Government policy. He said no, and in fact he referred me to statistics which showed that people in employment were getting employment.

2730 The reason why I raise this is that I would ask the Hon. the Minister to check with his members of staff, because the information I am getting continues to be – and that is why I asked the Question in the first place – that people are attending, currently in employment, and saying, ‘Look, I want to see if there is anything else available to me.’ I am sure, because of the answers he has given me in the past, that he would be surprised if members of staff in his Department were telling him, ‘No, you are in employment, I will not show you the vacancies.’ But I need to tell him across the floor of the House that that is the information. It may be erroneous, but I trust that the information that is reaching me is correct and is what continues to happen.

2735

Maybe it is an administrative issue which needs to be dealt with; but, rephrasing the Question, could I ask the Hon. the Minister to perhaps check the position that his policy is actually being carried out on the ground?

2740

Hon. J J Bossano: I think the issue is that what the Department will not do is send people who are employed to vacancies as a submission of the Department, because that is not done by any unemployment service anywhere in the world. Otherwise, it would mean there are 20,000 people working in Gibraltar, and if a vacancy comes out it is not just the four or five hundred people without work that we would send to those vacancies, but the whole of the 20,000.

2745

The rate of jobs taken up by people from the unemployment list is still under 20%. At one stage it was as low as 10%. I have not been able to even double it to 20%. So it is still the case that for 80% of the vacancies that reach us, we send people, somebody is selected, but not the person we have submitted, and that is in eight out of every 10 jobs. So I do not see how people can claim that they are being deprived of the 20% that the unemployed get.

2750

But it is certainly true that the people who can go there, see the vacancy, find out about it and do it under their own steam generally have a better chance. The reality of it is that when an employer is looking at applicants who are already working, they tend to see them as prospective better candidates than somebody who says, ‘I haven’t worked for the last five years.’ So a person who has been unemployed a long time starts at a disadvantage.

2755

Clearly, the people in the Employment Service try to persuade the employer to take on the unemployed, because that is what we have got the Unemployment Service for, but they do not do it by discriminating against the others. It is just that they will not send somebody who is working to vacancies. The information on the vacancy is available – and I will go back and check again, but I am told that when people say, ‘Well, look, I want to be sent by the Employment Service,’ the answer is, ‘No, we cannot send you.’

2760

Q546/2014

Employment and Training Board – Management structure

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

Hon. D J Bossino: Can the Minister for Employment provide details of the management structure of the ETB, to include details of the roles of each of the senior positions within the ETB?

2765 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):
Mr Speaker, I will answer this Question together with Questions 547 and 556.

2770

Q547/2014
Labour inspectors –
Details

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

2775 **Hon. D J Bossino:** Can the Minister for Employment provide the names of the current labour inspectors, together with details of their positions within the Civil Service, GDC or wholly owned Government company they are employed by, as the case may be?

Q556/2014
Joanna Hernandez –
Details of post occupied and responsibilities

Clerk: Question 556, the Hon. D A Feetham.

2780 **Hon. D A Feetham:** Mr Speaker, can the Government please state what post within the public service does Ms Joanna Hernandez occupy and what are her responsibilities?

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

2785 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):**
Mr Speaker, the structure of the management of the Ministry for Enterprise, Training, Employment and Health & Safety is as shown in the approved Estimates of Expenditure. The roles of the persons employed are in accordance with the duties of their grade, or that of a lower grade, depending on the workload and the availability of staff at any given time.

2790 The staff in the Department are moved around so that they are able to cover each other's role as and when required. Those currently employed in the Department, I am happy to say, accept this degree of flexibility in their roles – so as to maximise the support they give to their client base, which consists of the registered unemployed, and the assistance they provide to employers who recruit through the Employment Service – as far as the employment function of the Department is concerned.

2795 The civil servant named by the Leader of the Opposition occupies a management post within the structure of the Department as Head of the Investment Unit, and her responsibilities consist of the supervision of the staff of the unit and providing support to the business activities and other duties that she and her staff may be asked to perform in the context of the flexibility that exists in the Department.

2800 The labour inspectors comprise one HEO; two GDC Grade IVs, which are HEO equivalents; and one GDC Grade III, which is an EO equivalent.

2805 **Hon. D J Bossino:** Mr Speaker, in relation to that last answer to Question 547, is he able to confirm that... remember the graduates which he had gazetted as labour inspectors... whether those roles have been terminated now, so that in other words the labour inspectors now, in effect, comprise and are formed of public servants, the ones he has just referred to?

Hon. J J Bossano: That is correct, Mr Speaker.

Hon. D J Bossino: Thanks for that.

2810 Moving on, in relation to Question 546, when I was talking about the management structure, yes, he is absolutely right that the lists of SOs and SEOs etc are set out in head 24 of the Estimates of Expenditure. What I was trying to find out, in terms of... He has mentioned that people move around in this Department and they are happy with it. The Question really relates to the top echelon, the management structures. In other words, what I was interested to know... I know the Hon. the Minister for Tourism provided me with a very full and detailed – even with names – structure, or chart, of those who are employed in his

2815 Department. It was very useful to see, literally, in a chart, where they were and what their roles are. That is
something that I would... Although he will refuse to provide me with names – we have had this point raised
in the House before – is he able to at least provide me with something similar in relation to this
2820 Department? For example, obviously, I could see at the top of the charts the Director of Employment, but
then under him there would be the relevant whatever it is – HEOs and SEOs – and what it is that they do. If
that is possible?

Hon. J J Bossano: We do not have that kind of authoritarian structure.

A Member: That is the answer!

2825 **Hon. D J Bossino:** Oh, I see, so it is completely flexible. So the relevant SEO may be in charge, for
example, of the Labour Inspectorate one day, and then another day of the Health and Safety issues, and
another day inward investments. Is it as flexible as that, and not as authoritarian as the Hon. the Minister for
Tourism, according to how Mr Bossano has just suggested he runs his Department?

2830 **Hon. J J Bossano:** No, Mr Speaker, I did not suggest that he was running it in an authoritarian... I said
the structure was, and I am saying that...

He has quoted the wrong examples, clearly, because labour inspectors are appointed by the director and
gazetted, and therefore they cannot be substituted; but they can be used for things that are not labour
2835 inspector work, and they are. The Health and Safety Inspectors are people with the necessary training and
qualification to do the health inspector work, but they are not allowed not to be doing work if there is no
health inspector work to do.

So the answer is that the philosophy of those who work with me, which is shared by all of us, is that we
are all equals and therefore we all muck in and do the work that needs to be done. If Dr Coram is doing
2840 some work with the School of Nursing, which also comes under him, and is not available, then somebody
else will be doing what he does, and if there is a need to be doing something in another Department... We
work on the basis that, although where people are fitted is where the Estimates say they are, they are all
interchangeable.

It does not mean that if you are in one area you cannot do anything unless you have got a specialist
2845 knowledge in a specialist area. For example, the people who do the EU programmes cannot be replaced
because they are the only ones who understand exactly what the methodology is of meeting the criteria that
the EU requires so that we get the money that we get for funding support for the business community and
so on throughout the year. So that is more of an isolated unit, but when they need help and they are short of
staff we draft people in from other places.

2850 **Hon. D A Feetham:** Mr Speaker, what does the Investment Unit that he has mentioned actually do?

Hon. J J Bossano: Well, it does more than it did before, when he was in Government! (*Laughter*) That
is something also I inherited – so, I did not invent it! (*Laughter*)

2855 I think what it used to do was simply give out very well produced and colourful leaflets. Now, because
it has been moved from where it was – which was down in Europort – to the Employment Service, in effect
it is an important element of the integrated approach where, when we are talking to people who may come
for advice on, for example, EU support for opening a new business or for expanding an existing business,
one of the things that they have to do in order to meet the criteria for EU funding is identify how many jobs
2860 are going to be created and the cost of each of those jobs.

Because we have got Investment, Training and Employment, the philosophy is that when we talk to
investors, whether they are internal or external, we talk to them about the level of the investment, we talk
about the help we can give them, we talk to them about the possibility that the unit in our Department will
be able to get EU funding, and then we talk to them about their labour requirements and the skills that they
2865 may need and the extent to which we are prepared to supply trainees for an agreed period of time in order to
get them to take labour from the unemployment list, as opposed to bringing people in.

So the Investment Unit is an integral part of that concept. They are the first people the business people
come to. The bulk of the business people are local people who are looking at ways of expanding their
business, but when we have people coming from outside it also goes there, and then from there it is
2870 expanded into making them aware of what is available in terms of support both for capital funding and for
training purposes.

2875

Hon. D A Feetham: Yes, Mr Speaker, an important role within the Government.

What training was provided to the manager of this particular important unit, to ensure that the person concerned obviously met the requirements to properly manage such an important unit within the Government?

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Hon. J J Bossano: To my knowledge, no more training than was supplied in the 15 years previous to the person who was doing it before.

This has always been considered just to be a job in the structure of the Civil Service at that level and at that grade. There is nothing magical about it. It is not that you need to have huge training or huge knowledge to sit down with an employer and find out how many people he thinks he is going to need. The information comes from the employer, not from the person providing the service.

2885

At the end of the day, the unit – which is a small unit, it only consists of four people, but what the unit does effectively is meet the requirements of the employer and put them in touch with the people they need to be in touch with. Rather than give them pamphlets, the unit actually contacts different Departments on their behalf in order to assist them. But the primary reason for being where it is is so that we are at the beginning of that process and with the best opportunity of getting jobs for some of the people we have got on our lists.

2890

So, really, the fundamental thing is that by giving a service to people who want to invest money in terms of people who come here, for example, to do a hotel... They first came to this unit, we looked at what they wanted to do, we helped them with the thing they wanted to do with the planning. That kind of assistance means that at the end of the day they know that when the crunch comes and the hotel is going to start then we expect that that relationship will be reflected in them accepting... what is not an obligation, because I have already told the hon. Member sitting next to him that we lose 80% of the vacancies, but where we have got that kind of relationship, we hope to be able to do better and get the first bite of the cherry to try and get some of our people in.

2895

If we have sufficient advanced notice of potential training needs, what we do now is we have developed, in terms of the relationship between that side and the employment side, a concept that every worker, every person who becomes unemployed and registered, gets an appointment within 24 hours. So everybody who registers today will already have an appointment for tomorrow with somebody who will give them an interview, help them with their CV and explain to them, 'Look, these are the vacancies we have got at the moment and these are the training possibilities that exist as a result of what we know is in the pipeline in terms of potential jobs.'

2900

In spite of that, we still, as I said, have not been able to increase... We have gone from about 10% or 11% to something like 17% or 18% of the jobs being filled from the unemployment list, but it is still not all that high.

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2910

Hon. D A Feetham: Mr Speaker, no, I understand that on the recruitment of employees and ensuring that people from the unemployment list are effectively taken on as part of, for example, any deal that the Government wishes to agree with an incoming investor, 'We will scratch your back,' effectively, 'but you have got to make sure that you employ our people.' I understand that has always, to a lesser or greater extent, happened. We can debate about whether it is lesser or greater now, but what concerns me is that this is a unit that has a very wide remit, from the explanation that he has provided, including ensuring that anybody who comes to Gibraltar is properly appraised of the planning laws, of the opportunities that Gibraltar offers on a very, very wide variety of fronts. That presumably was why this particular unit was traditionally with the DTI at Europort before he moved it to his Department.

2915

Therefore, does he not agree that the people running the unit... it is not as simple as just picking a civil servant from a particular Department and placing that civil servant there. That person must either have a level of background knowledge of all these requirements, or alternatively that person needs training, and that is the reason why... what kind of training? But it appears from the answer that effectively this individual running this particular unit has received no training at all – it is just she has been placed there.

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Hon. J J Bossano: Neither that individual, nor the rest of the people in the unit, nor the people who have been there before, nor the people who were there before 2011... From my knowledge, the only difference, basically, in terms of what is being provided is that instead of giving leaflets, which is what I inherited when I inherited the unit... although the people who are doing it there are all doing work elsewhere in the Civil Service and the people who are doing the job now are people who have been recruited, but then they move in and out, on promotions and stuff like that.

2930

The work is administrative work, because it does not mean that we explain to them the Income Tax Act or the high net worth individual... What we do in the unit is, instead of having somebody running around from pillar to post, trying to find things out, we actually do the donkey work for them and we put them in touch with the right people in the right places, and that is an essential part of the function.

2935

2940 The bulk of the function is then with the training and the provision of labour. This is why it is really an ancillary thing to help us be more effective in increasing employment from our perspective. The people who want to invest already know what they want. They just need to be guided, so that they do not waste time going to the wrong place for the wrong information, and that guidance is provided because that feedback of information comes into the unit from the rest of the machinery of the Government.

2945 **Hon. D A Feetham:** Mr Speaker, do any of the individuals in this unit, or does the unit itself also deal with the question of who gets a contract in the construction industry, really mainly because we are talking about small construction contracts, allocated by direct allocation – I am not talking about those that go out to tender; by direct allocation – and then also ensure that those companies that are awarded these contracts on direct allocation also take on board a sufficient number of either unemployed or alternatively trainees from the Future Job Strategy? Is that dealt with by any of these individuals too?

2950 **Hon. J J Bossano:** All the contracts that we handle on the construction side are on the housing stock, and therefore that is work that is transferred to us and goes through the offices in Town Range, where I have got the people who have been relocated from the Housing Work Agency. As I have explained in the past when I have been asked questions about them, they are people who are doing the same kind of work they were doing before. They are people who are either craftsmen themselves, or former craftsmen, in technical grades. What they do, effectively, is... there is a pool of construction companies that are all on the approved contractor list, and we get three quotes from each, and then the quote is... If there is a big discrepancy in prices, normally the lowest quote gets the job; if the prices are all very close to each other, normally the work is given to the person who has got least work, so as to ensure that they do not have to lay people off and that there is continuity of work. That is not the [Inaudible] no.

Q548/2014
Trainee employees –
Details of placements

2960 **Clerk:** Question 548, the Hon. D J Bossino.

2965 **Hon. D J Bossino:** Can the Minister for Employment provide details of where the trainees in each of the areas of placements set out in letters he has sent to me dated 14th January, 24th April and 3rd October 2014, have moved to? Were they employed in the private or public sectors; and if in the public sector, which Departments?

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

2970 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the letters mentioned by the hon. Member in his Question provide the number of trainee employees at the end of each quarter by area of placement as at the end of December 2013, March 2014 and June 2014.

2975 On those days, they were all employed in the public sector. I have told Parliament on a number of occasions over the last three years that persons are moved across Departments to widen their experience. The information contained in the letters provides a snapshot of where they happened to be at the end of a quarter, which is what the Members opposite said was all they wanted to know when they asked me to provide the letters.

2980 **Hon. D J Bossino:** Mr Speaker, I have not done the additions, actually, in each of the quarters, so is he telling me that the totals would remain the same – is that the case – and that what we are seeing, in terms of the differences in numbers in each of the areas of activity, is on account of the movements that he has referred to? So, in other words, the totals are... It is a question of getting the calculator out and doing a quick calculation. On the face of it, it seems that the total number seems to have gone down from when he first provided me with the information. If he could assist me in relation to that, to understand fully his answer.

2990 **Hon. J J Bossano:** Then he is asking me about the people who are not on the letters, but the people who are missing from the letters, right. Well, the people who are missing from the letters are missing from the letters because, in fact, they have terminated their employment with ETCL – and they have terminated it because they have found work.

2995 As he knows, because I have told him before, unless they belong to the category of care and social
workers, where they are being trained specifically for a vacancy that exists, the rest have found jobs by
applying for other jobs. We do not monitor that, because what happens is they come back and give us a
resignation, but we send them to all the vacancies as if they were unemployed – because otherwise the
number would never go down and they know that there is no prospect of them being given a job in the
system unless... For example, if we have got people who are police cadets... Well, even the police cadets,
all that happens is that when they open vacancies now, they will have to apply and go through a selection
process. The only thing is that if the Police have had them for two years as cadets, presumably it is very
unlikely that they will then decide that they are not suitable, because they would have found them
3000 unsuitable previously and terminated them previously.

Other than those, like the police cadets or the care workers or nurses, or something like that, the rest are
people who have found jobs by themselves or because they are given the opportunity to apply...
Notwithstanding that they are in Government Departments, we circulate to them all the vacancies that we
think they might be interested in, so that the number comes down. It is coming down slowly, but it *is*
3005 coming down.

Hon. D J Bossino: Thank you for that.

The Hon. the Minister refers to vacancies: are these vacancies exclusively in the private sector, or is it a
mixed bag of private and also public sector?
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Hon. J J Bossano: They are predominantly in the private sector, but the vacancies in the public sector
they can apply for. For example, some of these people have applied for the Customs. If they get it, or they
do not get it, the fact that they are here will make no difference, other than that they can mention that they
have been in the scheme, presumably in their CV or in their interview. But when the interviews take place,
3015 clearly, if they are successful they will come back and resign from the scheme.

Hon. D J Bossino: The Hon. Minister has said that he does not monitor this, his Department does not
monitor this; but if I ask a specific question in relation to that, it would be information which he would have
available to answer as to where they have moved to – is that a possibility?
3020

Hon. J J Bossano: Well, the information that he asked me for was whether the people in the letters...
The people in the letters are the people in my employment. I do not monitor everybody who finds a job in
Gibraltar; nor do I see a need to tell Parliament where... just because they happen to have been in this
system, the bulk of which we inherited. Remember, this is now the tail-end of the old VTS. Nobody comes
3025 into here anymore, other than in the care... where there is a job.

Frankly, I would have liked to have seen this shrinking faster, but it is determined by the market and I
do not influence the market. I cannot influence who gets the job or does not get the job, because it is not in
my hands to do so. If I could, I would have been able to put everybody – (*Interjection*) I would, yes, but I
can't!
3030

So the answer is we do not normally monitor it, and frankly I do not see what the issue is in having to go
and search where people have gone after they have left us.

Hon. D J Bossino: One of the issues in my mind is that... I know that he had this during the course of
question and answer sessions certainly when the Leader of the Opposition had this particular shadow
portfolio – that when there was a concern that they would have had... I think one of the points raised... an
3035 advantage in being successful in obtaining jobs within the public sector... I think the hon. Member may
recall, because these were, as he rightly pointed out, individuals who had been inherited from *our* scheme,
the VTS scheme, and he had to allocate jobs to those who had not obtained placements in the private sector.

I recall all of that, and I suppose where I am coming from is to establish whether indeed how many have
actually been subsumed in the public sector and how many in the private sector. He has indicated, using
broad terms, that he thinks that the vast majority have been employed in the private sector, as opposed to
the public sector, although some of them, other than those categories he has mentioned – i.e. the RGP and
the care and social services – the minority of them would have been employed in the public sector. That is
the type of statistical information which would be interesting to have a look at in order to monitor that.
3040

Hon. J J Bossano: Mr Speaker, he asks how many have been absorbed. If I tell him tomorrow the
numbers of unemployed have gone down because they have found employment, he would not use the word
'absorbed' to describe what is happening. Therefore, what I am telling him is they are not being absorbed
and they have not got an advantage, because if they had had an advantage then the list would not be this
3045 long. So the proof of the pudding is in the eating.

3055 Regrettably, from my point of view, the advantage has been minuscule or non-existent, because the people who have gone... If he looks at the care and social work, that is the number that changes very little and that is the one area where there is a movement out and a movement in, because in the public sector we supply trainees for vacancies and they go through a training period which enables them to then get employment. So they get taken on as trainees, and during the training period, instead of being funded by the agency, they are funded by this programme, because they are not in the complement. They are being trained to fill vacancies in anticipation of those vacancies coming up.

3060 The rest are the ones that will only go down if people find work. I would say that 99% of the movement in the rest is private sector, and I am lucky if I have got 1% that goes into the public sector. So, in fact, it has not proved an advantage even in the concept of interviewing, because the competition is so huge.

3065 Members will recall that when we came out with the AA vacancy, we had 603 applicants. If you have got a situation now where people have got the prospect of unemployment from Barclays Bank and things like that, they are very qualified, experienced people entering the labour market, where the chance of getting a job depends on how good the competition is. Therefore we try very hard to get them into the private sector, because that is where we have got an opportunity of trying to persuade the employer. We have got a very clear concept that we will not do the same in the public sector: in the public sector they are on their own.

3070 **Hon. D A Feetham:** Mr Speaker, the reality is that if it had been up to the hon. Gentleman, many more of these individuals would have been 'absorbed' – to use my learned and hon. Friend's word – into the public sector.

3075 Indeed, in relation to the AAs, I detected from answers that he had given me when I asked the question that he would not have set some of the conditions for entry into AA – for example, the exam condition that was set at the time. Those conditions would not have been set if he had had his way, because his view at the time was, 'Well, look, an AA – you don't need to really be passing these exams to do this particular job.' I am right in characterising this in this way, am I? If he had had his way, he would have really liked to have seen more of these people employed in the public service.

3080 **Hon. J J Bossano:** There is a certain amount of self-interest in this, Mr Speaker. I want these people to be... This is a problem that we want to see finished, as far as I am concerned, and I want these people to have jobs. If I am able to get them into the public sector, having had them on our payroll... In some cases, some of these people have been in the public sector six or seven years; not just the three with us, but four years before that. We were clear that they had to compete, and that the only way that we can help them is by trying to persuade private sector employers to take them on, and it is not all that easy to achieve that.

3085 It is true that I felt that the idea that you would weed out candidates by giving them an exam which... I do not know where they got it from, but it was asking them questions all about the United Kingdom. I did not see what that was going to produce in terms of better-quality AAs, but I am not involved in selecting the people who enter the Civil Service, and therefore this is a matter that I cannot influence. Clearly, I would have wanted to be able to help these people, but it was not something that I could do, and therefore the list is there, still longer than I would have wanted to see it.

3090

Q549/2014

Wholly owned Government companies – Details of public sector employee jobs provided

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

3095 **Hon. D J Bossino:** Can the Minister for Employment provide details of the wholly owned Government companies which provide employee jobs in the public sector; and of the 908 employees set out in table 5.3, which wholly owned Government companies are they employed by?

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

3100 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer the Question together with Question 550.

Q550/2014

**Wholly owned Government companies –
Full-time employee jobs provided**

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

3105 **Hon. D J Bossino:** Can the Minister for Employment provide details of the wholly owned Government companies which provide full-time employee jobs with how many such jobs are provided by each of those companies, broken down by the activity as set out in table 6.6? Obviously, the tables I am referring to are of the Employment Survey of 2013.

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

3110 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I cannot provide a breakdown of the employers reflected in the figures in tables 5.3 and 6.6 of the Employment Survey Report 2013.

3115 **Hon. D J Bossino:** Mr Speaker, why? Why can't he provide that information?

Hon. J J Bossano: Mr Speaker, because it is a legal requirement of the Employment Survey that the names of the employers who make the returns on the distribution of their workforce cannot be made public. All the survey forms have got that condition of confidentiality.

3120 If he is interested in the information from the source that is available to me – which is not the Employment Survey, because I cannot have access to the raw data of the Statistics Office – I can give him what information I have from employment records, which may not necessarily match exactly the other figure, because I have explained in the past that the discrepancy between the employment records and the Employment Survey is that there are time lags, in that people sometimes have been employing somebody, including the public sector – which I have been very critical of, but it still is not entirely cured – where
3125 people have been employing somebody for months and they do not submit the contract of employment, even though there is a legal requirement to do it and there are heavy fines for not doing it. Of course, if they get the form, they put down in the form that the guy is working for them, but he does not appear in the Employment Service. Alternatively, the guy is no longer there, but they have not sent the termination, so we still have him on our records. I didn't mention Montiel in that context if Members will remember!
3130 *(Laughter)* So, if the hon. Member wants the information that I have got in the employment records of the Department, then I can tell him what the position is as far as we are concerned.

He has already got the position as far as the training companies are concerned, because he has got another Question on that, where I have got him the numbers each month. So, excluding the training companies, the wholly owned companies that we have got registered are: Europa Incinerator Company,
3135 5 employees; Air Terminal Company, 30 employees; GibiBikes, 4; Gibraltar Bus Company, 57; Gibraltar Car Parks, 31; Gibraltar Cleansing Services, 31; Gibraltar Defence Estates, 57; Gibraltar Facilities Management, 170; Gibraltar General Support Services, 37; Gibraltar Industrial Cleaners, 38; Gibraltar Mechanical and Electrical Services, 63; JBS, 132; and GRPI, 5.

3140 The industrial classification of these companies: 'air transport and related services' is the Air Terminal Company; under 'building and construction' we have Gibraltar Defence Estates, Gibraltar General Support Services, Gibraltar Mechanical and Electrical Services, JBS and the Construction Training Company – which I have not mentioned in the list I have given before because the employee numbers come in another Question; 'insurance and real estate', GRPI; 'legal, accounts and other business services', GRAD; 'road transport', GibiBikes and the Gibraltar Bus Company; 'sanitary services', Europa Incinerator and Gibraltar
3145 Industrial Cleaners; and 'other services' are the Employment Training Company, the Car Parks Company, Gibraltar Cleansing Services and Supported Employment Company Ltd.

The number of employees are the ones that I have already given in Question 549, but I cannot provide a breakdown between full-time and part-time.

Q551/2014

**Graduate scheme –
Status**

Clerk: Question 551, the Hon. D J Bossino.

3150

Hon. D J Bossino: Can the Minister for Employment state whether the graduate scheme continues to function?

3155 **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): Yes, Mr Speaker.

3160 **Hon. D J Bossino:** Mr Speaker, is he able to tell the House whether new recruits are being taken on – because I heard that somebody in the private sector – I put it as widely as possible – was told that the Hon. Minister was not taking any new people on in this particular scheme. So his answer may be accurate as to the fact that it is currently still functioning, but is he able to tell me whether any new people are being taken on?

3165 **Hon. J J Bossano:** Mr Speaker, the hon. Member has got another Question in the Order Paper on the people coming in and going out of the company.

3170 **Hon. D J Bossino:** I suspect that all will be cleared up – I think that is a Written Question that I have got – in the answer to the Written Question, but is he able to assist me in providing this answer orally across the floor of the House? I would be very grateful if he did.

Hon. J J Bossano: I am able to do it, but I choose not to. Yes.

Hon. D A Feetham: And he was so cooperative today. (*Laughter*)

CHIEF MINISTER

Q552/2014

Aggregate public debt– Breakdown of bank debt

3175 **Clerk:** Question 552, the Hon. D A Feetham.

Hon. D A Feetham: Yes, Mr Speaker. Can the Chief Minister please provide a breakdown, by bank and amount, of that part of the aggregate public debt which comprises bank debt, as at 30th September 2014?

3180 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I will answer the Question together with Questions 553 to 555.

Q553/2014

Aggregate public debt– Breakdown of Government debentures

3185 **Clerk:** Question 553, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide this House with a breakdown, by debenture issue, of that part of the aggregate public debt which comprises Government debentures, as at 30th September 2014?

Q554/2014

Gibraltar Savings Bank – Value of debentures and debt security

Clerk: Question 554, the Hon. D A Feetham.

3190 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures or other debt security as at 30th September 2014?

Q555/2014
Gibraltar Savings Bank –
Investment of moneys deposited

Clerk: Question 555, the Hon. D A Feetham.

3195 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a breakdown of where and how all moneys deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments as at 31st March 2014, 30th April 2014, 31st May 2014 and 30th September 2014?

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

3200 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, as at 30th September 2014, the aggregate public debt consisting of bank debt was: Barclays Bank, £150 million; and NatWest Offshore Ltd, £50 million.

Government debentures by maturity date were as follows: 2017 debentures, £67,632,800; one-month notice, £185,290,700.

3205 The value of Gibraltar Savings Bank debentures and other debt security by maturity date was: one month, £26,883,300; 2015 debentures, £44,016,100; 2016, £23,015,600; 2017, £92,599,500; 2018, £164,485,600; 2019 debentures, £72,828,900; other debentures, £8,686,047; bonds, £101,183,467; and deposit accounts, £326,678,747.

3210 The average yield in respect of the different categories of investment vehicles held by the Savings Bank for the months of March 2014, April 2014, and May 2014 was already given in answer to Question 458/2014. The comparable figures for September 2014 are as follows. On-call accounts with the Bank of England, the Crown Agents Bank and the Gibraltar Banks had an average yield of around 0.48%. The Gibraltar Banks were the Royal Bank of Scotland, Barclays Bank, National Westminster, Jyske Bank and Lloyds Bank.

3215 The floating rates notes quoted on the London Stock Exchange had an average yield of 0.99%. The floating rates notes were issued by the following: European Investment Bank, the International Bank for Reconstruction and Development, Neder Waterschapsbank, KfW, Republic of Finland, Dexia, Volkswagen Financial Services, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, ASB Finance Ltd, Royal Bank of Canada, BG Energy Capital plc, Centrica plc, Daimler AG, BMW Finance and BP Capital Markets plc.

3220 Monthly income debentures had a return of 6% and preference shares in Credit Finance had an average dividend of 5.5%. As previously explained in answer to Question 458, quoted stocks and call accounts fluctuate marginally on a daily basis. These fluctuations are not significant.

3225 The Fund Statement listing its investments for the relevant months are as follows – which is what the hon. Member told me the last time he wanted and I had left out. There is a list for the month of March, April, May and September. I will read the one for March, and since there is very little difference between the March one and the other two I will make a concession and pass the other three without reading it. *(Laughter)*

3230 For March, we had EIB floating rate notes, where there was an investment of £20 million and a market value of £20,093,621.

The EIB floating rate, 2015: another £20 million, with a market value of £20,015,317.

The third EIB floating rate note for 2016: the bank invested £25 million in that, and the current market value in March was £25,024,820.04.

3235 The International Bank for Reconstruction and Development had an investment of £4,235,000 and a market value of £4,239,685.

Dexia Credit: £12 million invested, and a market value of £12,024,215.

Wertmanagement FRN, which are floating rate notes with a maturity date of 2014: we had £10 million in that, and the market value was £10,005,283.

The Caisse Societe FRN, 2014 as well: £10 million, and the price in the market was £10 million.

3240 KfW fixed-rate notes, 2015: £17 million, and that had a market value slightly below – £16,997,800.

Republic of Finland: £5 million nominal value; market value, £5,025,116.

Capital Bonds Government of Gibraltar: £100 million, and had a market value – because it had accumulated interest – of £104,171,270.

3245 We had £22,348,948 in the Bank of England, and the £400 million in Credit Finance shares, of which the Members are aware. The Royal Bank of Scotland call account in Gibraltar had £1,843,702; in Lloyds Bank we had £36,004,493; in the Crown Agents Bank in the UK, £164; in Barclays Bank in Gibraltar, £126,101,321; in NatWest, £32,959,889; and in Jyske Bank, £20 million.

The figures for the other months may show some changes in the amounts as between one institution and another, but there is very little difference between one month and the other.

3250 Mr Speaker, I am asking now for the information to be passed for all four months.

Cont. Q555/2014 (p3)

March 2014

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/03/2014
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.399	£20,079,777.20 £13,844.27	£20,093,621.47
EIB FLOATING RATE NOTE 19/02/15	£20,000,000.00	100.008	£20,001,683.20 £13,634.19	£20,015,317.39
EIB FLOATING RATE NOTE 05/01/16	£25,000,000.00	99.963	£24,990,731.00 £34,089.04	£25,024,820.04
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.003	£4,235,125.10 £4,560.88	£4,239,685.98
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.979	£11,997,454.32 £26,761.64	£12,024,215.96
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.024	£10,002,404.80 £2,879.13	£10,005,283.93
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000	£10,000,000.00	£10,000,000.00
KFW FRN 09/03/15	£17,000,000.00	99.951	£16,991,726.78 £6,073.30	£16,997,800.08
REPUBLIC OF FINLAND FRN 25/02/16	£5,000,000.00	100.449	£5,022,446.15 £2,670.82	£5,025,116.97
GOVERNMENT OF GIBRALTAR - CAPITAL BONDS	£100,000,000.00	100.000	£100,000,000.00 £4,171,270.72	£104,171,270.72
BANK OF ENGLAND	£22,348,030.06	100.000	£22,348,030.06 £918.41	£22,348,948.47
CFC LTD SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL A/C	£1,843,702.52	100.000	£1,843,702.52	£1,843,702.52
LLOYDS BANK GBP CALL A/C	£36,004,493.20	100.000	£36,004,493.20	£36,004,493.20
CROWN AGENTS BANK	£164.56	100.000	£164.56	£164.56
BARCLAYS BANK PLC	£126,101,321.41	100.000	£126,101,321.41 £100,835.38	£126,202,156.79
NATIONAL WESTMINSTER OFFSHORE LTD	£32,959,889.24	100.000	£32,959,889.24 £222.52	£32,960,111.76
JYSKE BANK	£20,000,000.00	100.000	£20,000,000.00 £12,224.84	£20,012,224.84

Cont. Q555/2014 (p4)

April 2014

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 30/04/2014
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.386	£20,077,288.80 £25,710.79	£20,102,999.59
EIB FLOATING RATE NOTE 19/02/15	£20,000,000.00	100.008	£20,001,528.00 £23,859.84	£20,025,387.84
EIB FLOATING RATE NOTE 05/01/16	£25,000,000.00	99.965	£24,991,181.25 £9,388.10	£25,000,569.35
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.003	£4,235,119.00 £536.33	£4,235,655.33
NEDER WATERSCHAPSBANK FRN 09/04/18	£12,200,000.00	100.000	£12,200,000.00 £4,955.12	£12,204,955.12
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.029	£10,002,892.70 £9,048.69	£10,011,941.39
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000	£10,000,000.00 £6,346.77	£10,006,346.77
KFW FRN 09/03/15	£17,000,000.00	99.950	£16,991,487.59 £14,749.45	£17,006,237.04
REPUBLIC OF FINLAND FRN 25/02/16	£5,000,000.00	100.041	£5,002,071.40 £5,027.42	£5,007,098.82
CAPITAL BONDS	£100,000,000.00	100.000	£100,000,000.00	£100,000,000.00
BANK OF ENGLAND	£22,353,087.89	100.000	£22,353,087.89	£22,353,087.89
CFC LTD SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL A/C	£1,568,660.45	100.000	£1,568,660.45	£1,568,660.45
LLOYDS BANK GBP CALL A/C	£35,842,344.37	100.000	£35,842,344.37	£35,842,344.37
CROWN AGENTS BANK	£585.74	100.000	£585.74	£585.74
BARCLAYS BANK PLC	£126,336,530.79	100.000	£126,336,530.79	£126,336,530.79
NATIONAL WESTMINSTER OFFSHORE LTD	£39,419,485.29	100.000	£39,419,485.29	£39,419,485.29
JYSKE BANK	£20,000,000.00	100.000	£20,000,000.00	£20,000,000.00

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Cont. Q555/2014 (p5)

May 2014

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/05/2014
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.375	£20,074,951.20 £3,590.78	£20,078,541.98
EIB FLOATING RATE NOTE 05/01/16	£25,000,000.00	99.966	£24,991,604.25 £22,041.62	£25,013,645.87
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.003	£4,235,113.24 £2,614.63	£4,237,727.87
NEDER WATERSCHAPSBANK FRN 09/04/18	£12,200,000.00	100.347	£12,242,325.46 £12,269.82	£12,254,595.28
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.029	£10,002,892.70 £15,423.90	£10,018,316.60
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£5,000,000.00	100.000	£5,000,000.00 £6,452.55	£5,006,452.55
KFW FRN 09/03/15	£17,000,000.00	99.955	£16,992,403.38 £23,714.80	£17,016,118.18
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.990	£4,999,508.85 £5,648.56	£5,005,157.41
BPCE SA FRN 06/03/17	£5,000,000.00	100.456	£5,022,796.85 £15,558.11	£5,038,354.96
ASB FINANCE LTD LONDON FRN 13/03/17	£5,000,000.00	100.347	£5,017,346.50 £11,913.63	£5,029,260.13
REPUBLIC OF FINLAND FRN 25/02/16	£5,000,000.00	100.040	£5,001,979.15 £317.12	£5,002,296.27
COMMONWEALTH BANK AUST 2.25% 07/12/18	£5,000,000.00	99.645	£4,982,250.00	£4,982,250.00
DAIMLER AG 1.625% 02/12/16	£5,000,000.00	100.320	£5,016,000.00 £2,226.03	£5,018,226.03
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	100.250	£5,012,500.00 £46,027.40	£5,058,527.40
GSBA LTD	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
CAPITAL BONDS	£100,000,000.00	100.000	£100,000,000.00	£100,000,000.00
BANK OF ENGLAND	£22,359,090.19	100.000	£22,359,090.19	£22,359,090.19
CFC LTD SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL A/C	£1,206,292.90	100.000	£1,206,292.90 £3.30	£1,206,296.20
LLOYDS BANK GBP CALL A/C	£37,842,344.37	100.000	£37,842,344.37	£37,854,542.86
CROWN AGENTS BANK	£787.88	100.000	£787.88	£787.88
BARCLAYS BANK PLC	£126,369,677.35	100.000	£126,369,677.35	£126,369,677.35
NATIONAL WESTMINSTER OFFSHORE LTD	£33,247,234.95	100.000	£33,247,234.95	£33,247,234.95
JYSKE BANK	£20,027,897.72	100.000	£20,027,897.72	£20,027,897.72

Cont. Q555/2014 (p6)

September 2014

**SAVINGS BANK FUND
STATEMENT OF INVESTMENTS**

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 30/09/2014
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.352	£20,070,426.80 £16,326.58	£20,086,753.38
EIB FLOATING RATE NOTE 05/01/16	£20,000,000.00	99.973	£19,994,615.40 £29,170.60	£20,023,786.00
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.002	£4,235,090.63 £4,989.15	£4,240,079.78
NEDER WATERSCHAPSBANK FRN 09/04/18	£12,200,000.00	100.000	£12,200,000.00 £20,427.05	£12,220,427.05
KFW FRN 09/03/15	£17,000,000.00	99.977	£16,996,007.38 £6,435.78	£17,002,443.16
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.032	£5,001,616.05 £2,943.84	£5,004,559.89
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.993	£4,999,628.95 £9,128.99	£5,008,757.94
DEXIA CREDIT LOCAL FRN 15/04/16	£4,000,000.00	100.030	£4,001,193.56 £6,621.49	£4,007,815.05
GE CAPITAL UK FUNDING FRN 09/05/16	£3,000,000.00	100.577	£3,017,306.10 £4,565.26	£3,021,871.36
WESTPAC SECURITIES NZ LT FRN 02/10/17	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
AUST & NZ BANKING GROUP FRN 04/02/16	£5,000,000.00	100.265	£5,013,253.60 £6,369.04	£5,019,622.64
ASB FINANCE LTD LONDON FRN 13/03/17	£5,000,000.00	100.305	£5,015,265.60 £2,349.41	£5,017,615.01
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.087	£5,004,342.25 £3,424.73	£5,007,766.98
BG ENERGY CAPITAL PLC 5.125% 07/12/17	£5,000,000.00	110.490	£5,524,500.00 £208,510.27	£5,733,010.27
CENTRICA PLC 5.5% 24/10/16	£5,000,000.00	108.350	£5,417,500.00 £256,917.81	£5,674,417.81
DAIMLER AG 1.625% 02/12/16	£5,000,000.00	100.278	£5,013,878.20 £29,383.56	£5,043,261.76
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	100.222	£5,011,109.80 £75,273.97	£5,086,383.77
BP CAPITAL MARKETS PLC 4.325% 10/12/18	£5,000,000.00	108.588	£5,429,400.00 £174,184.93	£5,603,584.93
GSBA LTD	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
GOVERNMENT DEBENTURES	£100,000,000.00	100.000	£100,000,000.00	£100,000,000.00
BANK OF ENGLAND	£22,381,999.37	100.000	£22,381,999.37	£22,381,999.37
CFC LTD SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL A/C	£4,557,177.71	100.000	£4,557,177.71	£4,557,177.71
LLOYDS BANK GBP CALL A/C	£22,384,556.58	100.000	£22,384,556.58	£22,384,556.58
BARCLAYS BANK PLC	£114,578,930.54	100.000	£114,578,930.54	£114,578,930.54
NATIONAL WESTMINSTER OFFSHORE LTD	£47,739,940.25	100.000	£47,739,940.25	£47,739,940.25
JYSKE BANK	£20,062,193.69	100.000	£20,062,193.69	£20,062,193.69

3265

Hon. D A Feetham: Mr Speaker, I could continue with my supplementaries whilst this is being sorted out.

3270

There is just one anomaly in relation to the list, that stands out to me. In April 2014, there does not appear to be any reference to the Government debentures of £100 million that appears in... Well, it certainly appears in September 2014, but I thought that the £100 million Government debentures was actually something that had already been taken out prior to the Budget. I do not have my budget figures here, but off the top of my head I am pretty sure that the £100 million of Government debentures issued from the Government to Credit Finance was there at the Budget. Is that his understanding as well? May

3275 there be a mistake in the list in April 2014? I am pretty sure that I mentioned this in my Budget speech and I also made the point in exchanges prior to the Budget, so I do not know why it does not appear in the other two lists – certainly not in April 2014 – but it does appear in September 2014.

3280 **Hon. J J Bossano:** In the months of March, April and May it appears as Government of Gibraltar capital bonds, as opposed to the debenture. It changed from... the debenture pays –

Hon. D A Feetham: So the nomenclature has changed?

3285 **Hon. J J Bossano:** Yes. The capital bond pays the interest on the maturity date and the debenture pays the interest on a monthly basis. That is the difference.

Hon. D A Feetham: My hon. Friend, sir, Mr Figueras, is quite impressed with the word ‘nomenclature’, particularly at this time of the evening! (*Interjections*) Of course, the Leader of the Opposition must remain on his toes at every single moment in time, particularly when he is asking questions of the Father of the House!

3290 Mr Speaker, if I can move on to a related question to the one that I have asked about the Government debentures, in answer to a communique that I issued –

Mr Speaker: We have a problem, and that is that the recording equipment seems to have got... ‘stuck’ is the word.

3295 I was proposing to adjourn to tomorrow morning. Would the Hon. the Leader of the Opposition like to leave this matter to first thing tomorrow morning – unless Mr Bossano cannot be here tomorrow?

Hon. J J Bossano: I was hoping to go to listen to the thing that is going on on self-determination tomorrow morning, which I have got a great interest in.

3300

Hon. D A Feetham: Does the Hon. the Speaker of the House want me to continue?

A Member: A five-minute break.

3305 **Hon. D A Feetham:** Or a five minute break. I am just confused as to what is the plan of action. Is it a five-minute break?

3310 **Mr Speaker:** The Hon. the Minister for Employment has now finished with his answer to the Questions. Therefore, it was my intention at this point to adjourn to tomorrow morning – but the Hon. the Leader of the Opposition is raising some other matter.

3315 **Hon. D A Feetham:** No, I am asking him a supplementary on the Question that he has... I am here tomorrow morning, so I do not mind asking the supplementary tomorrow; but of course I want to assist the Hon. the Father of the House because he wants to be at the self-determination symposium. I can either ask the supplementary now, and he can answer it; or alternatively, we can take a five-minute break whilst the technical problems with the recordings are sorted out.

Mr Speaker: Is it a minor hitch...? We will recess for five minutes.

3320 *The House adjourned to Friday 17th October at 9:15a.m. on Thursday 16th October 2014 at 8:25p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 12.09 p.m.

Gibraltar, Friday, 17th October 2014

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<i>The House recessed at 12.09 p.m. and resumed its sitting at 3.30 p.m.</i>	<i>42</i>

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: P E Martinez Esq *in attendance*]

Questions for Oral Answer

DEPUTY CHIEF MINISTER

Q557/2014

East Side project –

Expressions of interest; decision re final project

Clerk: Answers to Questions continue.

We are now going to proceed with the Deputy Chief Minister's Questions.

Question 557, the Hon. D J Bossino.

5

Hon. D J Bossino: Can the Chief Minister confirm how many expressions of interest there have been in the East Side projects and whether a decision has been made as to which project to proceed with; and if so, can he provide the House with details?

10

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

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. Seventeen expressions of interest have been received in relation to the East Side projects. They are currently under consideration.

15

Hon. D J Bossino: The obvious supplementary to that is can the Deputy Chief Minister give an indication to the House as to when he thinks he will be in a position to announce who the successful bidder is? Does he have an indication of that now?

20

Hon. Deputy Chief Minister: Mr Speaker, I do not want to give him a fixed timescale, but it is something which we need to do. It will take time, because there are 17 submissions to look at, so I think we are talking about a few months before there is any movement.

Q558/2014

Europa Point –

Update re eco-housing

Clerk: Question 558, the Hon. D A Feetham.

25

Hon. D A Feetham: Mr Speaker, can the Government please provide this House with an update as to the proposal for eco-housing in the Europa Point area which it announced last year?

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

Hon. Deputy Chief Minister (Hon. Dr. J J Garcia): Yes, Mr Speaker. There have been no further developments in relation to this housing project since the concept proposal was announced last year.

30

Hon. D A Feetham: Mr Speaker, why is it that there has been no development in this housing concept since it was announced last year?

35

Hon. Deputy Chief Minister: Mr Speaker, this was originally identified as part of a number of other housing projects in different parts of Gibraltar. At the time, the coach park site was being earmarked for commercial use – I think we were talking to the same developer who had been talking to them when they were in office. When it became apparent that that was not going to go ahead and that we could actually use the coach park site for residential use, then the pressure on these 35 houses really diminished, because first of all there were only 35, and secondly we could use the coach park.

40

The hon. Member will know we announced a similar scheme for North Gorge also at the same time. The North Gorge scheme has now gone out to tender and we are expecting to receive submissions from interested developers, but the reason why this project has been stalled is because we have given priority to the others.

45

Hon. D A Feetham: Mr Speaker, this particular project that I have been asking about, and the housing project in the coach park area... It is like comparing apples with pears: one was much lower density, eco-friendly; the other ones are effectively the type of housing that has been constructed in the past, both by our Government and indeed by the GSLP Government from 1988 to 1996.

50

Is he saying, in the second answer that he has given me, that this eco-housing concept and the numbers have been subsumed within what is now the North Gorge project, and that therefore the Government is going ahead, effectively, with the concept but in a different site in the North Gorge? Is that the Government policy?

55

Hon. Deputy Chief Minister: Mr Speaker, there were two eco-housing projects announced at the same time – I think it was in August 2012 – at the DPC: one was for North Gorge and one was for the site at Europa Point. The one at North Gorge is proceeding – we have announced a tender and we are awaiting interest from developers; but the one I was referring to earlier, when I mentioned the coach park site, was more the *number* of flats, rather than the type.

60

Hon. D A Feetham: So, effectively, just so that I have this right, in effect what we are talking about is that the Europa Point eco-housing scheme has effectively been abandoned – I make no criticism of the Government in relation to that – and those numbers have not been subsumed within any other project that the Government has in hand.

65

Hon. Deputy Chief Minister: No, except that the coach park site, with 400-odd flats, came on the scene when originally it was earmarked for something else, so effectively instead of these 35... we are having the other 400-odd. (*Interjection by Hon. D A Feetham*) That is true, but... That is the first one.

70

Secondly, it has not been abandoned, Mr Speaker; it has only been stalled. There are other developments happening in Europa Point. There is MOD land which is going to be released, and there is also the University project which is now happening, which was not envisaged at the time. So there have been changes also in the surrounding area, which is why this project is stalled.

75

Hon. D A Feetham: Yes, I understand that, but... So the Government policy, as I understand it, is to create the same numbers – eco-housing – as it announced at the end of 2012, somewhere else; unless what he is telling me is that part of the buildings that are being constructed in respect of the University are also going to be eco-buildings, which is not something that the Hon. the Minister for Education announced.

I am just trying to get a feel for how many housing units of an eco-type the Government intends to be building – certainly, it is not going to be this term, but intends to be building in the near future.

80

Hon. Deputy Chief Minister: There will be accommodation for the University, but that is a different issue and my colleague is dealing with that.

There are 100 units in North Gorge. That was the original proposal that went to DPC. That is a concept design the developers are now looking at. It may be we end up with more than a hundred, or we end up with less – it depends on what comes back.

85

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

Q536/2014

**Proceeds of Crime legislation –
Consultation and publication as a Command Paper**

Clerk: Question 536, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Justice say, further to his Budget address in July this year, whether the Proceeds of Crime legislation he alluded to will be the subject of consultation as a Command Paper; and if so, can he tell us when this can be expected to take place?
90

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, a draft of the Bill has been completed and is the subject of a consultation process with the Royal Gibraltar Police and the Attorney General's Chambers. Once the internal consultation has been completed, the draft Bill will be published as a Command Paper.
95

Hon. S M Figueras: The only obvious supplementary to that is: is there an indication of when that will happen?
100

Hon. G H Licudi: Mr Speaker, I would like to do this as soon as possible, but clearly it depends on the consultation process and how long that takes. I cannot see this taking too long, in terms of drafting the Bill as a Command Paper, but I would not want to put a specific time scale.

Q537/2014

**Royal Gibraltar Police –
Chief Superintendent role**

Clerk: Question 537, the Hon. S M Figueras.
105

Hon. S M Figueras: Mr Speaker, can the Minister for Justice explain to this House why, in his estimation, the creation of a Chief Superintendent role at the Royal Gibraltar Police, 're-establishes a needed rank between the Commissioner of Police and the three Superintendents, thereby providing the RGP with an improved management structure'?
110

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the post of Chief Superintendent was discontinued in 1992. At that time, the rank was being phased out in the UK and it was felt appropriate and desirable to follow suit. The Force, however, retained the post of Deputy Commissioner until 2009.
115

The UK reinstated the chief superintendent rank shortly after its removal. Upon taking over his appointment as Commissioner, Edward Yome inherited a senior management structure comprising three superintendents, who would on a rotation basis assume the responsibilities of Acting Commissioner. The Commissioner rapidly identified that the gap between superintendent and Commissioner was too great and he needed to fill the void, providing greater command resilience and a more focused emphasis on strategic performance delivery. The reinstated post of Chief Superintendent fills that void. This also enables the three superintendents to focus more fully on their divisional responsibilities and improve service delivery.
120

The portfolio for the reinstated post will comprise policy formulation and oversight, internal service delivery, strategic performance management, discipline, strategic stakeholder management and deputising for the Commissioner of Police.
125

Mr Speaker, in effect, what has happened is that we used to have a situation whereby there were superintendents, a Chief Superintendent, Deputy Commissioner and Commissioner. Over time, the Chief Superintendent and Deputy Commissioner posts were lost, so there was in effect a three-rank jump between superintendent and Commissioner, and it was felt by the Commissioner that that was too great a void and one of them needed to be filled. He identified that post as being that of Chief Superintendent, which was, as I have said, a post which was reinstated in the United Kingdom.
130

Q538/2014
Fixed penalty scheme –
Progress re draft legislation

Clerk: Question 538, the Hon. S M Figueras.

135

Hon. S M Figueras: Mr Speaker, can the Minister for Justice say what progress has been made in relation to the preparation of draft legislation for the purposes of introducing the fixed penalty scheme which it is anticipated will be rolled out in tandem with the installation of fixed speed cameras in Gibraltar?

140

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, a first draft has been prepared and is currently the subject of an internal consultation between the Ministries of Justice and Traffic and the Royal Gibraltar Police.

145

Hon. S M Figueras: And, as if it was not obvious that I was going to ask this, is there an indication of the timeframe we are looking at in respect of the consultation?

150

Hon. G H Licudi: Mr Speaker, this is something that the Government is clearly giving some priority to, and we want to roll this out as soon as possible. In fact, we have moved – as the Minister for Traffic will confirm, because his Department is also involved – in the process of the speed camera system that is going to be in place, and I understand an order for some equipment has already been placed. Therefore, there is progress on the practical side and this is the legislative side that we need to get right, to make sure, as the Question says, rolled out in tandem with that particular system. But we are actually moving on it quite swiftly.

155

Hon. S M Figueras: I am grateful for the answer.

The Hon. Minister says that there is a consultation ongoing between the Ministry of Justice and the RGP. Obviously, part of that will be the identification of the location of fixed speed cameras. Will there be an element of consultation with the public, or tenant associations, or any other kind of consultation to help in the determination of where best placed these cameras are?

160

Hon. G H Licudi: Mr Speaker, there clearly has to be consultation. This is not something that my colleague and I are simply going to decide and say, 'Put this there' or 'put that there', but the consultation primarily is with the Royal Gibraltar Police, who deal with these matters on a daily basis. We have had that consultation. We have identified four areas in which this scheme can go. We are in the process of finally narrowing that down, so that consultation is almost reaching its final stages and we expect to see some very swift progress on this soon.

165

Q539/2014
Royal Gibraltar Police Commissioner –
Cost of new car

Clerk: Question 539, the Hon. S M Figueras.

170

Hon. S M Figueras: Mr Speaker, can the Minister for Justice confirm the total cost to the Royal Gibraltar Police of the Commissioner's new official car, a Mercedes Benz E Class? I think hybrid.

175

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Commissioner's car cost £40,433.44.

As a follow-up to the last comment that the hon. Member made, where he said, 'I think it is hybrid,' it is in fact a hybrid vehicle, and I can tell the House that in the short time that the vehicle has been operating, fuel consumption has been reduced to almost half.

180

Q540/2014
University of Gibraltar –
Charter

Clerk: Question 540, the Hon. D A Feetham.

185 **Hon. D A Feetham:** Mr Speaker, when will the Government grant the Gibraltar University a charter guaranteeing its independence and befitting its status as a University?

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

190 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Questions 541 to 544.

Q541/2014
University of Gibraltar –
Investment required

Clerk: Question 541, the Hon. D A Feetham.

195 **Hon. D A Feetham:** Mr Speaker, apart from the £10 million initial investment by the Government in the Gibraltar University, what other investment, capital or otherwise, does the Government envisage it will need to make in that venture to make it viable?

Q542/2014
University of Gibraltar –
Projected annual costs

Clerk: Question 542, the Hon. D A Feetham.

200 **Hon. D A Feetham:** Can the Government please provide details of the projected annual costs of the Gibraltar University over the first three years?

Q543/2014
University of Gibraltar –
Projected annual revenue

Clerk: Question 543, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide details of the projected annual revenue of the Gibraltar University, over the first three years?

Q544/2014
University of Gibraltar –
Breakdown of costs

205 **Clerk:** Question 544, the Hon. E J Reyes.

210 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details, by way of breakdown, of the entire costs of the University of Gibraltar project; who is involved in the educational side of the project; details of the precise courses which are going to be made available; details of the number of staff it is expected to have, once fully functional; and what he expects the running costs of the university to be?

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

215 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the various Questions posed are pretty wide-ranging and encompass quite a number of areas involving the university, so the answer is in fact quite lengthy.

220 There is also in the Order Paper, as hon. Members know, a Supplementary Appropriation Bill which has the exclusive purpose of appropriating funds for the University of Gibraltar. There is bound, therefore, to be an overlap between the issues which arise in the debate of that Bill and the answers to the various Questions which the Opposition pose on the university. I will, however, give them the answers to the Questions that they have raised.

225 It is important to state at the outset that the idea of a university in Gibraltar has been raised or considered on a number of occasions over the years by various political parties. The concept therefore is not new and is one which clearly enjoys cross-party support. The Government hopes that its plans for this university will indeed enjoy the support of the Opposition.

230 Last week, we announced the plans for the university. Much thought has been given to the makeup of the university. What we want to achieve is not a replica of what is available elsewhere, but to create something unique. It is not just the University of Gibraltar; it is a university for Gibraltar – a university that will serve the needs of the community and of industry, but also a university designed to become an international educational institution with a reputation for its high standards and for the quality of its research programmes in various fields. We have shown that, when Gibraltar sets its mind to something, we can become world class. We have done so in gaming, in financial services and in areas involving research – for example, the work done by the Gibraltar Museum on the Neanderthals. We can also do so on the higher education front, by bringing together and building on what we already do well.

235 Mr Speaker, the first issue which I would like to address on the specific Questions by the Opposition is the legal and statutory structure for the establishment of the university. This is related particularly to the Question on the charter.

240 Our research has shown that there is no specific model which predominates. There are, in fact, two models which are mainly used, but whichever model is used, there is one underlying theme which is fundamental to any university: that is that its academic independence has to be guaranteed, befitting its status as a university, as the Question from the Leader of the Opposition states. The Government is committed to these principles.

245 The two principal models, either of which will achieve the underlying objective which I have referred to, are as follows. The first is for the university to be established by Act of Parliament. In other words, the university would be a statutory body. In Gibraltar's case, that would be through an Act called the University of Gibraltar Act. Either the Act or regulations under the Act would contain all the necessary guarantees for academic independence. There would also be provision for the maintenance of standards by the university. With this Act, there may well be no need for a charter, as the Act or regulations would contain what would normally be in a charter. The other model is for an Act to provide for the establishment of any university to be authorised. In our case, this would result in a Universities Act. The University of Gibraltar would then be authorised under the powers given by the Act, and a charter could be provided with the required guarantees and provision made for the maintenance of standards. In either case, there would also have to be provisions to safeguard the framework under which the University is being established. This can be achieved by setting out – either in the Act, regulations or a charter – the objectives of the university as outlined in the plans which we have announced. The Government has not yet decided which of the two models to adopt. We have, in fact, two draft Bills and are considering which works best for Gibraltar. Ultimately, these are different ways of achieving the same result.

250 But none of this interferes with the preparation for the university, either from an academic perspective or from a resource or buildings perspective. An operating company known as The University of Gibraltar Ltd – or UniGib, as we have already started to call it – has already been incorporated and is the vehicle through which staff will be employed, equipment or materials procured and contractors engaged. All of that can and will proceed whilst the final decision on the legal or statutory structure is taken.

265 Mr Speaker, we have announced that the university will have four faculties: Health Studies and Sports Science; Business, to include specialisms in accounting and finance, law and ICT; Life and Earth Sciences with Gibraltar and Mediterranean Studies; and finally, Tourism and Hospitality.

270 No successful university anywhere in the world will have offered the same number or scope of courses at establishment as it offers 10, 20 or 30 years later. Every university evolves and develops over time, and the University of Gibraltar will be no different. It is, however, necessary to start somewhere, and whilst we can be and we are ambitious, we must not be overambitious at the start. The university will have four functioning faculties at the outset, with its own building or campus, containing all the facilities which one would expect in a modern university. Each of the faculties is expected to offer programmes starting in September 2015.

275 In Health Studies, we currently have 38 students carrying out foundation, undergraduate and post-graduate programmes in Nursing and Health Management. These programmes, which are validated by Kingston University, will form part of the university.

In Sports Science, we expect to have a research programme starting in September 2015.

280 The Faculty of Business is expected to offer courses which are part of the international programme of the University of London. These are courses which will be developed over time. The faculty is, however, expected to offer, in September 2015, two courses which are being developed locally. These are the Diplomas in Gibraltar Tax and in Gibraltar Law. These two courses will be invaluable, particularly for accountants and lawyers, although the courses will of course be open to others. They will provide not just local knowledge, but also a local qualification in these fields.

The Faculty of Life and Earth Sciences will offer research programmes, the precise title of which will be announced in the next few months.

285 The Faculty of Tourism and Hospitality will initially offer courses in hospitality, similar or developing from the pilot programme which my colleague already talked about earlier in this session and which started last month as part of a collaboration between the Gibraltar Tourist Board and Oxford Brookes University.

290 Mr Speaker, we have determined that it is absolutely essential that we continue to develop collaborations with other major universities, such as Kingston, London and Oxford Brookes. We will therefore be seeking to enter MOUs with a number of other universities. These MOUs could lead to collaborative programmes at post-graduate and post-doctoral levels, student exchanges and the provision of facilities by the University of Gibraltar for fieldwork to be carried out in Gibraltar in areas such as, for example, marine biology and primatology.

295 I would add that we have already seen, both before and after last week's announcement, a great deal of interest by academic bodies outside Gibraltar in collaborating with our university. I have, in fact, been overwhelmed by the manner in which everyone to whom we have spoken about our university has welcomed the idea and has been willing to participate in our programmes. Clearly, we will choose our partners wisely.

300 We have already signed an MOU with the University of Seychelles. One of the specific areas we are talking to Seychelles about is the creation of a two-centre joint Masters between the two universities in Marine Science and the Blue Economy. This is a programme which the Government is particularly excited about and which we feel could be extremely popular with local, Seychellois and, in time, international students.

305 It is important to emphasise that collaborations will not just be with foreign entities. There is a wealth of talent in Gibraltar, which we will naturally want to tap into. The university will work closely with local bodies such as the Gibraltar Museum, the Gibraltar Botanic Gardens and the Garrison Library. The expertise, assets and facilities which these bodies have will be crucial to the success of the university.

310 We have also announced that the university will include an Institute of Professional Development and Continuing Education. This will provide courses leading to professional qualifications – for example, in accounting – public and private sector continuing professional development, and courses developed to meet industry needs. I will be happy later on to give specific examples of this, if hon. Members opposite wish. The University of Seychelles has a similar institute, and we were able to see during our visit there how it operates very successfully to deliver the professional and industry needs of the community.

315 The other component of the university is the Language Centre, which is intended to deliver teaching of English as a foreign or business language. We expect that these courses will be very much in demand.

As hon. Members will appreciate, we are being ambitious in our approach, but we need to get it right. There is much to be done in the course of the next 10 months to get this off the ground. What we have presented is a blueprint for the university and what we want the university to develop into over time.

320 Mr Speaker, this leads me to financial and staffing issues. The Supplementary Appropriation Bill will allow £10 million to be provided as a grant for the university. I hope that hon. Members will understand why it is undesirable for specific breakdowns to be provided at this stage. UniGib is in the process of obtaining quotes from contractors for the refurbishment of the Europa Point site and the construction of the new facilities within that site for the university. It would, for obvious reasons, be unwise for us to state whilst this process is ongoing what we would expect the refurbishment and new build to cost. I would, however, say this: it is expected that the £10 million grant will cover not just start-up costs but also provide running costs for the first two to three years.

330 Staff will have to be engaged in a number of areas. These will include senior management, heads of faculties, lecturers, library, IT, finance, administration, campus and facilities management, as well as maintenance and support staff. We anticipate that this could result in the employment over time of up to 40 people, with further staff, such as additional lecturers or visiting professors, being engaged as required. Clearly, not all the staff will be required from the outset, but we will see recruitment over the next few months for various positions within the university.

We have already put together a project team, which is led by me. It includes the Director of Education, Joey Britto, assisted as necessary by the Senior Education Adviser, Darren Grech.

335 Dr Darren Fa was seconded to this project in January of this year and has been working full time on this since then. He will continue to be part of the project team on a full-time basis. Dr Darren Fa was, until recently, Deputy Director of the Gibraltar Museum, as well as being their Education and Research Officer and Co-Director of the Underwater Research Unit. A chartered biologist and an elected Fellow of the Linnean Society of London, he has particular experience of university-level research, having participated in
340 and jointly developed a number of international projects and studies. He has experience in the development of higher education research and continues to act as academic adviser for several Masters and PhD students from various European universities.

Kevin Pizarro of the GHA has been seconded to UniGib for two days a week. Mr Pizarro was instrumental in the setting up of the School of Health Studies at the GHA and brings with him valuable
345 experience and expertise.

Chris Riddell, the Director of Strategic Planning, Project and Business Development at my Ministry, is also part of the team and will be in charge of all aspects of the refurbishment and development of the Europa Point site.

In addition, the project team is being assisted by two consultants with extensive university experience.

350 Prof. Daniella Tilbury is the first Gibraltarian to be recognised with a Marie Curie Professorship by the European Commission. She has held multiple university leadership roles in the UK, Hong Kong and Australia, as well as having served as an adviser for newly established universities and innovative ventures in the sector. She is currently a Dean, Pro Vice-Chancellor with institutional leadership responsibilities at the University of Gloucestershire, UK. In her current post, she is responsible for strategic and financial, as
355 well as operational performance, of a key university portfolio. Prof. Tilbury has been shortlisted for a national university leadership award and is competing against the Vice-Chancellor of Manchester Metropolitan University at a ceremony to be held in early November.

The other consultant is Prof. Malcolm Jones, who was the first alumnus of Cardiff University Dental School to become Dean of the School. He was then Pro Vice-Chancellor for Health in Cardiff University,
360 overseeing strategy for all six health-related schools in the university. Concurrently, he was Pro Vice-Chancellor for Estates, leading on development of a strategic plan, which included a new med school building and a new research institute. He was a member of the Senate and Council, as well as Emeritus Professor at Cardiff University. Prof. Jones retired at the end of 2010. Following his retirement, he has assisted the Federal University of Rio de Janeiro in developing research links with some chosen European
365 universities.

Mr Speaker, this is an exciting project, which we expect will bring numerous benefits for Gibraltar. We very much hope that it will be embraced by the Opposition, and indeed by the whole community. (*Banging on desks*)

370 **Hon. D A Feetham:** Mr Speaker, I suppose that in the debate on the Appropriation Bill the hon. Gentleman could just simply stand and refer to the answer he has given gave a few moments ago. I remember a long answer that he gave in June of this year – I do not know whether this one takes the gold or the silver medal!

375 Mr Speaker, am I right in saying that the hon. Gentleman has answered that the £10 million – which is the concern that certainly I have; hence my Question – is envisaged to cover the running costs of the university for the first three years?... which is the question that I have asked specifically, the two supplementaries that I have asked.

380 **Hon. G H Licudi:** Mr Speaker, what I said was that the £10 million is expected to cover not just start-up costs, but running costs for the first two to three years.

385 **Hon. E J Reyes:** Mr Speaker, may I briefly, just to avoid any confusion in the notes I have made... The Minister mentions four faculties, and when I was making a note of these... am I right in assuming the faculties are Health Studies, as one, Sports Science, as two... No? Then perhaps can the Minister then repeat the four, so that I know clear nomenclature for future references?

390 **Hon. G H Licudi:** Mr Speaker, the first one is the Faculty of Health Studies and Sports Science, the second one is the Faculty of Business, the third one is the Faculty of Life and Earth Sciences, and the fourth one is the Faculty of Tourism and Hospitality.

Hon. D A Feetham: Yes Mr Speaker, before I move on to my second supplementary, I want to say this: that it is something that the Opposition welcomes. As he rightly points out, it is something that has been considered in the past by a number of Governments. I think going back to the first GSLP Government, if I

395 recall, from 1988 to 1992, I think it was something that was being considered even then and it was something that was being considered when we were in Government. I think it is extremely worthwhile.

400 If we make any points about the public finances, it is a separate point not intended as a criticism of this particular venture. Obviously, we have our criticisms of the fact that the Government is spending money as if there is no tomorrow, and the Government said there was no money in 2011 but now is prepared to spend not only on this but on other issues. It does not detract from the fact that we are supportive of this particular venture.

405 The hon. Gentleman has mentioned a number of areas that initially the university is going to be concentrating on – educational areas, the teaching areas that they are going to be concentrating on. How long in any business plan is it envisaged that the Government will take for the university to break out perhaps into other fields? Has that been considered, or is it envisaged that we are going to be concentrating... that these are the core areas and really there is going to be very little branching out into other areas? That is really what I want to explore: the branching out, the breaking out into other areas – if that is envisaged; and what kind of timeframes are we talking about in terms of that?

410 **Hon. G H Licudi:** Mr Speaker, the hon. Member made certain comments in relation to finances. Any issue related to public finances, whether it is related to this or any other thing, are best left to be debated during the Appropriation Bill, which is on the Order Paper if the hon. Member wants to make any point. I will not go into that debate at this stage. Suffice to say that the Government always considers that prudent economic management is very important. We have shown that in the past and will continue to do so, as the various Budget speeches during our time in Office have shown.

415 With regard to the core areas and the business plan, hon. Members will recall that this is something we have been looking at for a long time. We started by commissioning Prof. Tilbury to do a feasibility study for us in 2012. That has evolved through various phases into the current thinking of the Government and we have identified the faculties and areas which we think are best suited for Gibraltar and which could make this into a unique institution.

420 As I said earlier during my answer, this is something, a project, which is going to evolve and develop over time. How far and how soon is a matter which we will have to wait, but what we have done, as I said is to develop this blueprint: this is what we would like the university to look like.

425 There is a lot that can be done, beyond what we are going to start with in September 2015, in the four faculties. In Tourism and Hospitality I mentioned the pilot programme. A lot of that is vocational, as the hon. Member indicated, but there is much that can be done from the academic point of view, in terms of BScs and BAs and those sorts of areas as well. So there is much that can be developed, from within the basic structure that we are creating and within that, which we feel are areas of great interest in and for Gibraltar that can be branched out. Life and Earth Sciences can become, in theory, a huge faculty, dealing from historic matters, to environmental matters, to scientific matters and marine biology, a lot of it research based.

430 What we have done is set out the core structure as to what we envisage the university to be. In 10, 15, 20, 30 years, the university might branch out and be something different, but certainly it will not be the Government that is necessarily directing the university to say, 'You *have* to do this and you *have* to do that.' We are setting up, at establishment, that core structure with our ideas of what we would like the university to look like and develop into; and then clearly, because as I have mentioned there will be academic independence, it will be for those running the university to consider which particular courses at which particular time ought to be offered. So it is something that will be able to evolve over time.

440 If there is identified, for example, a need for a fifth faculty, for which there is demand and which would be particularly popular and fit in with the model of the university, then by all means that may happen, but that is not currently in our thinking and in our plans. We need to start with what we have said we want to do. The Institute of Professional Development and Continuing Education is going to be particularly interesting and something that is going to allow the whole community – the whole business community and the whole community as such – to be part of the university and participate in elements of the university. It is primarily what is going to bring the university to the community itself, in terms of business and industry.

445 So again, there are *many, many* areas in which that can be developed and expanded over time, but this will take time. We have said what we want to achieve from the outset, and then it will be a baby that will be born and will grow over time, and we hope – we expect – very successfully.

450 **Hon. D A Feetham:** Mr Speaker, in terms of the student base for the university – which ultimately, if it is going to be run as a business, is going to be the client base – presumably that is where the fees are going to come from for the university to run properly: tuition fees.

Can he give us some information as to the type of breakdown and where these students are going to be coming from? Are they mainly Gibraltarian students that the Government is envisaging will go to the university, and therefore what the Government effectively pays for these students to study in England, they

455 expect them to study here in Gibraltar; or is it overseas students? What type of breakdown and percentages? I would have expected, in a business plan, for some very considerable research to have actually gone into this and for the Government to have an idea of the type of breakdown – certainly in the first three years, which are going to be critical for the success of this university.

460 **Hon. G H Licudi:** Mr Speaker, one of the things that we announced and that we made clear during the press conference is that this does not change at all the scholarship scheme that is run by the Department of Education. In other words, students will not be discouraged from going away to the UK. Anybody who has a place in a university in the UK for a course that would normally qualify for a mandatory scholarship – and indeed hon. Members know that we expanded that when we came into office... Those same opportunities
465 will continue to arise. So no-one will be told, ‘You cannot go to the UK; you must study in Gibraltar.’

But what we have also seen in recent history is that where facilities and courses are offered locally there is local take up, and we see that in particular... I mentioned the School of Health Studies. We have foundation, undergraduate and post-graduate courses being done in Health Studies, foundation and undergraduate in Nursing, and the post-graduate in Leadership and Management in Health Studies. There
470 are 38 students currently taking up those courses, so where there is availability then that will happen. In the School of Tourism we have seen the take-up that the hon. Member explained in terms of the pilot programme. That is something that we will want to develop and we will see quite a lot of interest from local industry.

But clearly, as the hon. Member says, over time we will want to attract international students and we see
475 the area that international students in particular will want to come to Gibraltar for is research. We have already a number of students who come to Gibraltar to carry out research – for example, in conjunction with the Gibraltar Museum. I mentioned that Dr Darren Fa supervises some of these students at Masters and PhD level, so we have already that interest, and that interest we expect to continue.

We clearly have done a lot of research in this area, but what I am not going to do is constrain what the
480 university could look like by saying this is a percentage that we... This is not about quotas. We are not setting quotas in terms of local and foreign students, but we do expect, again over time, once the university is up and running, once we develop the partnerships that we clearly have said are crucial for the university – for example, the partnerships we already have with Kingston, what we want to do with London and what is happening with Oxford Brookes, which we want to develop into a collaborative project for the university –
485 then it is not just people coming to do a University of Gibraltar course, but a course which is validated by institutions elsewhere.

Let me just give the hon. Members an example. We have had a number of meetings already with the University of London and various colleges of the University of London, including the London School of Economics, on accounting courses, which is one of the areas that we want to develop and which we have
490 already discussed with the London School of Economics. The intention is, over time... It will not be starting in September 2015, but we will be planning for what we will be offering in September 2015 going forward for people to enrol. So we could have courses being run in Gibraltar, taught in the University of Gibraltar, directed and validated by the London School of Economics, and people ending up with a University of London degree – and that, we think, is a valuable combination, and Gibraltar has much to
495 attract.

But as I said, this is something that is going to evolve and develop over time, and those who manage the university will have to put together the marketing programme in order to be able to attract the right calibre of students. And not just the right calibre of students: as I mentioned, collaborative programmes are absolutely crucial and it is important that we choose those partners wisely to be able to offer high standards
500 of academic excellence in Gibraltar, so that Gibraltar, over time, develops that reputation which we expect it to develop as a university of high standards and high academic repute.

Hon. D A Feetham: But Mr Speaker, I understand all that, and certainly we wish the Government every success and the university every success in building on any foundations and expanding the future in terms
505 of its academic curriculum and otherwise. But am I right in saying – just reading between the lines in the answer that he has given me – that in terms of the business plan... because of course in any business plan you would have thought that the main focus would have been on where we are getting the critical mass, in terms of the client base, that will allow us then to break out and expand in the future. Is that critical mass envisaged to come from local people, as opposed to foreign students; and then, of course, as other
510 universities do, they do marketing and other things in order to attract overseas students? Is the intention really to make this university successful based on local students first, and then add onto that in the future with overseas students?

Hon. G H Licudi: Mr Speaker, the intention is to build on what we already do, and an example that I
515 gave was the School of Health Studies. The critical mass for each particular area really depends on what

that faculty is and what that area is. For example, in Health Studies we already have a critical mass, in terms of 38 students doing these programmes validated by Kingston University. We expect, over time, that that programme will continue to attract local students, but will also be able to attract international students to study those nursing courses in Gibraltar with the university, in conjunction with the Gibraltar Health Authority carrying out the practical side of those particular courses.

In, for example, Life and Earth Sciences, a lot of what will be done will be research, and we expect that there will be some local take-up but we expect a lot of international interest in coming over and taking up research programmes within the university. So it really depends on the area.

The Language Centre, for example, is not intended to teach English to local people. There will be courses of different natures. As I mentioned during the press conference, more and more we are seeing English used not just as an everyday language that everybody wants to learn, but as the international language of business, and there is a huge demand for courses for professionals inclusive for English as a business language and not just a foreign language. Those will be shorter courses, which will attract, we expect, international students and international professionals for batches of two, three or four weeks at a time, for intensive courses.

The Institute of Professional Development – the core areas there will be with a local client base. That is intended to meet the professional and industry needs in Gibraltar, whether it is the needs of lawyers, accountants or other professionals. I mentioned how we envisage that this can work and that I can give some examples of the sort of areas that the institute...The institute is something... In fact, we have in our manifesto the idea of a commitment for a National Institute of Adult Education and also a commitment to continuing professional development, and this institute brings both of those things together.

When I visited the University of Seychelles, which was in fact a very successful and fruitful visit, I mentioned that they have a similar institute. It is an institute that we were developing, and quite by coincidence, when we got there they said, 'We're going to take you to another campus: it's called the Guy Morel Institute,' and precisely what they do is professional development – courses developed with the private sector and with the public sector particularly to meet industry needs. We went into one of the classrooms where a lecture was being given there and it happened to be a human resource management course. What they have done is develop a 12-week course by getting in touch with the associations that deal with human resource management within the community, and develop a 12-week course, whereby employers provide day release to their human resource managers, or human resource employees, for one day a week over 12 weeks to do a diploma in human resource management at the university – and that is something that we can do very successfully here.

Whether it is human resources or whether it is in conjunction with the Association of Compliance Officers – a course over that period of time, say 12 weeks, on say money-laundering and compliance issues, about what Gibraltar law is, what Gibraltar practice is, what compliance officers are expected to do in terms of the legal requirements – and do it in conjunction with the Association, and employers being prepared to release, say on one day a week over that period, so that the people within their organisation can benefit from this professional development and also a specific qualification which would be offered by the university, by the institute in particular.

I mention compliance just as an example – we can do it with fund management; we can do it with insurance. The insurance industry keeps growing. We get professionals here and we get local people who go into the insurance industry in Gibraltar and would benefit enormously from these sort of courses, getting some sort of diploma, professional development in the fields they are working on in Gibraltar. So throughout the whole spectrum of industry – on gaming, financial services, and tourism – the institute can be absolutely crucial for the training of our people. So that is an area where we see local interest developing over time.

So it depends on which area; but of course, as I mentioned, international students we think will be attracted to Gibraltar. We think there is a lot to offer in Gibraltar. The idea of coming to a location like Gibraltar and being able to study in Gibraltar and have a course which is validated by an internationally recognised university, seems to me is a win-win situation.

Hon. Sir P R Caruana: I will not keep the House much longer on this subject. First of all, I am very glad that the Leader of the Opposition has indicated that the Opposition would officially support this in principle. I think in principle it is a jolly good project.

I accept what the Hon. Minister says: that these things have got to start somewhere and evolve. That said, listening to him, I get the impression that that start – which is a place to start and I will acknowledge it... If that start is a sort of consolidation, rationalisation, reorganisation, or even with a supplement of existing local training resources and/or supply of training needs such as the ones he has just outlined, both in the private sector and indeed in the public sector... One possibility that he has not mentioned, but he could just add it to his list, is a sort of public administration school. So there is all manner of things; he is absolutely right.

That would be useful, but I would urge them not to take... to set their sights higher. I think the University of Gibraltar has potential. First of all, I welcome it because it is another institution that makes Gibraltar not look... it takes Gibraltar further along that road that successive Governments have been trying to travel and take Gibraltar in, as acquiring the institutions and the trappings of a modern, developing, evolving first world European country – and the university is such a thing.

So if it is, and I am glad that he has said that it is, the aspiration at some time in the future – and indeed I think it should be the case from the beginning – to have courses which are capable of attracting international students, I think that would be a good thing, because it has an economic value, the export of education. Malta has done this quite successfully. The export of education through the establishment of a university in Gibraltar is a potential source of direct and indirect economic activity in Gibraltar. In that context, just to follow on from what the Hon. the Leader of the Opposition has said, is there at some stage... and if there is not, will the Government at some point carry out some sort of business case or business modelling to see what measure of success we might have to have before this university became more or less self-funding? Or will the Government be content to see it just as an addition to our publicly funded education infrastructure in Gibraltar, just added to the schools and the university funding, and any revenue that comes from overseas students is just a welcome contribution but not part of the business case?

My question is this: given that I am particularly interested in the sort of... I am not disinterested in the local provision – I think it is a jolly good thing, provision of local demand for such things, but given that I am particularly interested in the export side, in other words in attracting students to Gibraltar, not least because it allows... rather like the Erasmus thing is designed to do, it brings in new thinking into our student... Will the hon. Member say whether any thought has been given to the issue of residential accommodation for overseas students? Presumably there is not a residential block attached to the campus. If there is, I think that would be a jolly good thing. If there is not, you would have to consider the extent to which it might put pressure on the already difficult for locals housing rents, if students were added as a competitor to that. I am sorry – he mentioned the accommodation block just before I walked in. He had just started when I arrived. I am sorry if he has already mentioned that. Will there be an accommodation block?

Hon. G H Licudi: Mr Speaker, the hon. Member is absolutely right. This is something that we want to see develop over time, not just in terms of consolidation of what we already do – for example, the School of Health Studies or the pilot programme in relation to... This is not just about bringing those together. It is about bringing those together, adding other things at the outset and then developing and branching out from that base, but having that solid base to start with, and we already have these things as a solid base.

Apart from the things that have already been done, specific areas that I mentioned that we want to see starting in 2015 are, for example, the specific diplomas in Gibraltar law and Gibraltar tax. These are not being done. These are courses that are being developed specifically for accountants and lawyers and others who want to have a knowledge in Gibraltar tax. What we find is that accountants do their professional exams, they study the tax system – usually the English tax system – and then advise on Gibraltar law, where the tax system is clearly different than the English tax system.

Gibraltar law is the same. We have lawyers going and getting professional qualifications, learning about the English legal system. Clearly, those of us who are lawyers have gone through that and are able to adapt, but having the specific knowledge of what Gibraltar law is about, in terms of learning about the Constitution; the specific legal structure in Gibraltar; the courts structure; the jurisprudence that has developed through the Gibraltar courts, which we do not get anywhere when we go off to university; the local idiosyncrasies in terms of local legislation that are particular to Gibraltar and from which jurisprudence is developed... All those things clearly need to be part of this course, and we expect that to be in place for starting in September 2015.

So it is not just about consolidation. It is about consolidation, including some research programmes – and I said we would be announcing some titles in due course on Life and Earth Sciences and in Sports Science as well – adding those at the outset, and then developing from there.

I entirely agree with the hon. Member that there is an enormous economic value in this, and we said so at the press conference: economic value in terms of employment opportunities in itself creates economic value to the community, but economic value in terms of people coming to Gibraltar and spending their money here, as well as paying the fees and funding the university. We do expect our university to have a place within the family of European universities. We should be able to benefit, for example, from the Erasmus... and the other one I think is called the Bologna process, whereby there are exchanges between European universities. That clearly takes some time. It is not something where you open the doors and automatically everybody starts exchanging students with you, but that is certainly very much in the plans.

The hon. Member specifically mentions accommodation. I had not mentioned accommodation when I referred to the answer, but with the press release that we issued we issued a number of concept drawings and one of them was specifically an accommodation block in the Europa Point area, so we already have plans for the accommodation block in the Europa Point area. We have, in fact, identified two sites in the

640 Europa Point area which are suitable for student accommodation, because we identified that if we are going to attract international students, international students will need to have somewhere to stay. Not just international students, but visiting professors and lecturers. Sometimes they come for a short period of time. You do not necessarily need, for a research programme, your lecturers and professors here all the time. Sometimes they come for a short period, do an intensive part of the course, and then let the student get on with it in terms of research.

645 So there are two areas which can be developed. The first one can be developed over two to three phases, giving us an element of flexibility, which would give... the plans are for approximately 200 student rooms in that one. And then there is another one opposite the road, again within the Europa Point campus. Let's recall that what we have had back, as the hon. Member knows, is the St Christopher's site, but the southern end of the site, starting with a car park, stone building and then a block at the bottom, which has I think nine or 10 vaults, that has been given back and that is what is going to be the core campus of the university. 650 St Christopher's School still uses the top end, which includes a large assembly hall and a number of other buildings, plus two playgrounds which they still use for reception and nursery, which the Government is in the process of re-providing as part of the Lands Agreement, and eventually that will come back and will allow for expansion within the university. So we have physical room for expansion, and one of the plots, one of the areas which is currently a playground, has been earmarked as a second plot, which can be used 655 for student accommodation in which... Again, at the press conference I showed a slide with a drawing of what that block would look like, and that is envisaged to hold in the order of 70 to 80 student rooms.

So, over time we believe that we can develop those two sites within the Europa Point campus to have almost 300 student rooms. That, I think, will be a valuable addition to the university and will do precisely what the hon. Member rightly says, which is that, for this to work successfully and have economic value, 660 we need to attract those international students.

Mr Speaker: The whole question of universities is, of course, a fascinating subject. We have had a series of very lengthy exchanges and long supplementaries followed by even longer answers from the Minister, who no doubt is full of enthusiasm and knowledge about the whole project. 665

But we have to be proportionate. Time is of the essence and I think I must ask hon. Members, if they have any other supplementaries, to make sure that they are short; and equally ask the Minister to provide short answers. Otherwise, I think we should move on. It will not be the only opportunity that Members will have to discuss the matter: there is a Bill, and no doubt in future meetings other matters will arise.

Next Question then.

FINANCIAL SERVICES AND GAMING

Q533/2014

Minister for Financial Services –
Travel costs

670 **Clerk:** Question 533, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide updated details of all his travel costs, broken down in the same manner as Table Tc4 in the Government website, beyond the information as at 8th October 2014, which ends with a trip on 16th to 17th June 2014? 675

The Hon. the Minister, in private conversations with me, has already indicated that the information is now on the website and has been for a few days, but certainly after I filed the Question – so I am grateful for that indication and I do not know whether he wants to reply formally.

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

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, as the hon. Member has already said, I had communicated to the hon. Member that the information was submitted to the Statistics Department by my Ministry on 13th October and subsequently posted on the website on the 14th, the following day. 685

Hon. D J Bossino: I am grateful for that.

Is the Minister able to provide me with further particulars in respect of some of the trips he has attended? Some of them are obvious from the face of the description provided under the 'purpose of the trip' heading – for example, you have gaming meetings in London or, the last one, gaming meetings in

690 Nevada; Hedge Fund World, Asia. But others, for example, and I refer them to him... Casablanca Financial Services – I think he may have given an explanation at the last House; but London, Bermuda and Monaco are each described as ‘financial services meetings’. I suspect that the Bermuda one probably had a focus on insurance, given the nature of the jurisdiction, and indeed he may have stated the facts in press releases, but is he able to provide me with those further particulars, certainly the ones I have just referred him to?

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Hon. A J Isola: Yes, Mr Speaker. Some of these, the ones you have referred to – Bermuda and Hong Kong – are centred around what we call the ‘Gibraltar Days’ in each of these jurisdictions. For example, in Bermuda it was centred around a huge insurance conference which was housed in Bermuda, and so Gib day was on the perimeter of that function. In Hong Kong, there was Hedge Fund World Asia, which is a large conference there. Again, the Gib day was centred around that event, at which I spoke.

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What we try to do in these events is to not just turn up and have meetings arranged for us – which is of course what we do – but centre them around big events, where players are brought into those jurisdictions and we can capture those people too. It was the same in South Africa. The Nevada one is the G2E conference, which is the largest US conference, and I was advised that I should at least do one US conference on gaming, so I was told that we should do G2E in Nevada, which we did. Monaco was another conference on hedge funds that I addressed at the plenary session. So they are all primarily centred around large conferences which I am advised we should be attending and speaking at, and we organise our own events on the peripheries to that. We normally spend one day at the conference, or half a day at the conference, then two days outside that – and that really is the makeup of most of these events.

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Hon. D J Bossino: I am grateful for that reply, but is he able to provide me with the particulars?

The four examples I have provided him with refer to ‘financial services’, but what I was really looking for is whether he is able to provide which particular financial service was being concentrated on or was being marketed. I offered to him that I suspect that the one in Bermuda related to insurance, and if he could confirm that that is the case I would be grateful for that; but, for example, what financial services were being marketed in Monaco, London and Casablanca, which are the other three that I have identified under that particular description?

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Hon. A J Isola: Yes Mr Speaker, of course all of these events are on our business development plan from Gibraltar Finance, which tells you 12 months in advance every single event that we are going to be attending, so all of the events that he has referred to, with the exception of Casablanca, are on that business plan. For example, Bermuda was insurance and primarily insurance-linked securities, and you will, I hope, have seen press reports of the arrival in Gibraltar of the largest provider of insurance-linked securities in the world, from Bermuda, who is now setting up and being licensed in Gibraltar – which is fantastic news. Monaco was hedge funds; it was a specific hedge fund conference. But again, the details of all these are in our business development plan, and if my friend would like to have details of any in particular, I would be absolutely delighted to pass them through to him.

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With respect to Casablanca, that was slightly different. Meetings were arranged there with the stock exchange in Casablanca, with two large banks in Casablanca and two investment groups, specifically to look at what opportunities there were to link up the now licensed Stock Exchange in Gibraltar and a number of the banks that are interested in seeing how they can partner up with different Gibraltar businesses.

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So yes, financial services focus totally.

Q534/2014

Gibraltar International Bank – Update on progress

Clerk: Question 534, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide an update on progress in relation to the Gibraltar International Bank, and particularly when he expects it will open in the new premises?

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Again, in relation to this Question there has already been notice, after I filed the Question, that a specific month has been provided as to the opening of the bank – I think it is March next year. The only information that I had when I posed the Question was that it was expected to be opening in the early part of the next year, but now we have a date. But I will allow the Minister to answer.

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Minister for Financial Services and Gaming (Hon. A J Isola): If I can just say that the timing of that announcement was not prompted by the hon. Member’s Question, but very much more by the

745 announcement that he will have seen by Barclays Bank – probably the same day that he filed his Question, or the day before – of the extension of the closure of the bank until 29th May. As hon. Members will know, Barclays Bank was originally going to close at the end of this year. In discussions with them, they agreed to extend that; and in further discussions with them, as our date has drawn further away so has theirs, and I am grateful to them for having acceded to that request. So the timing of the response, or rather the release about the date, was more to ensure that people knew that before the Barclays date came – in other words, 750 29th May – there would be sufficient time for those without other alternative arrangements for their banking requirements had an option with the Gibraltar International Bank, which would open in March. That was the reason for the timing.

755 If I can just deal with the Question, to give a little bit more information, Mr Speaker, as Government has announced this week, it expects the bank to be open for business in March 2015, with the building works being completed in February 2015. Almost all of the staff have now been employed and are in the training process. IT and operational systems are on track and the board of directors are now having monthly meetings with the executive team. A huge amount of work is now being undertaken in preparation for the opening, and I am most grateful to the CEO and COO, Laurence Podesta and Derek Sene, for the professional manner in which they are driving this important project forward.

760 From press statements, Mr Speaker, the hon. Member will also be aware that what we call the ‘client on-boarding’ system has already opened, where people are able to go online, make appointments and submit their administrative forms to enable their accounts to be opened once the licence has been issued and the premises are open. So it is really just trying to get as many people through the administrative process as we possibly can before the opening date in March 2015 – which is going extremely well, I am delighted to report. 765

770 **Hon. D J Bossino:** Mr Speaker, the press release states that the opening will be in early March 2015 but subject to... it talks about all pending issues, including operational matters and all the rest of it. It also makes specific reference to meeting the conditions of the licence, which has been in principle granted by the FSC.

775 Is he able to provide the House with an indication as to when the full licence will be granted? Obviously, it will be before March, one would have thought, but is he able to give me an indication as to when he expects that to be granted, especially in the circumstances which he himself has alluded to – and it is certainly in all the adverts that we have seen in the local press – where the bank is already accepting applications to open new accounts?

780 **Hon. A J Isola:** Mr Speaker, the bank is *not* accepting applications to open new accounts. What we are doing is making administrative arrangements for the account process to be prepared in anticipation of the bank being opened. Obviously, once you go through that process and... If you want to call it an ‘account’... You cannot put any money in it and you cannot use it, because obviously there is no licence in place, so we call it the ‘client on-boarding’ process because we have to be careful to ensure that people understand that we are not opening an account – because we cannot yet, because we are not a bank.

785 With regard to the question as to the conditions of the licence and by when we would expect those to be satisfied, I have to say that obviously there is no question of the licence being issued until the bank is open. One of the things that the regulatory authority is required to do is to inspect the premises, ensure that everything is in situ and in place and fully functional. Primarily, the operational systems – obviously, as you can imagine – those have to be in sight and tested before the licence is granted. I would expect the licence to be granted and the conditions to be met literally in the very short period before the bank opens its doors. The majority of the conditions, with the exception of the one that it is open, I expect to be satisfied 790 long in advance. They meet on a regular basis and they are ticking through the conditions as and when they go through, as you would expect, leaving the final items – which will be operational systems tested and premises are open and functional – until the very end. But certainly all the conditions that can be met before are being met and very good progress is being made in the normal way.

795 **Hon. D J Bossino:** Mr Speaker, just to point out that the advert does actually say that the Gibraltar International Bank will begin accepting applications to open new accounts, so I literally took it from what has been – (*Interjection*) Yes.

800 Is he able also just to clarify in my own mind which premises the bank will be operating from? We have got the premises by the Ince’s Hall Theatre, which I think is probably going to be the main premises, but are there not also premises where the old Lloyds Bank used to be? Can he confirm that those are going to be the two premises of the bank?

805 **Hon. A J Isola:** No, Mr Speaker, the only premises of the bank will be Ince's House. The premises opposite have got nothing to do with Gibraltar International Bank, nothing at all; just Ince's House – 310 Main Street, I think it is.

810 **Hon. D J Bossino:** The premises opposite... he is referring to the ones I referred to in Main Street, which used to be the old Lloyds Bank. Is he able to give an indication as to whether there is any Government involvement in relation to that? I think we have already asked a Question in relation to that, and I thought the answer that came back was that it was going to be GIB premises – but clearly I am wrong. Can he provide any explanation in relation to that?

Hon. A J Isola: Yes, Mr Speaker, my understanding is – and I am not certain of this – that that may be related to Gibraltar Savings Bank. It has got absolutely nothing to do with the Gibraltar International Bank.

Q535/2014
Gibraltar International Bank –
Equity funding

815 **Clerk:** Question 535, the Hon. D J Bossino.

820 **Hon. D J Bossino:** Can the Minister for Financial Services provide details of the breakdown of expenditure in relation to the £25 million which is being estimated for 2014-15 in respect of the equity funding of the Gibraltar International Bank?

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

825 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the amount of £25 million referred to in the estimates for the year 2014-15 is for the allocation of capital by Government in the Gibraltar International Bank Ltd, covering regulatory and working capital. Of this sum, the amount expended to the 30th September 2014 is £975,000, broken down as follows: staff costs, £244,000; temporary premises rental, £24,000; IT costs, £470,000; professional fees – which I have to say includes licence application fees to the Regulatory Authority – £208,000; others, £29,000.

830 **Hon. D J Bossino:** I am grateful for that reply, Mr Speaker. Is he able to give me an indication – (*Interjection*) Yes.

835 **Hon. A J Isola:** Sorry, Mr Speaker, I am just being reminded that I had not finished the answer. At the meeting of the board of directors held on 6th October 2014 – this may be where he was going – it was resolved to issue 4 million shares in favour of the Government of Gibraltar, worth £4 million. The remaining unissued share capital, up to a value of £25 million, would be issued before the opening of the bank in March 2015.

840 **Hon. D J Bossino:** It is probably an unfair question, given that it is –

Mr Speaker: In that case, don't ask it.

845 **Hon. D J Bossino:** No, if it is early days. I am just being kind to the hon. Member. He may think it is not unfair and he is more than capable of answering it.

Does he have an indication as to when he expects the bank will be self-financing? Again, I do admit that it is very early days, but does he have a plan as to when he expects it to be self-financing?

Hon. A J Isola: Mr Speaker, I have a dream, but – (*Interjection by Mr Speaker*) Yes, of course we have.

850 **Hon. Sir P R Caruana:** You know what happened to the last bank? (*Laughter*)

Hon. A J Isola: Yes, that is what Mr Speaker has just referred me to.

Of course we have the business plan, the cashflows, and they give estimates on the best-case and the worst-case scenario, but I do not think it would be appropriate for me to share that across the floor.

855 What I certainly am happy to say is that within a relatively short period of time I expect it to be profitable – and significantly profitable – so within a short period of time.

Hon. D J Bossino: I am grateful for the answer – so it wasn't *that* unfair!

Mr Speaker, can I take it from that answer that he expects that the Government itself will not need to
860 expend any more money in relation to this particular project? In other words, that the £25 million is
expected to be the 'price tag', if you like, that the Government will have to expend on this particular
project?

Hon. A J Isola: No, that is not the case. As the hon. Member will know, in banks the more successful
865 you are the more capital you require to invest. With the ratios that are used to calculate regulatory capital,
the more money you lend the more money you are going to have to invest as capital. So I would not be
surprised if, within a relatively short period of time, there was not a need to inject further capital to maintain
the buffers you are required to have, because your multipliers of deposits to loans are very much regulated
and controlled. Consequently, the more successful we are, the more capital we are going to have sitting in
the bank. So it is really something that very much depends on how good and successful we are able to be,
870 particularly in the mortgage and the lending space.

Hon. D A Feetham: Mr Speaker, no... I understand that – that the more one lends, the more deposits,
the more one is expected to have by way of, effectively a solvency buffer, and there are specific solvency
875 requirements and capital requirements for banks – but of course the Government must expect to also have
some return in terms of the profit from the bank up to the Government; or am I wrong in relation to that?

Is the model expected to be one of, effectively, the Government injecting money – albeit into a
profitable bank, but the Government is injecting money – but expects to have nothing back from the bank?
Are the profits going to be just simply reinvested in the bank, and also the money that the Government is
going to be putting money in? What is the type of model that is envisaged in that regard by the
880 Government?

Hon. A J Isola: Mr Speaker, the Government hopes and expects that it will receive a good return from
its investment in the bank and that the shareholders of the bank will be able to receive their benefits like
885 other shareholders do.

But of course what I cannot do is pre-empt what the situation is going to be at that time. For example, if
there is a requirement to inject a further £1 million of capital and the profit is £1 million, it may well be that
it is reinvested. That is something that is well premature for us to be considering, but certainly the
Government's intention is to make a profit and have its shareholder returns from the profit of the bank,
absolutely.
890

Hon. D A Feetham: Yes, I understand that and it may well be that, although there are going to be
further requirements in the future for further investment in to the capital of this bank, that part of that – or
indeed perhaps the entirety of that; we do not know – is then going to come from the profits that the bank
declares up to the Government, so effectively the bank becomes self-sufficient, so to speak. There is no
895 further money that is being injected by the Government; it is all done from profits of the bank up to the
Government, and effectively going back into the bank.

This may be an unfair question, but does he have an idea of timescales within which the Government
expects this bank to be self-sufficient in that way? It is a question that I asked the Hon. Gilbert Licudi, the
Hon. the Minister for Justice and Minister for Education, in relation to the university, and he said 'Well,
900 look, the business plan envisages that within two to three years the initial £10 million is going to cover two
to three years.' I would expect that the thinking there is that within two to three years that university
hopefully is going to reach a level keel, where the Government is not going to have to be investing any
more money. Does he have any idea about this at all?

Hon. A J Isola: Yes, of course Mr Speaker. I indicated to his colleague, the Hon. Mr Bossino, that of
course there is a business plan and projections with best-case and worst-case scenarios, and there are
905 timescales attached to all of those things.

If I can just give you an example of how some of these projections can be adjusted so easily: as a result
of having to do the client on-boarding, which I have just referred to earlier about the application process for
910 the opening of accounts – and again, I say that word cautiously – we have had to bring forward the
employment of the 50 staff that we have. They were originally going to be taken on, the bulk, at the end of
this year. As a result of our requirement to do that earlier, we have had to bring the staff further forward.
That has an impact: it is an extra cost.

Estimates are great, as you well know from your professional lives, but to what extent I can stand across
915 this House and ask you to rely on them is extremely difficult. I am happy to stick to the same timeframe. I
would certainly expect the bank, within two to three years, to be profitable. I certainly expect that to happen
and I would hope that it happens long before then.

Q563/2014
Hong Kong Office –
New investment from China

Mr Speaker: Next Question.

920 **Clerk:** Question 563, the Hon. D J Bossino.

Hon. D J Bossino: It reads ‘the Chief Minister’, but I assume the Hon. Minister is going to answer it.
Can the Chief Minister state what new investment has come from China since the Government opened its office in Hong Kong?

925

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

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, it is widely acknowledged by the private sector that the previous Government wholly failed to make any real investment in time or resources in the promotion of Gibraltar internationally, particularly in the area of financial services – unlike many other small jurisdictions, which have been busy promoting themselves over these past years. We are, in effect, playing catch-up for the lost years, but as the private sector also acknowledges, we are taking giant strides to recover that lost ground.

930

The Gibraltar Hong Kong Office has already hosted, in its short time since opening, two visits from Gibraltar Finance, including one in which I participated, and will shortly be focused on shipping matters as it hosts my hon.Friend, the Hon. Mr Neil Costa, the Minister with responsibility for this area. These initiatives are crucial in delivering potential new markets to our private sector, and we are confident that these will bear fruit.

935

I am unable to detail any investment made, as business conducted during and after each of these visits will have been carried out by any of the four private sector firms, or indeed others, that joined and join our marketing initiatives.

940

The Gibraltar Hong Kong Office co-ordinated, arranged and introduced our delegations to senior partners in the major international law firms, international accountancy firms, international banks, senior regulators, fund manager administrators and influential politicians and businessmen. It also, in addition, arranged, co-ordinated and prepared the Gibraltar Day lunch in Hong Kong, which was attended by some 60 professionals in the particular funds sector and hosted by me.

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We have a long way to go in realising our potential in the Asian markets, but I firmly believe that the opening of the Hong Kong Office is an enormous step forward – a view shared by many in the private sector. We are delighted with the work undertaken by the Hong Kong Office and hope it will continue to bring new opportunities to our community. I hope the Members opposite wish similarly.

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Hon. D J Bossino: Mr Speaker, after that – to be honest, unexpected very partisan – answer, I take it that the answer to the question as to what new investment has come is no.

Hon. A J Isola: Mr Speaker, if my hon. Friend would like me to read the answer again, I am very happy to do it, but I will paraphrase it for him, just in case he missed any of the bits.

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When you are involved in business development and promotions, I hope my learned friend will know, it takes an awful amount of time, and so for the hon. Member, after a number of months, to ask what investment has come to Gibraltar from China following the opening of the Hong Kong Office is ridiculous in the extreme.

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As an example, as I have just mentioned in response to one of the earlier Questions, as a result of the visit that we carried out in Bermuda, and as a result of a marketing visit that we did to New York, the largest insurance-linked securities provider in the *world* is setting up in Gibraltar. That is *only* as a result of these marketing initiatives, but that has taken time – more time than he has allowed our Hong Kong Office to function and deliver what we believe it will deliver in the months ahead.

965

When I say that the Hong Kong Office arranged and co-ordinated the visits, what I am saying is that each day that we were there, for the three days that we were there – with private sector firms joining us, which you can happily verify from any of them; in fact, my learned friend’s firm, I am delighted to say, was with us in that visit – there were six or seven meetings organised with senior partners of these institutions, every single day that we were there. Unfortunately, because of flight connections and flight cancellations, we arrived at eight o’clock in the morning on the Monday, going straight into our first meeting at 10 o’clock, and carrying on for three days until we flew back at 11 o’clock at night the third day following.

970

I was *hugely* impressed by what Jason Cruz had managed to put together during that visit; *hugely* impressed at the quality of the people that we met and the quality of the individuals that he has come across

975 alone. There are some names that I would like to be able to throw across the floor, but I think it would be inappropriate to mention the names of individual firms that we met; but outside this Chamber I would be very happy to share them with my learned friend, so that he can have a flavour of the type and quality of people we are talking to. I firmly believe that it is only by engaging in those meetings, in those discussions and those initiatives that you will succeed in attracting business and investment to Gibraltar.

980 As I said, if I may, the people who will do the business and do the investments are the private firms, and although I have, on occasions – particularly following a visit I did with a specific private sector firm to Holland – received a very sweet thank you message a couple of weeks later, where they confirmed that as a result of that visit they had secured a huge client... These things happen, but I am not normally told, so I would not expect to know what the answer to the specific question is, as to whether business or investment has come.

985 I firmly believe that this is the only way that we will do it, and consequently we have to persevere and we have to invest in time and resources, and financially, to see the fruit of that work – there is no question.

990 **Hon. D A Feetham:** Mr Speaker, I take it from the answer that he has given and the eulogising of Mr Jason Cruz, a former GSLP activist, that the Hon. the Minister for Financial Services agrees with a payment of nearly £250,000 annually to Mr Cruz – inclusive of the private education of his children and also a housing allowance – and agrees too with the Government policy of making those payments, having made that appointment without that having gone out on advertisement and without that having gone out to competition to anybody else other than Mr Cruz.

995 **Hon. A J Isola:** Mr Speaker, I see that there was not actually any interest in listening to the answer to the question as to how the business development of this Government is working or functioning, or indeed any comments as to how one might be able to do it better, and that the sole purpose of the Question was for the usual political tripe that we hear from Members on the opposite side of this House. (**A Member:** Hear, hear.)

1000 Mr Speaker, when you consider that the previous Government, and indeed to an extent we can –

Mr Speaker: You are beginning to debate now.

1005 **Hon. A J Isola:** I am not, Mr Speaker. I am going to answer specifically the question that he has raised – talking about whether the money is justified; I need to answer that.

Mr Speaker: But do not draw and make comparisons between what the previous Government and you... Answer what it was you were asked.

1010 **Hon. A J Isola:** Mr Speaker, I would like a little bit of latitude to deal with the suggestion that this man is being overpaid and to put it into context and into perspective.

1015 When you consider that Gibraltar Day in London – that function that was started, and which I agree and support, by my hon. Friend, Sir Peter – that cost £150,000 for one day, I could have stood or written to you each of those years and said to you, ‘Is that value for money?’ Well, actually, I believe it was value for money, but that is for one day. So when you start talking about the quantum, I think these things need to be put into context. The question that I would have asked: is the Hong Kong office value for money? My answer to that question would have been, ‘Absolutely, yes.’

1020 As to whether he is a GSLP man or not, Jason Cruz happens to have lived in Hong Kong for 20 years, and if you would have cared to listen to my answer – and I told you specifically and I offered the names of the firms, outside this Chamber; the quality of the people that he is introducing us to, because he knows them and he has worked with them – you could not have a better introduction to the hierarchy of financial services in Hong Kong than we have obtained through Jason Cruz. So again: is the Hong Kong office value for money? Absolutely.

1025 Finally, Mr Speaker, as to the point as to whether the post was advertised, I think the hon. Member should know better than to ask this side of the House whether they advertised for positions or not, bearing in mind the record his Government had. (*Banging on desk*)

1030 **Hon. D J Bossino:** Mr Speaker, I am the one who posed the Question, and it was a very simple one: is there any new investment? He has said, ‘No, it takes time,’ – (*Interjection by Hon. D J Bossino*) I am just going to deal with it. I think he said in relation to... He has just said across the floor of the House that he did not say no, and he said it *could* be that new investments may have arisen from the trips he has undertaken and the establishment of the office in Hong Kong, but he is unable to verify that because...

1035 That is really what I want to explore further. Does he have, or should he not consider, if he does not – clearly he does not, but should he not consider having a system in place where he is able to identify whether

there have been any new investments arising from this particular initiative? It does cost money, that is a fact; and I think from a Government expenditure point of view he ought to be able to, I think, analyse whether it is value for money and whether Gibraltar plc is seeing the returns from that particular investment.

1040

Hon. A J Isola: Mr Speaker, a very fair and sensible question, if I may say so myself.

If the hon. Member looks to his right, he will see a business development manager from a law firm whom I have spent an awful lot of time with in the past, and he will be able to tell him just how difficult it is in the function of business development to evaluate how successful in real terms that system is, or that work is. It is *extremely* difficult.

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But there are two aspects that I see to it. One of them is the raising of the profile of Gibraltar as a jurisdiction, which I believe is fundamental and we have to do. So what does that mean? That means getting to people and explaining to them what Gibraltar is all about and what you can do from here. That could take the form of trade press, trade media and interviews where that sort of work can happen. Then you have also got the direct: going to meet people, spending time with people in the major firms, banks and institutions.

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To put a system in place to monitor that is extremely difficult. As I mentioned earlier, we do not get the feedback from the firms individually as to whether they have been successful or not; but what we do do is, as we are now sitting to evaluate the business development plan for Gibraltar Finance for the next 12 months, of course we go back – we look at which events we thought were value for money and which were not, and we will be making some changes, absolutely. We will be seeking to identify which we thought we got real value back from and which we did not. Don't forget that that business development plan came across, or was conceived, following a whole range of meetings that I had with Gibraltar Finance and of course the Finance Centre Council and all the different members of those associations and individual member firms. We sat down with them and said, 'Which are the functions you think we should be at?' But of course what we also said at the time was, 'When we look back over the last 12 months we are going to see where you have come with us,' because that indicates whether they believe they are good events. Very easy to say, 'We think that was a fantastic event,' but if they do not come with us, how good do they really think it is? At the same time, we appreciate they cannot come to all of them. So we are going through that process now to see which of the events we believe are really good value.

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But in terms of monitoring I think it is almost impossible – and we have to accept that – to get a real tick box as to which ones have produced direct business or not. That is extremely difficult to do, as I am sure his friend to the right of him will confirm to him.

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Hon. D J Bossino: Given that the Hon. Minister is obviously very keen with the idea of having a presence in China – well, Hong Kong is in China. We have had answers in relation to Mr Cruz. I think the intention is, in the medium term, that he will be shifted to the London Office. If and when that happens, what is the Government's intention in relation to the Hong Kong Office? I suppose once he has done that analysis he has just spoken about and he thinks it is a going concern and still a valid and profitable idea to pursue for Gibraltar plc purposes... What is the Government's intention? Is it the intention to continue to staff that office for the future?

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Hon. A J Isola: Mr Speaker, I am not, myself, involved in the planning arrangements as to where Mr Cruz is, or is not, or will be, or indeed what the future plans for the office are; but certainly it is my hope and expectation that that office will continue and will be manned. As to who will man that, if Mr Cruz is to move, it is too early days for me to be able to honestly tell you the answer to that question.

1080

Hon. D A Feetham: Mr Speaker, does the hon. Gentleman know what the cost of the Hong Kong Office is, apart from the moneys that are being paid to Mr Cruz for running that office – which is obviously part of what we are discussing today, which is the cost effectiveness compared to the returns of the office?

1085

Mr Speaker: The Hon. Minister does not have to answer that question. It does not arise from the original Question.

Hon. A J Isola: Mr Speaker, I agree and I do not know the answer to that question.

1090

What I can tell him is that the office itself, which I have been to, is an extremely modest office which barely fits the two desks that are in there, but in a reasonable location, which we thought was more appropriate than having a bigger office somewhere else.

I cannot tell you the costs, because I am not familiar with them.

1095

Hon. D J Bossino: Mr Speaker, the thought does cross my mind, and I think it does arise from the Question: is it fair to say that the Government did not really have a business plan as such – in other words,

1100 did it send somebody over just to investigate that particular market and whether there was a possibility... it is a question of setting up the office and then seeing how that goes, and then assessing, as he mentioned in answer to one of my previous supplementaries, whether it is actually value for money? I suppose the question is: did the Government have a business plan *before* it decided to take the policy decision of opening up an office in Hong Kong?

1105 **Hon. A J Isola:** Yes, Mr Speaker, as the hon. Member will know, we have focused on a number of non-EU markets – which obviously include Hong Kong, including New York, South Africa and Bermuda, which are the four jurisdictions that we targeted some time back – to see how we could best promote and develop bigger and better relationships with these places. This is part of that process.

1110 I think there has been a lot of interaction with Hong Kong people and firms. You may know that there are Hong Kong interests in a number of very large firms in Gibraltar today and so, to seek to continue to develop those relationships, and links were identified quite some significant time ago – long before I did my business development plan for this year, 14 or 15 months ago. So, yes.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q514/2014 Parking – Plans for airport

Mr Speaker: We go back to Question 514, the Hon. Selwyn Figueras.

1115 **Clerk:** Question 514, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic say whether there are any plans in place for the additional provision of parking, whether short or long term, in the vicinity of the Airport?

1120 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Government is currently considering expressions of interest submissions for the old air terminal site and the provision of parking within a future development is one of the requirements.

1125 **Hon. S M Figueras:** Mr Speaker, what exactly is the Government doing to deal with the difficulties that people are experiencing with the absence of parking, particularly in light of the loss of the parking that was allocated to... I am not sure who it was, but what used to be the long-term Airport car park?

1130 **Hon. P J Balban:** Mr Speaker, I am not clear... Could you please repeat the question? I am not clear what...

1135 **Hon. S M Figueras:** Can the Government say what it is doing to address the concerns expressed by citizens and the difficulties that they are enduring, in particular since the loss of the long-term Airport car park that was opposite the site of the old airport?

1140 **Hon. P J Balban:** Mr Speaker, the actual site people used to use as the long-term car park was taken over by the Bus Company. There have been people requesting similar facilities, which are not possible at the moment, but the Government is looking to see whether there is any possibility of providing some sort of longer-term parking within the area; but at present it is not possible to say anything more.

1145 **Hon. S M Figueras:** Yes, Mr Speaker, that is a medium to however long-term solution at some point in the future, and of course the difficulties are being endured now. So there are two supplementaries. The first would be: when is he expecting that these expressions of interest will become anything like progress towards delivering a solution for the problems that people are enduring today; and secondly –

Mr Speaker: Let him answer the first one.

1150 **Hon. S M Figueras:** Yes.

Hon. P J Balban: Mr Speaker, proposals are actually being looked at at the moment. As to a timeframe, it is not possible for me to say.

1155 Obviously, the loss of that car park... It was a big car park and it will not be possible to provide parking for as many vehicles. What does happen at the moment is there has been a change to the way that the big car park is being operated so that people can leave their cars overnight, and that was not possible before. That is in the big car park closest to the Frontier.

1160 **Hon. S M Figueras:** Would the Government perhaps consider some kind of park-and-ride solution for the time being, for people who typically used to park their cars in the long-term car park to cross over into Spain on foot and leave it there for a few hours? Is this something that the Government is or could consider in respect of an interim solution?

1165 **Hon. P J Balban:** Mr Speaker, there is a car park presently at the Western Beach area, just close to the Frontier itself. That is available overnight and can be used as a long-term parking facility. I am not sure what the cleaning campaign is, but there is regularly cleaning – I think it is once every month at the moment. But other than that, the car park is free to be used by people for long-term parking.

1170 **Hon. S M Figueras:** And can the Minister say whether that facility will be of... The complaints that I have received I have received notwithstanding the fact that I am certain those who have brought the complaints to my attention are aware that that facility is available, and it strikes me that it may well be that despite the availability of that facility the situation is unsatisfactory in respect of those who have made the complaints.

1175 Will the Minister confirm that there is no end in sight, as far as he can say today, in relation to the problem of parking in the vicinity of the Airport?

1180 **Hon. P J Balban:** Mr Speaker, no; as I said, there is parking available at Western Beach. The truth of the matter is that people who have complained to me about the loss of the longer-term parking, as you have mentioned, when they have been told that there is availability for long-term parking at Western Beach they are surprised. We have announced it. It is something which should be known, and obviously just by mentioning it today I am hoping people will become more aware of it, but once they know that it is available they say, 'Well, that is an alternative.'

1185 **Hon. S M Figueras:** So would the Government consider reissuing some kind of notice to let the people know? Because it appears to me that many people simply do not know that it is available.

1190 **Hon. P J Balban:** Mr Speaker, yes, that is fine, we can issue something; but it *has* been advertised, a press release *was* issued and it is something that people should know. Perhaps because of the fact that they have to drive through the old boat area is maybe something they feel they are not aware of, but most definitely there is ample parking there for people who want to park long term for the Airport.

1195 **Hon. Sir P R Caruana:** Almost as a user I am interested in, rather than as a Member of the House. He said that one of the parking's was now, as a novelty, available overnight. Did he mean the one immediately outside the Air Terminal, or the one where the old air terminal stood, that is now a coach park? Or neither of those?

Hon. P J Balban: Mr Speaker, the parking at Western Beach is totally free, as opposed to having to pay. The old car park was a pay car park, the old long-term. The one that we actually use at the moment, not only has it got more parking spaces available, but it is free.

1200 **Hon. Sir P R Caruana:** Would the hon. Member consider the possibility – I accept that you would not wish to interfere with the operation of the Air Terminal, or indeed the coach park the following morning – whether there would be scope for allowing overnight – say, cars to be away by nine o'clock in the morning, which is long before any flight arrives – the use of one of the car parks nearer the border?

1205 **Hon. P J Balban:** Mr Speaker, in fact, as I mentioned earlier, the larger car park, which is north of the old airport terminal and which is a pay-and-display facility, after a given hour – I think it is seven o'clock in the evening, if I am correct – can be used until the next day. I am not sure whether it is nine o'clock in the morning, but there is a relaxation of pay and display during the evenings.

1210 **Hon. Sir P R Caruana:** That is what I had asked. I had understood him to say that it was neither of those, but it was the one that... So the one immediately outside the terminal, the one that we might use when going to the Air Terminal, that is available overnight on a pay-and-display basis?

1215 **Hon. P J Balban:** Mr Speaker, it is the one north of the old airport terminal and east of North Front. It is the large one.

Hon. Sir P R Caruana: North or west... To me the old airport terminal means... (*Inaudible*) He means...

1220 **Hon. P J Balban:** Mr Speaker, it is the one where the Bureau de Change is.

Hon. Sir P R Caruana: Oh!

1225 **Hon. Chief Minister:** *'El que hace esquina.'*

Hon. Sir P R Caruana: Yes, yes.

Hon. S M Figueras: Mr Speaker, just for the avoidance of doubt, the constituents who have lodged these complaints with me – one of them is *not* my hon. and learned Friend, Sir Peter Caruana.

1230 I suspect this may have something to do with the lack of awareness that we have just touched upon: would the Government consider perhaps... I do not know what kind of signposting is up in the area of the access to that Western Beach parking area. Is there something that perhaps the Minister could undertake to have looked into, to see whether perhaps it could be made a little more apparent, if it is not already?

1235 **Hon. P J Balban:** Yes, Mr Speaker.

Q515/2014
Parking –
Plans for town area

Clerk: Question 515, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic say whether there are any plans to provide further parking in the town area in the short to medium term; and if so, what these plans are?

1240 After asking this Question, a statement has come out in relation to the 400 new parking's that have been painted on the site in the area of where the old Naval Ground car park was. It is not yet operational, but I have asked the Question in any event because it was posed before the press release.

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

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Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Government has recently opened two new car parks: one at Coaling Island and the other on the Mid-town site where the fair was held. Together they will provide in excess of 500 parking spaces. These car parks will remain in use at least until the new multi-storey car park, delivering 1,000 parking spaces, is completed next year.

1250

Hon. S M Figueras: Sorry, Mr Speaker, the Hon. Minister says that they have opened the two car parks, but it is not in fact the case, because certainly this morning at half past eight, when I was coming in, the car park on the site of the Mid-town area was not yet open. When is it expected that it will open?

1255

Hon. P J Balban: Mr Speaker, yes, the hon. Member is correct. The car park at Coaling Island is open now, and because of inclement weather – it was raining last week – it was not possible to paint all the lines, but its opening is imminent.

Q516/2014
Cycling safety awareness –
Plans for campaign launch

1260 **Clerk:** Question 516, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic say when he plans to finally launch cycling safety awareness campaigns in Gibraltar?

1265 **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 do not recall ever having said that the Ministry would be launching a cycling safety awareness campaign in the future.

1270 **Hon. S M Figueras:** Yes, Mr Speaker, that was the point of the Question! (*Laughter*)

I was wondering whether perhaps I might well prompt the Minister into contemplating what certainly Members on this side of the House and some on that consider is a reality, i.e. the growth of cycling in Gibraltar, and that perhaps it may now be time, three years into their term of office, to contemplate, in addition to other campaigns that they have had – for example, in respect of recycling – one in relation to cycling awareness, because yes, and I pointed out to you and you just didn't have... (*Interjection*) Re cycling yes – yes, indeed! (*Interjection*) Yes, there was 'cycling' in it, but it is not the cycling of the kind I had contemplated.

1275 So, Mr Speaker, the question is: will the Government now contemplate, in the face of what certainly in my view is the inescapable reality of the increase of the use of bicycles in Gibraltar, will it contemplate a cycling safety awareness campaign – in addition to what is already done by way of cycling proficiency at a very young age, but something that is done in respect of the increased use by adults of cycling in Gibraltar?

1280 **Hon. P J Balban:** Mr Speaker, I apologise for... I would not say 'misreading', because if I actually read the Question, it says 'Can the Minister for Traffic say when he plans to *finally* launch cycling safety awareness campaigns?' When you say 'finally' it is as if I have said it in the past and when am I going to *finally* do it.

1285 It is something which, as I mentioned before... Apart from the cycling proficiency campaign, as you rightly mention, which the RGP does – I don't know with what frequency – the Government will contemplate, if need be, some sort of campaign regarding cycling. We are extremely happy that, as the hon. Member says, that more people are using bicycles, so that is something which we are very happy about.

1290 The fact that he mentioned that we have had long enough to actually do some sort of cycling awareness campaign... Well, you had, in the previous Administration, even longer to have some sort of cycling awareness campaign done, and apart from the GibiBike scheme, which might be a good thing to recycle, as opposed to help or to encourage people to cycle, as far as I am aware was the only thing that was done on that side.

1295 **Hon. S M Figueras:** Mr Speaker, in respect of interpretation of the English language, the Minister has found himself in hot water in the past, and I shall not revisit those particular examples but suffice to say that the Question really very clearly intimated the exasperation on this side of the House with the lack of cycling awareness campaigns launched by this Government in the three years.

1300 He also says, as if it were some kind of legitimate defence, that the Members on this side of the House who were in Government for 16 years had that much longer to launch that. However, the cycling phenomenon is one which has seen significant and recent growth, and that is the reason why this Question has been asked. (*Interjection*) Yes, fine. I do not have proof, I am not going to adduce any kind of evidence – I am not in court – and other Members, including the Minister himself, have acknowledged that there has been an increase in cycling in Gibraltar in recent times. (*Interjection*) Yes, I was going to ask a question.

Mr Speaker: Order! Order! Question.

1310 **Hon. S M Figueras:** Could the Minister say, can the Minister say, because, of course, a cycling awareness campaign is not just about awareness of cycling safety for the cyclist themselves, will the Minister consider a cycling awareness campaign which targets certain issues in relation to the interaction of cyclists and motorists on Gibraltar's roads – which is, at the end of the day, what causes perhaps the most significant danger to cyclists on our roads?

1315 **Hon. P J Balban:** Yes, Mr Speaker.

Q517/2014
New road to the south –
Plans for creation

Mr Speaker: Next Question.

Clerk: Question 517, the Hon. S M Figueras.

1320

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic now say whether the Government will be investing in creating what many consider a necessary and additional road south from Queensway through New Harbours?

1325

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, as already stated in answer to Question 164/2014, the Government is considering the options and necessity of providing a new road to the south as part of the Sustainable Traffic, Transport and Parking Plan process.

1330

Hon. S M Figueras: What a shocker!

Mr Speaker, I suspect that we will cover this again, as we have done on many occasions in the past. Is there any indication of when that phenomenal – as it must be by now, surely – Sustainable Traffic and Transport Plan will see the light of day, and others beyond the Minister, because I am not certain even other Cabinet Members have seen it, will be able to see it?

1335

Hon. P J Balban: Mr Speaker, soon.

Hon. S M Figueras: Mr Speaker, ‘soon’ is really a very elastic term. Is he able to commit to a week, two weeks, a month, three months, on the eve of the next election in their manifesto?

1340

Hon. P J Balban: No, Mr Speaker.

Q518/2014
Parking –
Plans for pilot schemes

Clerk: Question 518, the Hon. S M Figueras.

1345

Hon. S M Figueras: Can the Minister for Traffic say whether the Government is planning on launching any pilot parking schemes in Gibraltar?

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

1350

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Government is considering various parking options and strategies as part of its Sustainable Traffic, Transport and Parking Plan. These will be piloted as and when deemed necessary, either in the run up to the STTP publication or afterwards.

1355

Hon. S M Figueras: Mr Speaker, I note with increasing concern that Members on the other side of the House find it very entertaining that the Minister for Traffic is holding the community to ransom on the basis of a plan – which has been paid for by the Taxpayer – which has been ostensibly created following the user trip survey that was also conducted here in Gibraltar and should have been ready, according to what the Minister himself has said in this House, in the first quarter of this year.

1360

Does the Minister consider that it is right and appropriate, and ultimately entertaining or a matter that is not important enough, to continue to hold the community to ransom by not publishing *anything* that is in that plan or giving *any kind of insight*, Mr Speaker, into what is contained in that plan?

Mr Speaker: The hon. Member... [*Inaudible*]

1365

Hon. S M Figueras: Mr Speaker, yes, I will. Yes, of course.

Mr Speaker: It is very serious language...

Hon. S M Figueras: I will very happily, Mr Speaker.

1370

Mr Speaker: I wonder whether...

Hon. S M Figueras: Mr Speaker, no-one is suggesting –

1375

Mr Speaker: I wonder whether it is proper language to use... to hold the community to ransom.

Hon. S M Figueras: Mr Speaker, I will –

Mr Speaker: I would advise the hon. Member to be more temperate in his use of strong language.

1380

Hon. S M Figueras: Mr Speaker, I do not feel passionate enough about the use of that term to not be happy to retract it – which I do, if that will make it easier.

Mr Speaker: Carry on. Thank you.

1385

Hon. S M Figueras: Thank you very much, Mr Speaker.

Does the Minister think it is right that, in respect of a plan where Taxpayers' money has been invested and so much effort has gone into it by so many different people, that he should be holding on to the results which ostensibly he has without revealing the detail, or at least some general ideas that have emerged from the process, for as long as he doing?

1390

Chief Minister (Hon. F R Picardo): That is a general point, and I am going to answer it on behalf of the whole Government.

Mr Speaker, one of things that we spent a lot of time arguing when we were in Opposition was that plans prepared by the Taxpayer should be published. We are going to follow up on that policy and we are going to publish our plan. The timing of that is a matter for us, and the hon. Member will have the next election campaign to go around Gibraltar telling people that we have not published things and that we have not done them – *if* we have not done them.

1395

What I can give the hon. Member an assurance of is that we will take our own medicine and we *will* publish the plans that we have had prepared from the Taxpayer – quite unlike the plan into the future of GBC, which was published in the first week after our election, after the previous Administration failed to publish it; the plan into the future of the Customs Department, which was paid for the Taxpayer and which the previous Administration failed to publish, and which we published to the unions and to members of the Customs Department – and nobody in the media seemed very interested in it, I must tell you.

1400

All of the plans that we criticised had not been published were published and all plans that we undertake at Taxpayers' expense will be published – unless there is a very good reason not to publish them, and there are some things which are internal documents to the Government, but plans like this, which are undertaken for the community, will be published.

1405

So the hon. Gentleman is, in effect, having had that assurance from me and previously from the Minister, just timing our compliance with that commitment. Well, fine; so be it. He can time us and he can ask us every month whether the time has come when we will publish. We will publish when we are ready to publish, but publish we will.

1410

Hon. S M Figueras: Mr Speaker, the Hon. the Chief Minister misses the point entirely of the line of questioning.

1415

My only interest in the publication of the plan is to understand what it is that this Government is planning to do vis-à-vis the traffic problem, which is, as many people tell me on a daily basis, (**A Member:** Hear, hear.) nothing short of a nightmare. Because frankly, since they did the Commonwealth Park and since they started work on the – and this is not to make any comment in relation to the suitability or the desirability of any of those projects – since they started work on the Commonwealth Park and on the coach park site for the new housing, it has been diabolical trying to find a parking in town area, and all they have done is gone after any flat piece of ground and thrown white paint at it to try and play the game of catch-up that they themselves have put themselves into.

1420

What I am getting to, Mr Speaker, is the fact that they do not give us any idea of what solution –

1425

Mr Speaker: Ask a question and get there.

1430 **Hon. S M Figueras:** The question, Mr Speaker, is: is the Government content that, in light of the very real concerns and the very real difficulties being experienced by many Gibraltarians from a wide cross-section of this community on a daily basis... are they happy to continue to keep us in the dark in relation to what solutions, if any, may be coming in the short, medium or long term, so that we know whether they have any idea of how to deal with the problem?

1435 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman wants to make a point because he thinks that there is an opportunity for political advantage, but what he needs to understand is that he is soon going to find himself in a position where there is more parking available now in the town area than there was in the time when they were in Government, and that when we finish the multi-storey car park facility that we are providing at the Naval Ground in the area of the old Regal Cinema, there will be even more and they will be denuded of an opportunity to challenge the Government even on parking.

1440 But the fascinating thing about all of this, Mr Speaker, is that I thought that the hon. Gentleman was a proponent of the 'In town without my car' campaign who wanted to see less parking, people on buses and people on bicycles! (*Laughter*) But now he has become the champion of the motorist. He has got to choose which side he is on: if he is on the side of the motorist, he will soon find more parking's than ever; and if he is on the side of 'In town without my car', he will find the fabulous new buses are rolling out as from this week. Either way, he has got a way to get into town but no political argument against the Government.

1445 **Hon. S M Figueras:** Mr Speaker, the party that is politically schizophrenic in this respect is the party in Government today. (**Several Members:** Hear, hear.) (*Banging on desks*) The party in Government today pretends to be the Government of the environment. It is the party in Government today that has that environmental filter they talk about, Mr Speaker, yet all they do is build car parks, yet all they do is try and cover the gap in parking, because they are the ones who committed to building twice the number of parking spaces under the Commonwealth Park and then failed to deliver spectacularly on that manifesto commitment. *They*, Mr Speaker, are the ones who committed to more parking, and therefore if they are only a quarter of the way to fulfilling that commitment, they are only a quarter of the way and they are failing the community on their own schizophrenic commitment to the community.

Will this Government publish?...Will this Government give the community that is facing the difficulty that it is facing today any indication of what it is that they are planning to do to alleviate the traffic problem in Gibraltar, and in particular the school and office run?

1460 **Hon. Chief Minister:** Mr Speaker, I am not going to use mental health terms, which I think are inappropriate. (*Interjections*) Yes, yes, I think they are inappropriate. I know that the hon. Members will mock anything, even mental health if they have to, but I am not going to fall into that trap.

1465 Mr Speaker, I will tell you what we are doing: we are doing a serious plan that will deal with these issues, which should have been before. It is going to be published soon and you will be able to see what it provides for then.

The hon. Gentleman has gone on another soliloquy – I heard a couple yesterday from the Leader of the Opposition and I have heard one from him today – about how we are failing and have failed a manifesto commitment. But is it that *he* actually is the one who has a problem with the English language, as he has suggested to the Hon. Minister a moment ago? Because if he reads our manifesto it is very clear what is going to happen under Commonwealth Park, in what circumstances it is going happen and when it might not. And as a result of not providing double the number of parking's at Commonwealth Park under Commonwealth Park, he now knows that we are going to provide them... in fact even more than double the parking's that we would have provided under Commonwealth Park are going to be provided, as I have told him before, in the area of the Regal Cinema.

1475 So he needs to go away, reflect on what he has been told today, reflect on what is out there, and really come up with other issues that he might try and hit the Government on, rather than continue to try and make an attempt to go down this road, because it really is a dead-end for him.

Q519/2014
Eastern Beach car park –
Budget and final cost

Mr Speaker: Next Question.

1480 **Clerk:** Question 519, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Traffic say what the budget for the Eastern Beach public parking, completed in June this year, was; and how much the final cost of this parking has been to the Taxpayer?

1485

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the total cost of the multi-storey car park project to the Taxpayer was £2,085,832.52.

1490

Hon. S M Figueras: Mr Speaker, the Hon. Minister has not answered the aspect of the Question that asked him for what the budget was.

1495

Hon. P J Balban: Mr Speaker, I will get that information for the hon. Member. I have taken it as what was the final cost to the Taxpayer of the parking itself, and that is the information I have provided. I have not got the information regarding the budget part of things – I will get that to him.

1500

Hon. S M Figueras: So he is saying that the Question, which asked what the budget for the parking was and the final cost... and he is only able to deliver the final cost? Is it because there was no budget for this project?

1505

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can assist the House, this is very simple: the Eastern Beach car park was put to the three-quotes system, which is the system that Government has been using for some time now, including under the previous Administration, and therefore the quotes that came in were the budgets which were accepted and were the final costs. In other words, it was a turnkey operation, and what we were told was the budget is what has been the final cost.

Q520/2014

Eastern Beach car park – Payments to contractors and subcontractors

Clerk: Question 520, the Hon. S M Figueras.

1510

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic say which contractors and subcontractors worked on the construction of the Eastern Beach public parking facility, providing details of the payments received by each contractor and subcontractor and in respect of which services such payments have been received?

1515

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the information requested is set out in the table which I now hand over to the hon. Member.

ANSWER TO QUESTION 520

SUB-CONTRACTORS	WORKS PROVIDED
CK TRANSPORT	Excavation and ground compaction
ZAMBRANO	Foundation and upper floors
SILMAT	Underground and suspended drainage
ON THE LEVEL	Manholes bricklayers
GENERAL LIFTS	Lift installation
VANADIUM	Parapet walls and columns render
ADELON	Stainless steel balustrade, columns protectors, aluminium posts, fire staircases
JAMENA	Roof floor slab Sikadeck, columns paint, parking bays paint
SHERIFF	CCTV, Lighting, lightning and fire detection installation
AMANO	Access and exit barriers, payment machines
AMCO	Entrance asphalt works
GIBELEC	Power supply - Service provider
GIBRALFLORA	Landscaping
CONCRETE PUMPING	Concrete pump
SERGEYCO	Concrete cubes and ground tests
CHUBB	Dry risers test
AQUAGIB	Service corridor pipe - Service provider
FILL-A-SKIP	Site Cleaning
HSE	Health and Safety Services
HUNE	Lifting platforms hire
MERIDIAN	Setting Out Surveyor
KS	Design

1520 **Hon. P J Balban:** Due to commercial considerations, it is not possible to provide the payments made to each of these subcontractors. The value of the subcontractor's works is approximately 60% of the overall project cost.

1525 **Hon. S M Figueras:** Mr Speaker, I recognise how, in the planning stages of a project and even during a project of this kind, that to give information in relation to how much you are budgeting for it and the individual projects and how much you are expecting to pay or how much you are paying during the life of the project could be commercially sensitive – though not always, but sometimes certainly. Why is it that after the event it continues to be commercially sensitive?

1530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no reason not to give this information. We have been advised it is commercially sensitive. I will go back and ask and try and drill down whether it is.

1535 I see no reason why, after the works have been finished, it might not be provided, unless... What I can imagine is – but I will go back – that some of the prices that these entities give the entity that has done this car park, they might not want to disclose to others. That may be the issue, but I will go back and try and understand that.

Hon. S M Figueras: I am grateful and I will certainly write to the Minister to request him –

Chief Minister: To No. 6.

1540 **Hon. S M Figueras:** It is a No. 6 problem? I will write to No. 6.

Mr Speaker, a further supplementary in relation to the schedule: the second subcontractor referred to is Zambrano: is that Zambrano, the Spanish company or Zambrano Ltd, the Gibraltar-based entity?

1545 **Hon. P J Balban:** Mr Speaker, I am not aware, so if the hon. Gentleman cares to write, then I will furnish him with that information.

Hon. S M Figueras: I will add that to the letter to No. 6 when I write in relation to the split and payments made.

1550 Further along the schedule, item 5, the fifth subcontractor is General Lifts. Is that the name of the company: General Lifts?

Hon. P J Balban: Mr Speaker, I believe so; that is the name of the company, General Lifts.
(Interjection)

1555 **Hon. S M Figueras:** Mr Speaker, further along the schedule, fourth from... the imaginatively named Concrete Pumping is... what is provided is a concrete pump. That is also the name of the company?

1560 **Hon. P J Balban:** Mr Speaker, if the schedule actually sets it down as a subcontractor, it must be the name of the subcontractor. I will pursue this – this is information that has been provided to me – when I pass this to the technical staff.

Q521/2014
Government rental homes –
Unpaid rents written off

Mr Speaker: Question 521.

Clerk: Question 521, the Hon. E J Reyes.

1565 **Hon. E J Reyes:** Sorry, Mr Speaker, I was waiting for the Clerk to call out the number.
Mr Speaker, further to Question W145/2014, can the Minister for Housing provide updated details of how much has been written off in respect of unpaid rents pertaining to Government rental homes so far in 2014-15?

1570 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1575 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, no moneys have been written off so far in relation to 2014-15, because this is a lengthy and continuing exercise. Unfortunately, many millions have had to be written off once the exercise has been completed for the reasons already discussed, namely the fact that rents over six years due are not recoverable under the Limitation Act.

1580 **Hon. E J Reyes:** Yes, I understand that part, that after a period of limitation... but in the current financial year no-one has entered into that period, and therefore it is automatically written off. Is that what the Minister is confirming?

Hon. P J Balban: Mr Speaker, that is correct.

Q522/2014
Refurbishment of Government rental homes –
Damage by rainwater ingress

Clerk: Question 522, the Hon. E J Reyes.

1585 **Hon. E J Reyes:** Can Government provide details of the extent of damages caused to rental homes as a result of rainwater ingress during ongoing refurbishment works during the months of September and October 2014?

1590 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1595 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, to date 16 flats have been affected by water ingress. I am advised that the immediate internal surfaces have been affected and the contractor has already undertaken effective repairs. One flat sustained damage to personal effects. These were immediately replaced by the contractor, GJBS.

Hon. E J Reyes: So the Minister is saying that in the 16 flats affected one personal effects were damaged and replaced by the contractor: what sort of damage was caused to the other 15 flats? Can I have a general picture?

1600 **Hon. P J Balban:** Mr Speaker, the 16 flats affected were mainly minor internal ceiling damage. There were also two flats that had... in fact, there were three flats with minor sill damage. I presume that was windowsill damage.

1605 **Hon. E J Reyes:** And as far as the Minister is aware, none of them suffered damage where the water ingress could have caused a danger to electrical installations and so on? Is he aware of anything of that nature that could have happened?

1610 **Hon. P J Balban:** Mr Speaker, no, the information I have received is that the damage, which has already been taken care of or is in the process of being taken care of, was minor in nature, and as I said it was minor internal ceiling damage and minor windowsill damage. The actual personal effects that were damaged were replaced and they were of a minor nature because of the water ingress.

1615 **Hon. E J Reyes:** Mr Speaker, in the same way that the personal effects damage was repaired by the contractor or subcontractor, these sort of damages – which we are glad to hear were mainly of a minor nature... will that increase now the cost to Government in respect of the refurbishment works, or does the contractor have to assume making right what damage was caused?

1620 **Hon. P J Balban:** Mr Speaker, I am not sure whether that will be an extra cost or whether the insurance of GJBS will cover the damage in that respect. I can find out.
I have just been informed that it is not at extra cost to the Government.

Q523/2014
Mid-Harbour Estate –
Details of outstanding works

Clerk: Question 523, the Hon. E J Reyes.

1625 **Hon. E J Reyes:** Further to the answer to Question W146/2014, can the Minister for Housing provide updated details, together with estimated completion dates, in respect of works still to be completed at Mid-Harbour Estate?

1630 **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, as informed in my answer to Question W146/2014, the CCTV project at Mid-Harbour Estate has now been completed.

1635 **Hon. E J Reyes:** Yes Mr Speaker, I am glad to note that the CCTV is now completed.
My Question is saying is what works still have to be completed. If I can give him an example, I know the barriers at the entrance to the parking areas seem to be installed but I do not see them functional, so probably that is still an ongoing work. Can we therefore have an estimated completion date?

1640 **Hon. P J Balban:** Mr Speaker, no, that has also been completed. That is just pending... The barriers have been operating for quite a while now. We are actually in the process of deciding how we are going to issue fobs to the persons who live there and parking permits, so we are actually speaking to the tenants' association to see what is the best way forward in that respect, but we are quite advanced with that at the moment.

1645 **Hon. E J Reyes:** And does the Minister have any hopeful date by when this will be completed?

1650 **Hon. P J Balban:** As I said, Mr Speaker, we are at an advanced stage now of seeing how we are going to do this, in terms of the delivery of fobs to the different households. There are different options: whether we give just one fob per household or we give numerous fobs per household, or we give one permit or numerous permits. It should be quite soon now, but I cannot give him an exact date though.

Q524/2014
Refurbishment of empty homes –
Expenditure incurred

Clerk: Question 524, the Hon. E J Reyes.

1655 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of all expenditure incurred since the answer to Question W147/2014 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services contracted were for either repair works or cleaning services?

1660 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

Answer to Question 524

Contractors	No. of Properties	Cost
S J BUILDER	1	£11,647.32
BROTONS WOOD WORKS	1	£4,827.00
CRJN CONSTRUCTION	1	£7,660.00
SARAH JANE CONSTRUCTION	1	£4,739.00
JOAQUIM PACHECO DA CRUZ	1	£4,510.00
BROTONS WOOD WORKS	1	£6,461.57
NP CONSTRUCTION	1	£5,300.00
C. I. A. P CONSTRUCTION	2	£5,065.00
LIMATRON LTD	1	£12,020.00
RIBEIRO	1	£3,520.00
W & N WORKS LTD	1	£5,000.00
CEPRANO LTD	1	£4,900.00
NCS CONSTRUCTION	1	£8,000.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS
 NONE WERE FOR CLEANING

1665 **Hon. P J Balban:** Mr Speaker, if I may, as I do every single month when this Question is asked, I will mention that all services contracted were for repairs and none were for cleaning.

1670 **Hon. E J Reyes:** Mr Speaker, sorry, there are a couple there that stick out. The first one, for £11,647, seems to be more than double what the average costs of the others are. The same as just under halfway down: another one for £12,020. Given that these are substantially more than the others, does the Minister have any additional information to explain why these are much higher costs than the others?

1675 **Hon. P J Balban:** Mr Speaker, I can only assume that there was much more work involved in repairing those flats. I do not why they are double the amount, but clearly it is because more work was involved.

Hon. E J Reyes: It does follow a bit, Mr Speaker, that the higher the costs the more work is involved. What I was getting at... Perhaps I have not explained myself properly. Is it because, in this particular case for example, one of them being doubled – unlike normal refurbishments that lead to figures of £4,000 or £5,000 as the majority is – being doubled – is it because there was major work, for example re-roofing or something like that? Does he have any particular notes, or does he simply want to look into it and then he can come back to me when his technicians have been able to furnish him with the required information?

1685 **Hon. P J Balban:** Yes Mr Speaker, I have the actual addresses of the flats, but the information that he is requesting I do not have available. Again, I can find out why exactly it was that these figures were higher than the average.

Q525/2014
Government rental homes –
Responsibility for repairs

Mr Speaker: Question 525, the Hon. E J Reyes.

1690 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question W148/2014, indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

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

1695 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the Housing Works Agency, 2; subcontractors, 10; and the assigned tenants themselves, 10.

Q526/2014
Government rental homes –
Urgent decanting of tenants

1700 **Clerk:** Question 526, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question W149/2014, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

1705 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1710 **Minister for Traffic, Housing and Technical Services (P J Balban):** Mr Speaker, since the answer to Question 149/2014, a total of six tenants have required urgent decanting from their homes. These are as follows: tenant 1 was decanted because of fire, they were out since 27th May 2014 and they returned to their flat on 29th May 2014, so only two days afterwards; tenant 2 was decanted because of the need for works, they were out on 28th July and they came back in on 29th September; tenant 3 once again was works related, they were decanted on 9th August 2014 and they are still out at the moment – they have still not returned to their property; tenant 4 again was works related, they were decanted on 27th August and were allowed to return home on 15th September; tenant 5 once again was also works related, they were decanted on 21st September and they returned to their house the day after, on 22nd September; and tenant 6 was another unfortunate incident of fire, the tenant was decanted urgently on 22nd September and unfortunately has not been able to return as yet.

Q527/2014
Residential homes –
Allocations and assignments

Clerk: Question 527, the Hon. E J Reyes.

1720 **Hon. E J Reyes:** Can the Minister for Housing say how many residential homes, since the answer to Question W150/2014, have been (a) allocated and (b) assigned, showing the room composition of the respective homes?

1725 **Clerk:** Answer the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will start off with the allocated ones: 1RKB, 3 have been allocated; 2RKB, 25 have been allocated; 3RKB, 19 have been allocated; 4RKB, 8 have been allocated; 5RKB, 2 have been allocated; no flats of composition 6 have been allocated.

1730 Assigned: 1RKB, 2 have been assigned; 2RKB, 9 have been assigned; 3RKB, 7 have been assigned; 4RKB, 4 have been assigned; 5RKB and 6RKB, neither have been assigned.

Q528/2014
Government rental homes –
Numbers vacant

Clerk: Question 528, the Hon. E J Reyes.

1735 **Hon. E J Reyes:** Mr Speaker, further to Question W153/2014, can the Minister for Housing say how many Government rental homes are currently vacant, providing details of the dates from which such homes have been unoccupied and stating how many of these are pre-war and post-war homes?

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

1740 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Pre_Post_War	Date_Handover
PostWar	13/01/2005
PostWar	26/09/2014
PostWar	18/06/2014
PostWar	07/04/2014
PostWar	13/08/2014
PostWar	26/09/2014
PostWar	26/09/2014
PostWar	02/09/2013
PostWar	26/09/2014
PostWar	18/06/2014
PostWar	26/09/2014
PostWar	26/09/2014
PostWar	11/07/2014
PostWar	11/07/2014
PostWar	04/07/2014
PostWar	26/09/2014
PostWar	21/05/2013
PostWar	23/09/2014
PostWar	16/07/2013
PostWar	26/08/2014
PostWar	04/09/2014
PostWar	17/07/2014
PostWar	11/10/2013
PostWar	08/10/2014
PostWar	24/07/2014
PostWar	07/01/2014
PostWar	02/09/2014
PostWar	22/09/2014
PostWar	11/02/2014
PostWar	11/02/2014
PostWar	11/02/2014
PostWar	07/04/2014
PostWar	20/06/2014
PostWar	13/03/2014
PostWar	11/02/2014
PostWar	24/09/2014
PostWar	02/09/2014
PostWar	29/09/2014
PostWar	11/09/2014
PostWar	03/10/2014
PostWar	26/08/2014
PostWar	01/10/2014
PostWar	29/09/2014
PostWar	03/10/2014
PostWar	26/09/2014
PostWar	04/09/2014

PostWar	09/05/2014
PostWar	07/10/2014
PostWar	08/07/2014
PostWar	12/09/2014
PostWar	26/09/2014
PostWar	19/06/2014
PostWar	01/10/2014
PostWar	11/07/2014
PostWar	18/09/2014
PostWar	11/02/2014
PostWar	11/02/2014
PostWar	07/04/2014
PostWar	03/10/2014
PostWar	14/08/2014
PostWar	23/09/2014
PostWar	06/10/2014
PostWar	29/09/2014
PostWar	09/10/2014
PostWar	19/08/2013
PostWar	07/10/2014
PostWar	11/06/2014
PostWar	03/12/2008
PostWar	18/09/2008
PostWar	18/09/2008
PostWar	18/08/2014
PostWar	02/05/2013
PostWar	16/07/2004
PostWar	02/05/2013
PostWar	21/05/1998
PostWar	03/02/2012
PostWar	03/02/2012
PostWar	04/04/2012
PostWar	03/02/2012
PostWar	18/07/2011

Mr Speaker: This is a lengthy schedule, purely factual. I suggest we move on to the next Question, and if anything arises the hon. Member can come back to it.

Q529/2014
Housing waiting lists –
Breakdown of applicants

Clerk: Question 529, the Hon. E J Reyes.

1745

Hon. E J Reyes: Mr Speaker, further to the answer provided to Written Question W154/2014, can the Minister for Housing provide updated details in respect of the number of applicants on the housing waiting lists, inclusive of a breakdown for the medical and social lists?

1750 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, there are 1,111 applicants on the waiting list, inclusive of medical and social lists, as follows.

1755 On the waiting list: 1RKB, 725; 2RKB, 90; 3RKB, 157; 4RKB, 117; 5RKB, 18; 6RKB 4. A grand total of 1,111.

On the medical list we have: 1RKB, 105; 2RKB, 45; 3RKB, 48; 4RKB, 27; 5RKB, 8; 6RKB, 0. The total is 233 persons on the medical list.

On the social list we have a total of 77 families, and they are: 1RKB, 58; 2RKB, 4; 3RKB, 8; 4RKB, 7; and none for either 5RKB or 6RKB. Please note that there are applicants who are on more than one list.

1760 **Hon. E J Reyes:** Mr Speaker, thank you for that.

Therefore, I am right in concluding from the final remark from the Minister that the 233 on the medical list and the 77 on the social could actually overlap – someone could be on both medical and social. Are those two figures included in the 1,111, or is it over and above the 1,111?

1765 **Hon. P J Balban:** Mr Speaker, most of these on the medical and social lists would actually be part of the 1,111, but not necessarily because you could have a person who is socially categorised and is homeless and hence would not have an application. He would just exist as one on the social list.

1770 **Hon. E J Reyes:** By chance, does he happen to have today in just an analysis... Would the Minister know, for example, of the 233 and 77, would the vast majority be already catered for in the 1,111, even though the numbers may vary... but the vast majority, one can take it for granted, are already included in that figure?

1775 **Hon. P J Balban:** Yes, Mr Speaker, most of them will be there. It is just that I said the occasional homeless person would come out as on the social list.

Q530/2014
Housing pre-list –
Number of applicants

Clerk: Question 530, the Hon. E J Reyes.

1780 **Hon. E J Reyes:** Further to the answer provided to Written Question 155/2014, can the Minister for Housing provide updated details of the number of applicants on the housing pre-list?

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

1785 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there are a total of 670 persons on the housing pre-list: there are 543 applicants for the 1RKB; there are 19 applicants for the 2RKB; 66 applicants for the 3RKB; 41 applicants for the 4RKB; 1 for the 5RKB; and none for the 6RKB.

1790 **Hon. E J Reyes:** Mr Speaker, given that the Government has signified that it is their intention to do away completely with the pre-list and we still have 670 people on it, obviously some of whom – or all of whom, because the pre-list just exists for a year – have joined since their tenure in office, does the Minister have any updated details of by when he expects the pre-list to be done away with completely?

1795 **Hon. P J Balban:** Mr Speaker, that commitment will be carried out by the time the next election is called.

Q531/2014
Government rental homes –
Cost of evicting squatters

Mr Speaker: Next Question.

Clerk: Question 531, the Hon. E J Reyes.

1800

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer provided to Question W156/2014, providing a breakdown showing the number of homes involved and to whom payments were made?

1805

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, in the financial year 2014-15 there was one property, and that was Triay & Triay who represented, and the actual cost was £665; another property was once again Triay & Triay for the sum of £255; and the third property, also Triay & Triay, was £760.

1810

Q532/2014
Co-ownership housing projects –
Assignment and allocation details

Clerk: Question 532, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many houses have already been assigned or allocated in respect of Government's new co-ownership housing projects and how many still remain unsold, giving the room size composition in each case?

1815

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

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

1820

Answer to Question 532

Mons Calpe Mews

RKB	ALLOCATED	UNALLOCATED
4 Bed flats	20	Nil
3 Bed flats	156	Nil
2 Bed flats	146	Nil
1 Bed flats	9	Nil

Beach View Terraces

RKB	ALLOCATED	UNALLOCATED
4 Bed flats	39	Nil
3 Bed flats	308	13
2 Bed flats	126	40
1 Bed flats	21	17

Mr Speaker: It is a short schedule. I will give the hon. Member an opportunity to ask any supplementary before we terminate Question Time.

1825

Hon. E J Reyes: Mr Speaker, I am going to deal with two issues.

Before, you gave me time to look at the schedule in respect of Question 528. For the time being, I am satisfied with this information, save to say if anything is arising it can wait until the next parliamentary session. So thank you, Mr Speaker, we no longer have to refer back to this one straight away.

1830 In respect of Question 532, I see that all the properties pertaining to Mons Calpe Views have been allocated, and therefore there are none remaining as unsold.

1835 In respect of Beach View Terraces, there are still some there remaining to be allocated for potential purchasers. If I take this list to be as up to date as the Minister has possibly been able to there... is it a question that there are still applicants who need to go through the process and so on, or is it because all expressions of interest have been exhausted?

Hon. P J Balban: Mr Speaker, with the resounding there were 3,000 applications, a lot of people were interested in these flats. The process is still alive and we are still going down the list of people interested. Within a couple of weeks, we should have all the properties allocated.

1840 **Hon. E J Reyes:** Perhaps I can take advantage, and the Minister might know this: I believe there is a cut-off date by when applications have to be filed for a person to be eligible to be called in. Can the Minister confirm that? I think the date was sometime in March. In other words, anyone coming onto any list post March is not at present being considered for... taking it in turns. Is there any truth behind that? One constituent was saying it, but I am not entirely certain of the veracity. Perhaps that applicant has got the information slightly mixed up.

1850 **Hon. Chief Minister (F R Picardo):** No, the deadline was for *applications* for the purchasing of the homes, but the list was a live list. So the applications had to be in by a particular time; but, for example, people might go off the list and people would move up the list as a result. There would be people who applied to purchase who have decided to purchase elsewhere, or people who have applied to purchase who have then decided that they wanted to stay on the list and wait a little longer for a rental home rather than purchase. But the list has continued to be dynamic for that reason. What was the deadline was for the filing of applications.

1855 It has been possible for people to file applications later in one or two instances when they have come onto the list saying they are on the list, but they are not going to be able to buy in these developments but they want to buy for future developments and they have sent in a late application. All of those applications, I think, have been accepted in the sense that they are the end of a queue of 3,000 people. Right there are going to be other projects coming, and hopefully we will be able to satisfy the demand... and a queue of 3,000 people, but obviously not all of them for the same room composition etc, so somebody may have filed a late application and wanted two bedrooms and may eventually be got to, even if there are not 3,000 flats.

1860 But the clear dynamic with which we have moved is the housing waiting list and the pre-list etc that has been announced.

1865 **Hon. E J Reyes:** Thank you, Mr Speaker, that does shed a lot of light.

In the event that once even the currently unallocated homes are hopefully sold and so on, anyone who unluckily stays out, would that person automatically be eligible and towards the top of the list of any future other project, or would a brand new list start from scratch, from zero? Does the Government have any indication at the moment, so that those who will be unlucky enough not to get one now at least have an indication that they may or not have priority in any future projects?

1875 **Hon. Chief Minister:** Mr Speaker, priority has always been on the basis of the housing lists, so not on the basis of when people have put in applications. If we run out of people on the housing lists who wanted to purchase – and the hon. Member will know that there are people who have filed applications who are not on the housing list – then we have to work out the priority for those people, which will likely be social rather than simply who sent their application in.

1880 Of course, we are dealing with housing which is subsidised by the Taxpayer and by the community. It is not like buying in Imperial Ocean Plaza – who gets in first; this is who has the greatest social need. So we are considering how we will handle the next affordable housing schemes that we put out for sale. Obviously, we would not want people to simply have to reapply, but people might not like the next one – they might not like the location, they might not like the look of it, they might prefer to wait for the one after that – so we may have to go through all the applicants who are left after these sales are done and ask them, when we issue a new scheme, ‘Do you like the new scheme? Do you want your application to remain live for the new scheme?’ Alternatively, we simply invite people to write in again.

1885 We are considering which is the fairest and which is the best way to deal with these issues, and it is very likely that all the applicants who have written in indicating their interest will be communicated with after

1890 we have finished the sales of the remaining properties at Eastern Beach, to gauge what options they would like to be given in future schemes – whether they want to stay live for future schemes or whether they will want to consider future schemes completely afresh and withdraw their applications now and see what comes out. That communication is going to be quite fluid between GRP and the remaining 2,000-plus applicants who will not have been satisfied with the 895 flats that have been made available.

1895 **Hon. E J Reyes:** Yes. And just for clarification for certain applicants, Mr Speaker, those who have expressed an interest to buy but are way down on the list and have not been called up and so on, because they have expressed an interest to buy it does not mean that they lose out on a chance of being given a rental home should one become available – they will not be penalised because of that, will they?

1900 **Hon. Chief Minister:** No, Mr Speaker. People will have to make a choice though: they either buy or rent – it is one of the two. Until they have bought, they have the option to rent; once they have bought, they cannot rent. I think that was the way it was run from 1988 to 1996 and from 1996 to 2011 and has to be run from now; otherwise, you get caught up in a vicious circle.

1905 **Hon. E J Reyes:** Yes, I agree with you, Chief Minister; it makes sense to me. It is just that some applicants I think unnecessarily have got worried and said that because they have expressed an interest to buy and they have not been able to buy one now, they might – wrongly, I think – be of the opinion that, ‘Because I have expressed to Government a willingness to buy if a rental home becomes vacant, they are going to bypass me and keep me holding on.’ They will not lose their normal process in the normal housing allocation system?

1910 **Hon. Chief Minister:** No, but we would want them to buy anyway; so even though they might be allocated a home, we will still offer them the opportunity of buying a home. Many people, the hon. Gentleman will know, who are in rental homes nonetheless want to buy. Many people do not just see it as a shortcut to a home. Many people see it as an important investment in their lives, and because they have the ability to buy they do want to buy, even if a rental home becomes available and even if they are lucky enough to be able to have that rental home.

1915 The perfect scenario is you are on the list, you get a rental home, you nonetheless still get the opportunity to buy and you are in your rental home for the two years of the build, for example. That scenario is possible.

Questions for Written Answer

1920 **Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W210/2014 to W227/2014 inclusive.

Mr Speaker, I have the honour to ask you to recess the House now until 3.30 in the afternoon.

1925 **Mr Speaker:** The House will now recess until 3.30 this afternoon.

The House recessed at 12.09 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.21 p.m.

Gibraltar, Friday, 17th October 2014

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<i>The House adjourned at 5.21 p.m.</i>	25

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

European Parliamentary Elections (Amendment) Bill 2014 – First Reading approved

Clerk: Order of the Day. Bills – First and Second Reading.
A Bill for an Act to amend the European Parliamentary Elections Act 2004.
5 The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a first time.

10 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

European Parliamentary Elections (Amendment) Bill 2014 – Second Reading approved

Clerk: The European Parliamentary Elections Amendment Act 2014.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill is really the fruit of an initiative by the former Clerk of the Parliament, Mr Melvyn Farrell, who thought it was appropriate to suggest some updating of the European Elections Act 2004, and I am grateful to him – as I am sure the whole Parliament will be – for having approached the Government on
20 the subject.

Essentially, Mr Speaker, this is a housekeeping Bill. The highlights, really, are as follows.

In section 2, dated references to ‘Accession State’ and similar dated references are removed and reference is now made to the Treaty on the Functioning of the European Union, instead of the EC Treaty.

In section 4, the definition to the ‘Treaty of Athens’ is omitted.

25 In Schedule 1 of the Act, a more precise definition of the 2004 Regulations is now given for the sake of greater certainty and clarity. Hon. Members will of course know that the 2004 Regulations are the UK instrument which governs much of the substance of Gibraltar’s participation in the European Parliamentary Elections.

Also, in Schedule 1, references that are specific to the 2004 European Parliamentary Elections and which are *ipso facto* irrelevant are expressly repealed.
30

Mr Speaker, the updating I referred to needs to be reflected in the canvass form for electors and that form is therefore being replaced precisely for that reason.

35 The Government is also taking the opportunity in new subparagraph (3F)(1) of Schedule 1 of the Act to allow for two additional interim publication dates of the register of Gibraltar electors for European Parliamentary Elections. This is in keeping with the change introduced in the United Kingdom and we consider it appropriate and right to introduce the same reform here. It will maximise the opportunity for enfranchisement as individuals will more easily be able to check whether they are on the register or not, and to rectify their non-inclusion in good time, should they be eligible to vote.

40 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 the Bill?

45 **Hon. D A Feetham:** Mr Speaker, very briefly, I rise just simply to echo what the Chief Minister has said. It is a house-keeping, tidying-up exercise and certainly again, from the Opposition benches, we would also like to extend our thanks to the thoroughness of the former Clerk of the House, Melvyn Farrell for his suggestions and for his work in relation to this Bill. So the Opposition will be supporting the Bill.

50 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the European Parliamentary Elections Act 2004 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The European Parliamentary Elections (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

European Parliamentary Elections (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree?

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

FIRST AND SECOND READING

Supplementary Appropriation (2014/2015) Bill 2014 – First Reading approved

60 **Clerk:** 2. A Bill for an Act to appropriate further sums of money to the service of the year ending on 31st day of March 2015.

The Hon. the Chief Minister.

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to appropriate further sums of money to the service of the year ending on 31st March 2015 be read a first time.

70 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on 31st day of March 2015 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2014/2015) Act 2014.

75

**Supplementary Appropriation (2014/2015) Bill 2014 –
Second Reading approved**

80 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill seeks a further appropriation in excess of that countenanced at the time of the budget debate in July.

85 The further appropriation is for the purpose of funding the University of Gibraltar, a project which we have recently brought to fruition on the terms already announced by the Hon. Minister for Education and I at a press conference last week.

The project is one which I am sure all sides of the House will agree is a great step forward for our community. Indeed, from what I heard of the debate during Question Time this morning, there is broad agreement across even the wide political divide here about the desirability of this project succeeding. It could not be otherwise, Mr Speaker, for the founding of the University of Gibraltar has been a project long 90 trailed by more than one political party in past elections.

Well, Mr Speaker, it is those dreams which we are now in the process of making a reality, taking one small step at a time. I know the Minister for Education gave a very full answer this morning, detailing aspects of how the university will work. I do not want to repeat myself this afternoon again setting out what the Minister said, and I will therefore simply refer the House to his earlier statement.

95 But Mr Speaker, if we want a university we have to fund it and that is what this Bill is about. I certainly believe we should be funding the university and I therefore commend the Bill to the House, with the caveat that any details of expected spending raised in the debate will best be replied to by the Minister for Education.

I commend the Bill to the House.

100

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

105 **Hon. D A Feetham:** Well, Mr Speaker the matter has been exhaustively debated in the Question and Answer session this morning, so there is very little, if anything, that I am going to be adding on behalf of the Opposition, simply to say that we will be supporting this Bill.

We very much welcome the statements made by the Hon. the Minister for Education this morning, that the £10 million that is going to be appropriated today is the effectively envisaged outlay, not only for this year, but over the next couple of years. So that deals with some perhaps lingering concerns that I may have 110 had, because of course we are concerned about how much exactly it is going to be costing in the short term and indeed, carrying on as well from the tradition of, at budget time, always voting in favour of the Bill that is presented at budget time so as not to deprive the Government of the day of the obvious opportunity to be able to fund not only its projects but the running of Government, and although we could have perhaps have taken a different view in relation to this Bill, for the reason that we support the aim and for the reason that 115 the £10 million will not only cover the initial outlay for this year, but also the expenditure for the next two to three years, we will be supporting this Appropriation Bill.

Mr Speaker: I now put the question – sorry.

120 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, this morning, when we ventilated these matters, I expressed the hope and indeed the expectation that this is a matter that would enjoy cross-party support, both from the point of view of the concept of the university and the need to fund the university. I explained that this is something, again as the Chief Minister has alluded to, that it has been at the back of the minds and in fact possibly more at the forefront in more recent 125 years, of other political parties over the years.

We are very glad to be able to bring this matter forward, to have the specific plans and to see this matter – this university which is going to be a pride of place for all Gibraltarians – taking shape. It is good and we welcome the fact that the Opposition, as hoped for by us, does in fact support the concept of the University and the funding for the university.

130 All other matters were set out extensively this morning, but I am very glad that this project, which is a much valued project for the whole community and will see enormous benefits, has indeed cross-party support.

Mr Speaker: The Hon. Dr John Cortes.

135

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I would like to just make a few comments here. I have a huge personal interest having moved in the academic world – in fact, once upon a time, I hoped I would become an academic but I finished up here instead. But I have a huge interest in the subject; I am very pleased that I have been involved with my own Department and at a personal level in working with my hon. colleague’s team in developing the natural sciences ideas. Also with the School of Health Studies, we worked very closely together.

Having a university in Gibraltar will clearly enrich our community and will serve to produce ambassadors in a wide range of subjects across the world. I would like to say that I too have noted the excitement in the circles in which I move. I had the honour of hosting a workshop on sustainability in higher education earlier on this year, with representatives from universities across the Mediterranean – both the European and the North African side of the Mediterranean – as well as organisations such as UNIP and the Mediterranean Office for Environment, Culture and Sustainability. Everyone there was extremely interested in working and excited about Gibraltar having a university.

Finally, I think that I have to place on record the congratulations to the Minister for Education and his team, who I know have been working hard in bringing this project to fruition. (**A Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute?
The Chief Minister.

Hon. Chief Minister: Well Mr Speaker, because it is an Appropriation Bill, I think some Members have thought that this is an opportunity to have a ‘state of the nation’ university debate. So enjoyable as that might be, we are taking baby steps in establishing this university and I am very grateful to the Leader of the Opposition for having indicated his support to the appropriation.

The appropriation, Mr Speaker, as we have I think already explained during the course of interviews and press statements and the things that have been said this morning in the House and I have said now, is not for £10 million to be spent between now and the end of the financial year, but it is an indication of the amount that the university will cost over a period of time.

Therefore although we are making the appropriation and seeking the appropriation it is not going to be that we are going to be spending that amount before 31st March.

I am very grateful for everything that hon. Members have said in support of this Bill for an appropriation and today is an important day in the life of the university because although we have taken steps in creating the company and in telling the public what it is that we are doing, it is when we vote the appropriation that we really are going to give life to this place of learning in our nation.

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on 31st day of March 2015 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

With the appropriation having been carried, I think that I am allowed, as a member of the previous generation, for me this is a red letter day indeed. It is something almost undreamt of.

Clerk: The Supplementary Appropriation (2014/2015) Act 2014.

COMMITTEE STAGE AND THIRD READING

Supplementary Appropriation (2014/2015) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Thank you very much, Mr Speaker.

Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

FIRST AND SECOND READING

**Public Health (Amendment No. 2) Bill 2014 –
First Reading approved**

Clerk: 3. A Bill for an Act to amend the Public Health Act.
The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to
190 move that a Bill for an Act to amend the Public Health Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Health Act be
read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

195 **Clerk:** The Public Health (Amendment No. 2) Act 2014.

**Public Health (Amendment No. 2) Bill 2014 –
Second Reading approved**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to
move that the Bill now be read a second time.

Mr Speaker, this Bill makes a minor amendment to the Public Health Act with the intention of inserting
a new section 252(A), to allow for the introduction of regulation making powers to provide for the naming
200 and numbering of premises in Gibraltar and for the creation and administration of an official register of
addresses.

Mr Speaker, there are a number of lists of addresses in Government Departments and Agencies,
Parliament being one for the Register of Electors, Land Property Services, the Health Authority and so on,
and it has emerged, particular in these days of GIS and wanting to have everything in an electronic format,
205 that these lists do not all coincide. Therefore it is our intention to issue regulations so that we can have an
official register of addresses and we can rationalise the naming and numbering of streets and premises in
Gibraltar.

It is for this very practical purpose that I commend the Bill to the House.

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

Hon. J J Netto: Mr Speaker, only to say that we will be supporting the Bill.

215 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Public Health be read
a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Health (Amendment No. 2) Act 2014.

COMMITTEE STAGE AND THIRD READING

**Public Health (Amendment No. 2) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

220 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice
that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

FIRST AND SECOND READING

**Trustees (Amendment) Bill 2014 –
First Reading approved**

225 **Clerk:** No. 4. A Bill for an Act to amend the Trustees Act.
The Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that the Bill for an Act to amend the Trustees Act be read a first time.

230 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Trustees Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trustees (Amendment) Act 2014.

**Trustees (Amendment) Bill 2014 –
Second Reading approved**

235 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill remedies what we consider to be an omission in the current Trustees Act, which has been brought to the Government's attention by members of the industry. In fact, it was first brought to our attention by the Chairman of the Bar Council and then we consulted members of the industry including
240 STEP, the Society of Trustees and Estate Practitioners, and they agreed with the proposal of the Chairman of the Bar Council.

In the United Kingdom, the Trustee Act contains section 61 which provides a power for a court when dealing with cases involving breach by trustees, to relieve the trustee wholly or partially from personal liability, provided that the trustee has acted honestly and reasonably.

245 This power has been part of the UK since the Judicial Trustee Act 1896. An equivalent section is contained in section 378 of the current Companies Act, which is section 477 of the new Companies Act, protecting directors in similar circumstances.

The Government is in agreement with the proposal made by the industry that this omission should be remedied and this Bill does this by means of inserting a new section 19A into the Trustees Act in the same
250 terms as the UK provision.

I commend the Bill to the House.

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

255 I now put the question which is that a Bill for an Act to amend the Trustees Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trustees (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

**Trustees (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

260 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

FIRST AND SECOND READING

**Perpetuities and Accumulations (Amendment) Bill 2014 –
First Reading approved**

265 **Clerk:** A Bill for an Act to amend the Perpetuities and Accumulations Act 1986.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to
move that a Bill for an Act to amend the Perpetuities and Accumulations Act 1986 be read a first time.
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Mr Speaker: I now put the question which is that a Bill for an Act to amend the Perpetuities and
Accumulations Act 1986 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Perpetuities and Accumulations (Amendment) Act 2014.

**Perpetuities and Accumulations (Amendment) Bill 2014 –
Second Reading approved**

275 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to
move that a Bill for an Act to amend the Perpetuities and Accumulations Act 1986 be read a second time.

Mr Speaker, this is the first of several pieces of legislation connected broadly to the private client
industry that the Government will be introducing in the coming months. The impetus for this package of
280 legislation has come from the financial services industry, including the trust sector in Gibraltar, with the
backing of the Gibraltar Finance Centre Council.

As a result, the Government has put in place a comprehensive action plan to engage actively,
systematically and decisively to address the industry's proposals for reform, many of which have
languished for some years.

285 **Mr Speaker,** the Bill to amend the Perpetuities and Accumulations Act 1986 that is before Parliament
today accomplishes this in two principal objectives. Firstly, it provides for an increase from 100 to 250
years in the maximum period applicable to a disposition under the rule against perpetuities, where a
perpetuity period is specified in an instrument. This increase means that interest created by the instrument
would be able to vest more remotely than is the case at present.

290 I should add that the Bill is not merely prospective in achieving this reform. It will also allow for
dispositions made prior to the commencement, to be amended by deed so as to take advantage of the
increased perpetuity period.

Secondly, Mr Speaker, the Bill abolishes the rule against accumulations altogether for all trusts, except
for charitable trusts, for which a maximum period of 21 years will now be stipulated, subject to the
295 exceptions in section 16(4). This follows the consensus in developed trust jurisdictions, that the rule
restricting accumulations seldom serves any good public policy purpose in private arrangements, but to the
contrary, does serve a good purpose in respect of charities, and that the latter should spend their income on
charitable purposes and not retain it indefinitely.

300 **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 the Bill?

305 **Hon. D J Bossino:** No, Mr Speaker, other than to indicate that equally as we have done in relation to
the amendments to the Trustees Act, we will also be supporting this Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Perpetuities and
Accumulations Act 1986 be read a second time. Those in favour? (**Members:** Aye.) Those against?
Carried.

310 **Clerk:** The Perpetuities and Accumulations (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

**Perpetuities and Accumulations (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

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

315

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

**Smoke-Free Environment (Amendment) Bill 2014 –
First Reading approved**

Clerk: A Bill for an Act to amend the Smoke Free Environment Act 2012 and for connected purposes. The Hon. the Minister for Financial Services and Gaming.

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Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Smoke-Free Environment Act 2012 and for connected purposes be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Smoke-Free Environment Act 2012 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Smoke-Free Environment (Amendment) Act 2014.

**Smoke-Free Environment (Amendment) Bill 2014 –
Second Reading approved**

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Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to move that a Bill for an Act to amend the Smoke-Free Environment Act of 2012 and for connected purposes be read a second time.

Mr Speaker, this Bill amends the Smoke-Free Environment Act 2012 so as to create an exception to the general prohibition of smoking.

335

This exception permits smoking in certain parts of premises covered by a gaming operator's licence in specified circumstances and sets out that parts of the premises whereby smoking is permitted, under this provision, shall not attract the additional discount introduced in accordance with section 277B of the Public Health Act.

340

Mr Speaker, there is currently only one gaming operator's licence in operation in Gibraltar and it relates to the land-based casino in Ocean Village. As the premises is one in respect of which a licence authorising the sale by retail of alcohol for consumption on the premises has effect, the power in the Act to make an exception by means of secondary legislation cannot be used. As such, it is necessary to make the change by means of a Bill.

345

Mr Speaker, by way of background, the Smoke-Free Environment Act 2012 imposed a prohibition on smoking in certain enclosed places that are open to the public or used as a place of work, so as to ensure that the public have access to breathing clean air throughout Gibraltar.

350

The Act contains a number of exceptions which include: (a) designated bedrooms in a hotel, guest house, inn or hostel, being rooms set apart exclusively for sleeping accommodation, designated in writing by the person having the charge of the premises in which the room is situated as being a room in which smoking is permitted, which have a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls, which have a ventilation system but does not ventilate into any other part of the premises except any other designated bedrooms, do not have any door that opens onto premises where smoking is prohibited which is not mechanically closed immediately after use and which are clearly marked as bedrooms in which smoking is permitted; (b) bedrooms or smoking rooms in care homes,

355 hospices, prisons and hospitals under the Mental Health Act with similar criteria to those for designated hotel rooms; (c) specified areas of specialist tobacconist shops, again which meet similar criteria.

The criteria included in this Bill for the designation of parts of premises covered by a gaming operator's licence go further than the requirements for similar exceptions already in existence under the Act: that part of the premises must: (1) have a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls; (2) does not have a ventilation system that ventilates into any smoke-free premises; (3) does not have any door that opens onto smoke-free premises which is not mechanically closed immediately after use; and (4) be clearly marked as premises in which smoking is permitted.

360 Additionally, the part of the premises must be approved for the purposes of the section by the Minister with responsibility for Gambling, in consultation with the Minister with responsibility for Health and the Director of Public Health, and the approval is subject to conditions.

365 There are mandatory conditions which must be included in any approval and these are: (a) notwithstanding any licence which would otherwise have effect, the sale by retail of alcohol for consumption on the premises is not permitted within part of the establishment to which the approval relates; and (b) the part of the establishment to which the approval relates has a ventilation system approved for the purposes of this section by the Minister with responsibility for Gambling in consultation with the Minister with responsibility for Health and the Director of Public Health.

370 There is also the power, Mr Speaker, to add further conditions to the approval as the Minister with responsibility for Gambling deems appropriate.

I commend this Bill to the House.

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

Hon. J J Netto: Mr Speaker, the Opposition will be abstaining on the proposed amendment to the Smoke-Free Environment Act 2012 essentially because what this amendment shows is the complete incompetence of the current Government when discussing and weighing up the pros and cons of draft legislation in the first place.

380 Back in September 2012, the Minister which was assigned by the Government to drive the current law, the Hon. Dr John Cortes, stated in his speech of the Second Reading, right at the beginning, the following words and I quote:

‘following the trend in many other countries and, indeed, a campaign led for several years in Gibraltar by several people, notably Mr Bryan Zammit, there was a feeling in the community that we should catch up with the rest of the world and introduce legislation that would make the environment within premises and public vehicles free from smoke.’

So we are entitled to ask the Minister now, having joined the rest of the world as a result of the legislation proposed then by the Minister for Health and Environment, have we now descended back to that part of the world that does not take health and environmental matters seriously?

390 Again in his speech, the Minister for Health and the Environment stated, that exceptions would only be given to performance in a play where the artistic integrity of the performance makes it appropriate for the person to smoke.

So in accordance with the new dawn of environmental standards of this Government as stated by the Minister for Health and the Environment then, quote:

‘in that we have gone the whole hog, so to speak.’

395 – grand words from a Minister who early in his tenure in Government wanted to show that he was an environmental warrior, with a radical, bold, no-nonsense approach to his responsibility as a Health and Environment Minister, one where the environment comes first and business second.

400 The Chief Minister, not content to allow his Minister to take all the credit for this crusade among the environmental lobby of the time, also wanted to cash in the votes of this group. He could not help himself, having a jibe against the GSD Opposition by accusing us of not protecting the workers in private clubs and restaurants. This was a beauty contest between the Minister for Health and the Environment and the Chief Minister, in order to ingratiate themselves for the medals to be placed on their chests for those who fought for the legislation in the first place.

405 So what has happened here, Mr Speaker? Well, let me say so in *plata* and not in meaningless, lawyerish gobbledegook. The Government in the form of the Minister for Gambling has had a shock by having a representative of the casino threaten him that either the Government introduces the exception to the general law applied in the existing legislation or they will pack their bags and go. These kinds of threats are not new in this industry and it happens throughout the world.

410 However, one would have thought that given the tone and manner in which the Government proceeded
 within existing legislation at the time, and with the health and environmental fanfare it went to make
 maximalist statement at the time, that they would have had the strength and conviction to tell the gaming
 industry where to get off. Yet this so-called environmentalist and socialist Government collapses at the first
 hurdle. Gone is the environmental filter. The only filter to this amendment is to be provided by the Minister
 for Gaming, the Hon. Albert Isola. He will be the judge to decide now whether there will be more
 415 exceptions to the rule, and the Minister for Health and the Environment will simply play second fiddle to
 the wishes of big business.

Mr Speaker, at the committee stage of the then Bill in 2012, the Minister for Health and Environment
 stated in response to my colleague the Hon. Isobel Ellul-Hammond, who had then asked if there was a
 particular policy with regard to guidelines for future exceptions to the rules under clause 11(1), the Minister
 responded by saying he would have to consider the advice of the person who is qualified in this area, the
 420 Director of Health. In other words, the remit and the focus for consideration when the Bill was being
 drafted was that this was to be a health and environmentalist approach to smoking in public places and
 nothing else.

I clearly remember, Mr Speaker, when I was a Government Minister I had several conversations with
 the Director of Health then, and he was always adamant that smoking in public places was wrong and that it
 should be banned. He was categorical and unequivocal. The question is whether anything has happened
 since December 2012 that would have changed his mind so dramatically, if indeed he has changed his
 425 views now.

Clearly this is a significant humiliation for the Minister for Health and the Environment, no matter how
 he may wish to disguise this under the so-called collective ministerial responsibility. If he still has the moral
 conviction for his principle that he so vehemently professes to have, the very least he should do is to abstain
 in the vote, otherwise it is another step in losing the confidence of the health and environmental lobby.

Mr Speaker, in politics you cannot run with the hare and hunt with the hound. The Government cannot
 pretend to be environmental warriors, go preaching around the world that we are world leaders in health
 and environment and then capitulate at the first hurdle of business opposition.

435 This amendment brought today to Parliament is the fruit of adopting popular schemes for the purpose of
 getting votes and then turning their backs to those who deposited that trust for the policy they advocated at
 the last election. It is a mess, hanging around the necks of the Members in Government and we in the
 Opposition will have nothing to do with this mess.

Thank you.

440

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

Chief Minister (Hon. F R Picardo): Very entertaining, Mr Speaker – very entertaining!

445 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, what an
 extraordinary statement this House has just received! To accuse the Government of incompetence and not
 taking health and the environment seriously, and I am sure there will be others here who will be able to
 defend the Government's position better than I.

But one has to wonder in the last two and a half years, the last two years and ten months, which planet
 450 has the hon. Member been living in? Has he not seen what we have done? Has he not seen what we stand
 for? Does he not know, like the rest of Gibraltar knows, that this Government's credentials on the
 environment are second to none and have never been seen in Gibraltar before? Does he not know about this
 Government being a modern and progressive Government that gives the environment the priority that it
 deserves?

455 Does he not know that this Government has always accepted that it has a moral responsibility and not
 just a legal responsibility, (**Several Members:** Hear, hear!) (*Banging on desks*) because there are many
 directives that say exactly what we need to do? And we do these things, not because they are our legal duty,
 but because it is right that we should do so.

460 We have done so and we have shown so by our actions and we will continue to do so for all the time
 that we are in office. It is in fact a pity, Mr Speaker, that the hon. Members did not do the same when they
 were in office.

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

465 **Hon. D J Bossino:** Mr Speaker, what my hon. Friend, Mr Netto has said is absolutely right,
 (*Interjection*) in the sense that this has been... The Hon. the Minister who has moved this Bill and I had a
 debate in the press during the course of summer and the basic point that we made is that this is very clearly
 – and this is something which the hon. Members opposite cannot conceivably deny – that this is a shift in

470 position as stated during the course of the General Election. Indeed, it is a breach of what they said in their *magna carta*, their manifesto.

Their manifesto very clearly states, and I quote:

‘We will introduce a ban on smoking in enclosed public places in Gibraltar’.

475 Well they clearly have resiled from this and indeed possibly, possibly, the same points and the same case could have been made when the Hon. the Minister for the Environment moved a Bill which is now the Act, in its original form when it was littered with exemptions and indeed, a general enabling provision which is section 11, which gives the Minister the power to pass regulations to provide for further exemptions.

480 He is already on record in this House indeed only in this session, as saying that he intends not to make provision for further exemptions to the smoking ban. But yet here, what we have is a resilement of that position and it is very clear that that is the case. Perhaps, Mr Speaker, and as I think the Hon. Mr Netto was saying, the basis on which this amendment is being moved is in effect an economic and a business case.

485 The Hon. the Minister when he issued his press release said very clearly that it is in order to ensure the continuing viability of this one particular economic entity, the one casino in Gibraltar, and to make it, to allow it to continue to be fit for purpose. And the point that I made during the course of the debate through the press was, well surely, if there is going to be that resilement from the puritan position of principle, which is no smoking in public places, then surely the same opportunity ought to be allowed to other businesses to make the same case to the Government.

490 Why is our primary legislation being allowed to be amended in order for one particular business to continue to be viable and fit for purpose? Why is it not the case that other businesses – other restaurants for example, other bars – should not also be given the opportunity to make the same case to the Government and allow them, with all the conditions and safety requirements and all the rest of it – separate rooms, no cross ventilation, all those conditions – so long as a business can say, ‘I have the facilities to provide this service and I want to provide this facility, this service to my clientele’ – no alcohol will be sold in that section, all the rest of it, why cannot another business make the same case?

495 And clearly they have, in my view, opened the floodgates. If they are a Government which has resiled from its position of principle, then they should do so, not only in respect of one business, not only in respect of this one casino, but also they should also give the same opportunity to other businesses. That is the point that I wish to make, Mr Speaker.

500 Other than that, I understand what the Hon. the Minister says, and I give him the opportunity to correct me if I am wrong, that the section 11 procedure was not available to him – or rather to the Minister for the Environment – to make regulations because this particular premises is licensed to sell alcohol. I think that is the point he made in his delivery and if I am wrong, then I would ask him to correct me.

But I make the same point: if there are premises which are other premises, other businesses which are licensed to sell alcohol, why cannot they make the same case to the Government?

505 **Hon. D A Feetham:** Mr Speaker, that is precisely and very eloquently and concisely the reason why the Opposition cannot support the Bill.

510 The Opposition would have wanted to come to this House, despite the criticisms made by the Hon. Mr Netto – well-made criticisms, political criticisms – would have wanted to come to this House and say, despite those criticisms in the *volte face*, the very clear U-turn that the Government has done in relation to this, the Opposition is nonetheless going to be voting in favour of this Bill.

515 But the reason why we are abstaining – not voting against, but abstaining – is because of the inherent inequity of having a situation where other businesses in Gibraltar cannot meet the same threshold, the same conditions as this particular business and be allowed exactly the same opportunity. It is a question of fairness and that is the reason we cannot support this Bill and that is the reason why we are abstaining.

520 **Hon. Sir P R Caruana:** And if I could just add, Mr Speaker, my small grain of thought – I was never in great, greatly in favour of the abolition of smoking in the first place, I thought it would bring problems of this sort in its wake and it has taken just a little bit longer than I imagined it would to emerge – but now that one has got used to a smoke-free regime, I suppose one should be grateful to the Hon. the Minister for the Environment for having had the courage to introduce it in the first place, because actually it does improve many environments. (*Banging on desks*)

525 But what I would like the hon. Member to answer – yes, the Hon. the Minister for Gambling – obviously there is an element of tension in the very drafting of this Bill. Here is an amendment to a Bill that was moved by the Environment Ministry, the amendment is moved by the Minister for Gambling because it affects gambling institution, but he still has to consult with the Minister for Health. Well, we know what the Minister for Health and Environment’s views are: he expressed them when he moved the principal Bill. So

‘consult’ means saying that you are going to do it and doing it, whatever he says. I mean, that is what consult means and that is fine, that is what consult means.

530 My point is this: can the Hon. Minister just address this point in his reply, that before the position was clear, the Government has made a policy decision with which some people may agree, others may disagree but it is a perfectly legitimate policy decision, that workers and other users of public services, or services delivered in public places, should be protected from the potential dangers and discomforts of so-called passive smoking.

535 Is the position therefore now that that policy has been modified to read ‘most but not all workers’ and ‘most but not all consumers of services delivered in public places’? Because of course the workers who work in whatever premises are subsequently given the benefit of this, they, will not enjoy the benefit of the Government’s policy to protect workers from passive smoking, and the non-smoking users of the casino in future will not – (*Interjection*) although for the non-smoking users, I accept it is easier to accommodate because they can do it in a smoking room and non-smoking room – they can have smoking rooms and non-smoking rooms – but for the workers, I suppose it could be done on the basis of volunteers.

540 But still, does the Government fear that this might undermine their more moral basis of the original policy, which is that the Government had decided, rightly or wrongly that this was something that all workers should benefit and all consumers should benefit?

545 **Hon. Chief Minister:** Well Mr Speaker, I have heard some extraordinary things in the House in the time that I have been here, but none perhaps quite as extraordinary as the ones that I have heard this afternoon from the Hon. Mr Netto.

This morning, when I was absent from the Chamber, Mr Netto told the world from, I assume, a sedentary position like he is now, on that social media that we know as Twitter, that – and I quote him –

‘Once again when we have a parliamentary session without the CM the exchanges are without hostility and respect’.

550 I think he meant ‘without hostility and *with* respect’, (*Laughter*) but I will assume that the 140 characters that Twitter affords one did not enable him to clarify that.

555 Well, Mr Speaker, I was sitting very comfortably and had not shown any measure of hostility or disrespect to anyone this afternoon, when we were subjected to what I must say was probably one of the most incredible political attacks that I have heard in the past two and a half years since I was in Opposition, Mr Speaker – because of course when we were in Opposition, we were subjected to all sorts of political attacks.

560 But this was quite something, we were just cashing in votes, we were trading jibes, we were putting ourselves up for a beauty contest. Threatening, was what the casino had done to us, that they would pack their bags and go and we were therefore so-called environmentalists, if we had allowed ourselves to have our arms twisted, and so-called socialists. Well, not a Friday afternoon without hostility and with much respect then.

565 But you see hon. Members opposite need to understand where it is that they are placed in order to be able to launch criticism of the Government. They are representatives of a political party that was in Government for 16 years – the 16 years during which the campaign led by many people, including the individual that hon. Members mentioned in order no doubt to try and curry some favour with him – and yet they did nothing about it.

So the hon. the former Chief Minister has said that he did not agree with the principle and thought it could bring problems. Fair enough, that was their policy, but they had 16 years to take a puritan road or a non-puritan road and took no road. (*Interjection*)

570 And then the Hon. Mr Bossino says this is all a U-turn, it is a *volte face*, as the Leader of the Opposition put it, because your manifesto said you would introduce a ban on smoking in public places and now you have gone on to introduce exemptions to that, and therefore that is a U-turn because your policy, if it is, that you are going to ban smoking in public places, full stop, cannot then admit of exemptions. Did I understand that point right? I think I understood it right; he is nodding his head and it was very clear.

575 Well, Mr Speaker, you see sometimes one has to be careful how one articulates one’s arguments because page 47 of the GSD manifesto for the 2011 General Election sets out *their* policy and it is as follows:

‘We will ban smoking in enclosed public places.’

– full stop. And then it carries on, a new sentence:

‘In private clubs the decision will be left to the members. Restaurants and bars which operate fully isolated and separately ventilated smoking rooms through which other customers do not have to pass may allow smoking in them. We will make available measures to help people stop smoking.’

580 So it is obviously perfectly compatible to say we will ban smoking in enclosed public places and yet provide for some exemptions – which appears to be what the Hon. Mr Bossino now thinks is entirely contrary to the principle of banning smoking in public places. Now they would have done it in all of those instances and we said we would *not* do it.

585 Now just to link what Mr Bossino has said to the questions that Sir Peter has asked, how are we going to do it? Well, the mechanisms that will have to be put in place in order to comply with the legislation will mean that there will be an enclosed place into which no worker will have to wander until *after* all customers and all smoking has passed. We consulted with Unite before we were prepared to approve a mechanism that allowed this.

590 Therefore workers will be not be exposed to smoke and individuals who do not wish to accompany somebody else into the smoke do not have to be exposed to the smoke. The smoking area will be very much like the sort of enclosures that one sees at an airport. They will be absolutely awful places to go into, where all you will be able to do is smoke and play on a one-armed bandit.

595 So what we have done is we have achieved the objective that we set out to achieve and continue to steer the course to ensure it is achieved for many generations to come. Children, young people, those who do not wish to be exposed to smoke, and workers who might involuntarily be exposed to smoke because they have to work and may not have a choice, will *never* have to be exposed to smoke.

600 The only people who will be exposed to smoke are those who want to play on a one-armed bandit whilst they smoke, and they will not have *any* of the appurtenances of being in a commercial establishment that one might otherwise enjoy. They will not be able to eat and drink. They will not be able to do any of that and they will have no service in there, and no worker will go in there until long after the place has closed down. When it is closed down, it will be a messy place, it will be a stinking place. I certainly will not be going in there, but we are told that there is a business case for it.

605 And because that business case, done in that way, does not defeat the primary objective, therefore we are prepared to come to this House and allow it. That is not the sort of thing that they were prepared to allow but clearly, it is within the concept of banning smoking in enclosed public places full stop. And when the hon. Member goes back to *Hansard* and sees what he said and how he said it, he will see how what we are saying is within what it is that he suggested. (*Interjection*)

610 Mr Speaker – if he wants, I will finish and then give way before I sit down – in explaining that we have done a *volte face* therefore, hon. Members should have spent a little bit more time trying to understand what it is that we are doing, because the type of environment that will be created and the types of places in which it falls to be created, are places where there is no chance that a young person or a child will be remotely near the opportunity to have smoke blown anywhere near them. Casinos are casinos. You could describe them, even without trying to be in any way negative about them, as a place of vice, if one considers gaming a vice.

615 So in a place of vice, where already entry is to an extent restricted, in a particular corner, in a particular place, where workers will not have to enter, where children have no chance to go, those who enter in my view, to use a legal term – some of that gobbledegook that the hon. Member has referred to earlier – those who enter will be absolute ‘volents’. They will be absolute ‘volents’. They will be volunteers – and I will give way to Sir Peter as well before I sit down – volunteers to be inhaling that smoke because they wish to be in that very tight environment which will only have one-armed bandits and other smokers in it.

620 Mr Speaker, I am quite happy to give way at this point both to the Leader of the Opposition and to Sir Peter.

625 **Hon. Sir P R Caruana:** Well, it is very reassuring, if I can say, that the hon. Member has... I mean it would have helped if that had been explained in the presentation of the policy. It is all very well to complain that we have not given thought as to how they were going to do it, but of course since they had not explained how they were going to do it, it can hardly have been spotted. But it is nevertheless reassuring that it will be done in a way that does not expose workers, not because we would not have exposed workers, because we would not have done this, but because it does not undermine the basis of the policy when deployed in other places.

630 In that respect, I would just urge the hon. Members to be very vigilant that this does not drift into a practice where volunteers are asked for, because hon. Members know that when your livelihood is at stake, people volunteer for things that this law is designed to protect them against being forced to volunteer for, in terms of workers. That is the first point.

635

And the second point, if the Hon. the Chief Minister will forgive me, I will read his answer in *Hansard*, is whether he does not accept that the very same things that he has said, to in my mind sufficiently justify – if it is carried out in the way that he has described – these exemptions, why that might not be applied to other businesses if they can meet the same high standards of ring fencing.

640 In other words, I know he has made the point that casinos are places in which children are unlikely to be found, if there was another sort of business in which it is unlikely that children or in circumstances where children could never be found and that people who did not want to smoke did not have to go – in other words, there was a no smoking area equally, and all the sort of things that he has just said and that workers would not have to go into – would the Government *then* feel that a case *might* be made by those, and if the
645 Government does not feel, what would they say to such businessmen who then would not understand the distinction that was being made against them?

Hon. D A Feetham: Mr Speaker, I was going to make the last point that the Hon. Sir Peter has made, but in addition, I would ask for this clarification from the Hon. the Chief Minister: I do not know how these
650 games work. I have never gone to a casino in my life, but is what the Hon. the Chief Minister saying that under no circumstances at all will there be any members of staff in this enclosure – for example, even in the dealing of cards? So that is not applicable – nothing at all, it just applies effectively to machines, one-armed bandit and that is all?

Hon. Chief Minister: Mr Speaker, let me try and deal with the first point that the Hon. the former Chief Minister made, the volunteers. This is an issue that is very live in the debate with Unite on this issue. They pointed this issue out as well. We were keen to ensure that there was no question of people being sought to be volunteers, because in an employment situation there is potentially no such thing as a volunteer. Therefore, that is an issue that has been taken up directly with the Union and the casino and something in
660 which the Union will be very vigilant and the casino, and we will be very vigilant of as well. (*Interjection*) Indeed, and the licence will be issued in those terms, because what we are concerned about is that even with licences issued in those terms, there are sometimes those who will suggest that they were not even asked by their bosses to do it, but they are just trying to... So there will be a requirement that employees not be allowed in, so it is the other way round.

665 So, if I can just ask hon. Members to imagine, in order to be able to deal with the next point more effectively, the type of enclosure that they see in an airport – and it will be a glass enclosure. It will literally be a smoking *pit* in the casino, a fish bowl, with the glass all the way to the ceiling, with air-conditioning systems sucking out, up and down, the smoke, and only one-armed bandits in it.

That seems to be something that really you can only imagine in a casino and people need to be pretty
670 hooked on what they are doing. I query whether these sorts of places should exist, but they exist and we licence them and we are the biggest territory in the world in terms of the on-line emanation of them, but look, we cannot be looking out for everybody all the time. We are not a nanny state. So there are people who go to casinos, there are people who like to play slot machines and there are people who smoke, so we are providing that sort of environment. In my view, it is going to be a place where nobody is going to want to enter, but I am told that many people will wish to enter it, despite the smoke, despite the sucking
675 ventilation system, despite the glass, all the rest of it. So be it.

Mr Speaker, in that context, what other type of service might be offered in that way? We are not talking about going down the route hon. Members talked about going down, which was to have the smoking and non-smoking areas in restaurants. We do not believe that works. Although it was in their manifesto, we do
680 not believe that works. We do not believe that even in private clubs you can have this without exposing workers, so we are not going down that road.

So I suppose somebody might be able to make an argument that they could drop a hamburger into that sort of enclosure as if it were a sort of drive-through, smoke-through, but it is not reasonable to think that other businesses would be able to create enclosures of this sort, subject to this strict level of regulation
685 which might be able to survive without employees in them or something because you have to have delivery of a thing into there.

So we are very confident, Mr Speaker, that therefore what we are doing is designed to deal with something which we did not foresee.

If I can then take the hon. Gentleman to his final point, although we do not think that it is possible to
690 deliver any other service in this type of smoking environment, look, the door is not going to be closed because there are more things thought of in my philosophy than perhaps Horatio has thought of. So it maybe that somebody comes up with something else where you have other opportunities for employees not to be exposed to the same type of ventilation and all of those issues to be dealt with.

None of them are the ones, if I may so, with respect to the hon. Member, are the ones which are set out
695 in the paragraph of their manifesto – in other words, it is not the restaurant, it is not a sort of private club. All of those we think expose employees in a different way. This is *so* constrained and so designed that

when people see it, if perhaps somebody has heard half of this debate and goes away thinking the GSD is right, the GSLP has done a *volte face* this is really terrible, when they turn up in the casino and they see this enclosure, they will think, ‘Oh no, my kids are absolutely safe. I am absolutely safe. Anybody who does not want to be exposed to smoke is absolutely safe.’

700 This is never going to be... as I think hon. Members have given away by the questions they have asked, in particular the Leader of the Opposition, that this was going to be perhaps an area of table gaming which might be a smoking area etc. This is not going to be *anything* like that. This is a glass cage, really of the sort where I would ask even smokers not to go into.

705 A final – yes?

Hon. Sir P R Caruana: Except, Mr Speaker, that that is how they intend to implement this. What the Hon. the Chief Minister is explaining, is how the Minister intends, on this occasion and perhaps this Minister on every occasion, to exercise that discretion. But the law is not so curtailed. The law is not limited to the situations which he has described and that really is...

710 But look, to the extent that it is implemented in the way that he is describing, I do not think – (*Interjections*)

Hon. Chief Minister: Mr Speaker, I am grateful for that and the guiding principle here is public health, and the guidance of the Public Health Authority is that nobody should be exposed to smoke and therefore it really is designed to comply with that advice so that the way that we intend to do it is really the only way you can do it, so that only the ‘volents’ are subject to the smoke, because only they then go in there.

Mr Speaker – (*Injection*)

720 **Hon. Sir P R Caruana:** Mr Speaker, I am not making a position on the basis of public health because I would not even have offered even this degree of public health protection. We would not have done even this in terms of the prohibition.

725 My angle of concern is in a sense legal discrimination – in other words, that some businesses should be allowed to benefit from a certain piece of legislation, a certain regime, and others not. I think what the hon. Member has said, which I find satisfactory for the purpose is that if there are other businesses that, unbeknown to him or that he cannot now imagine, nevertheless meet the same requirements, that the Government are as open in those businesses as they will be with the criteria that they intend to apply to this business, they would be happy to apply to other businesses who can comply with the same criteria, and that certainly deals with my discrimination concerns.

730

Hon. Chief Minister: Thank you, I am grateful, Mr Speaker.

In fact, I would put it the other way: we will be not as open to their proposal; we will be as harsh in testing it as we have been on this occasion to ensure that there is absolutely no potential leakage or seepage, not just of smoke but of exposure to workers, etc.

735 Now, seen in that light, what I would invite the hon. Members to do, given that it appears that they had a different view of what was happening to what I have now been able to satisfy them on, to reconsider whether they do want to abstain on this or whether, given that they have the comfort that nobody is going to be exposed to smoke, that we achieve the primary objective and continue to steer the course in respect of that primary objective, that they should consider carefully whether in fact they want to abstain on this.

740 To an extent I put it to them, Mr Speaker, that the speeches that they have given are not speeches for abstention; they are speeches for voting against the measure. They did not, in my view, Mr Speaker, speak in a way that suggested that they had any reason for abstaining. Everything they said suggested that they would wish to object.

The Hon. Mr Bossino wants to say something and I will allow him to do so.

745

Hon. D J Bossino: Mr Speaker, I am grateful to the Hon. the Chief Minister. There is one practical point which arises in my mind as to the exposure of... or rather the ability of workers to go into the enclosed area. As I understand the position, certainly the press release says that they will not be required to enter the ‘fish bowl’ – as I think the Hon. the Chief Minister has put it – and it means that if they want to they can, I suppose they are free to enter. But what about if there are circumstances when they have to go in because, I do not know, there is a fight going on, security needs to go in? You see, he scoffs but actually this is a practical situation which could arise.

750 So in other words, what I am saying is that, is it possible to have this sort of panacea that the Hon. the Chief Minister is trying to conjure up in our minds, which is that it is only very exceptional – in fact it is not exceptional circumstances; *nobody* can go in, he is saying, other than those who want to smoke and play the one armed bandits. So I am putting that practical situation to him and whether he can address it.

755

760 The other point, just to end, is in my view, Mr Speaker, I think there is a world of difference. Therefore the point that my hon. Friend has made, Mr Netto, and I made in my speech, which is that this is a climb down if you like from the position as stated in the manifesto. It still stands because there is a world of difference between what our position was in our manifesto, which the Hon. the Chief Minister has read, and theirs.

765 They did not go beyond the smoking ban without any exceptions in all public places. That was their position, full stop. There was nothing after that. (*Interjection*) Yes, no but then we go into the exceptions that we would have introduced – that is part of our policy. So I do not think, in all honesty, that that particular argument, although he expresses it as usual with all the confidence, can stand, to be honest, and I would encourage him – I know he will not – but I would encourage him to admit that it does not.

Hon. Chief Minister: Mr Speaker, well, I did not give way to allow him to make the same argument as he had made before, but I will deal with it first.

770 Mr Speaker, look, if he is saying that a blanket statement – we will ban smoking in enclosed public spaces, which is the one we have and they have – does not admit of exemptions, we have it without exemptions, they have it and then with exemptions following, then they did the *volte face* in the same document! In the same paragraph of their first manifesto, their 2011 manifesto, they have both things. That which he says is absolute and not admitting of exemptions *and* the exemptions. So is it that there is a *volte face* within the paragraph?

775 Look, I put it to him that there is not and that what we are doing now, although they can try... And I see politically the point that they are trying to make. This is an attempt to make hay because they think we are doing a bit of a U-turn, there is a lobby out there, and they are going to give it a go. Fine, fair enough, that is politics – but let us be clear that that is what it is, and that when people turn up in the casino to see this ‘dreadful *volte face*’ that we have done, they will see this pit that no right-minded individual would ever want to go into and they will say this is no *volte face* at all. This is the most properly thought-out policy that there could have been in order to satisfy this requirement which apparently there is, without failing to continue to steer the proper and appropriate course and achieve the objective.

780 Words describe an objective and what I am saying to the hon. Gentleman is the words in the manifesto were set out there to achieve an objective and we have achieved the objective, and we continue to achieve the objective, *even* persuading those who were not persuaded before. Because the Hon. the former Chief Minister has said that he was not persuaded before, but after we took the action, he is now persuaded and happy, and would have done it before, and he said so himself. So I think that is a very good way of seeing how the effect of the measure has worked.

790 And Mr Speaker, the Leader of the Opposition wants to –

Mr Speaker: Could I ask the Hon. the Chief Minister not to give way any more? Because the whole purpose of giving way – (*Laughter*) No, hon. Members have got it wrong. They do not know what the rules are.

795 Whoever is holding the floor should give way in a debate – and that is what we are having here, a debate – for points of clarification, not for continuing to come up with new points or for continuing to argue the toss. It is for clarification only. In the nature of a personal statement of clarification, but not for toing and froing in the way that hon. Members have been doing this afternoon.

800 I had noted it before, but I think that this afternoon it is becoming an abuse and therefore I ask the Chief Minister to give way on this last occasion, but please no more.

Hon. Chief Minister: Well Mr Speaker, the other point that Mr Bossino made –

805 **Mr Speaker:** And the other point that I ought to make is that in Committee, Members have an opportunity, when considering any particular clause, to cover some of the similar ground again. So it is not that their right to speak is being curtailed, but I think we must not abuse the rules of debate.

Hon. Chief Minister: Mr Speaker, I am grateful for that guidance.

810 I think the first point that Mr Bossino made was a point of clarification and I will deal with it now. I do not think the second one was, for the reasons I pointed out and if the Leader of the Opposition wants to make a point based on clarification, I will give way to him now, before I deal with the other point for Mr Bossino.

815 **Hon. D A Feetham:** Well, the point that I was going to be making about this is it does not alleviate the concerns of the point that I have made and the point that Mr Bossino has made, in the sense that obviously these exemptions are just limited to the gaming industry.

If what you had was a general exemption – in other words, exactly the same wording but it said, ‘If a business fulfils the following conditions – bang, bang, bang – and then has in its licence certain conditions, then they could offer effectively this service’, I think we would have supported it, despite all the other political criticisms about the fact that this is a *volte face*. Those are political points in the thrust of the debate, but we would have been in a position to support it.

The reality is, there is nothing here – and I would like the Chief Minister to confirm there is nothing here – that actually allows the Government – I may be wrong and maybe he can clarify that – to actually grant an exemption wider than in the gaming sector. In other words, this is not a situation where the Government is introducing a list of conditions for the granting of an exemption outside this particular gaming operator’s situation.

Hon. Chief Minister: Mr Speaker, let me deal with that point first. There is no provision for non-gaming operators to have such an exemption, but as I have said to Sir Peter, if we were to receive representations from another sector where we could be persuaded that it were possible to provide services in this way, we might be persuaded to come back and make a further amendment.

What I would say to the hon. Gentleman is, as I have said and is now on *Hansard*, our minds are not closed to that, but representations have not been made by any group or by anybody or by any business, that has persuaded us that this is possible, other than by the operator of a casino. A casino has a particular type of business that it does, which as I said before could be described as one of vice, etc, so it is not a general place to which many people have access. It is a very particular place and it is not a place where children can wander, etc. So we are not minded to change that, but it is now on *Hansard* and the hon. Members have the benefit of it on *Hansard*, that we are prepared to consider any other type of business that might approach us.

Now, the other point is the point made by Mr Bossino, whether there would be no circumstances in which an employee might enter such a part of the premises. Well, we have looked at everything that could happen in the context of the business. But of course what we have not done is say in the context of an emergency, no-one would be able to enter. I mean if somebody sees a person having a heart attack or what appears to be a heart attack and out of the kindness of their heart, they wish to go in there and try and pull them out or treat them, or if there is a fire and somebody wants to go in there to pull someone out – and we are not talking about a fireman, we are talking about an employee who is seeing this happen – well look, I am sure that in those circumstances somebody might enter.

But it is clear that employees are not going to be able to enter to provide service, to service machines if a machine has got stuck and money is stuck inside. There will be cameras and there will be remote monitoring of machines so that those things can be dealt with by a central cashier. The employee will not have to enter.

So I think I can satisfy the hon. Gentleman that, other than in absolute *extremis* in the sort of way that none of us are to touch the Mace, but if I saw that somebody was having a heart attack over there and I run to try and help them I might touch the Mace in the process of doing so, we are not supposed to cross the line here, but if somebody were having a problem here, I am sure the officer would come and try and give us first aid.

So other than *in extremis*, there is no circumstance in which an employee will enter that area. Therefore I think they should have the satisfaction that this Bill does not open floodgates, this Bill is actually designed to ensure that in particular circumstances, a particular type of business is able to provide this service in a way that is purposely not attractive, purposely avoids any employee having to enter there, purposely ensures that there is full ventilation of the place in which they are and that there will be no escape of smoke to the general area.

We have therefore, as I said before, in the original Bill achieved the purpose we set out to achieve and this does not in any way waiver that fact, does not in any way turn us away from that fact. In the two and a half square miles by one square mile that is our lovely land, there will be a small area, perhaps five metres by five metres, where people will be able to smoke and play a one-armed bandit – very small indeed.

But for two and a half miles by one mile, what we set out as the standard – what we the environmentalists, the socialists, the dreamers set out as the standard – remains. We steered the course and we steer her straight down the line as she goes. (*Banging on desks*)

Mr Speaker: Before I call the mover to reply, since there seems to be some surprise about my intervention, I am going to read out Rules of Debate 45(8):

‘A member who has spoken to a question proposed to the Parliament may again be heard, if the Speaker so permits, to explain some part of his speech which has been misunderstood; but when so speaking he shall not introduce any new matter.’

That is the Rule that applies and that Rule does not mean that any Member who holds the floor can be giving way continuously in order effectively to perpetuate a debate. That is an abuse of the Rules of Debate and that is my ruling.

875 The mover to reply. Yes?

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, just a very brief comment.

880 Clearly as Minister for Health, I would prefer no smoking anywhere by anyone. But clearly that is not realistic. I am, however, convinced that in the case of the Bill before us, with the very strict conditions and arrangements, no-one who does not want to be exposed to smoke, will be exposed to smoke. Nor will anyone who may be encouraged to smoke by seeing somebody smoking be anywhere near that area. (*Banging on desks*)

885 **Hon. A J Isola:** Yes Mr Speaker, just a couple of points. I think the major issues have been heavily debated already. I would just like to make a number of observations, Mr Speaker.

It is ironic that if anybody who would have heard the first line of the Hon. Mr Netto's speech where he said 'we will be abstaining' and then sat down and listened to the rest of it, would have been quite surprised by the ferocity of the tone, particularly in the attack on my hon. Friend, the Minister for Health and the Environment. And it is particularly surprising Mr Speaker, because he is the one individual that I have worked most with in the 18 months that I have been in Government, dealing with this specific Bill to ensure that the very protections that we are telling you about today were crafted by.

890 Therefore it just seems to me absolutely bizarre that the Hon. Mr Netto should be seeking to attack the individual who has had the most say in delivering the protective measures that this Government has come up with, to protect the very people that should not be affected by smoke that they do not wish to be affected by. That was the motive behind the original Bill and obviously the Hon. Mr Netto did not care to listen to a word I said, because I had not even finished before he trotted up and read out his prepared text which he was going to read out whatever I said, which I also find quite remarkable.

895 But if he would have cared to have listened, he would have heard me say:

'By way of background, the Smoke-Free Environment Act imposed a prohibition on smoking in certain enclosed spaces that are open to the public or used as a place of work, public places, so as to ensure that the public have access to breathing clean air throughout Gibraltar.'

900 In other words, the individual has the choice. If he wants to go to the casino and play on any of their games, he can do without having smoke in his face. That was the essence of the 2012 Act and that essence is still totally protected by the provisions of this Bill.

905 Furthermore, as we have already mentioned, now *ad nauseum*, the workers are also protected and when you think what is actually going to happen in this very small space, almost half a million pounds is going to be spent on ensuring that the place is enclosed, that the ventilation system that this area uses is totally separate – because that is in the legislation, if he has cared to read it, he would see it – from the area that ventilates the remainder of the premises.

910 Now, when you talk about these conditions, which leads me on to the second point, you should know that when you moved the Bill in 2012 and voted in favour of it, that you were already creating exemptions. You had exceptions already in that Bill, I assume you knew that and this is one more exception, one more exemption, which if this had been in the Bill, I am sure you would have voted in favour of it at that time. Now, I assume for political motives and to have a go at my good friend, the Minister for Health, you have chosen to act otherwise.

915 Mr Speaker, Mr Netto also said, 'I remember when I was a Minister, the Director of Health told me that smoking in public places was wrong.' Well, that is a view that all of my colleagues on this side of the House share. The difference is that they have done something about it, we have done something about it, and he never, ever did – when he had 16 years of opportunity on that side of the House to do something about it and they did not. (**Several Members:** Hear, hear!) (*Banging on desks*)

920 So to now come to this Parliament and say that the Hon. the Minister for Health, the driver of that Bill that came through so quickly in 2012, and who has worked so hard today to bring this Bill...

And let us be clear about one other point: this has not happened overnight. The application originally made was by Gala. That happened over two years ago and my hon. learned Friend the Minister for Gaming at that time was dealing with it.

925 When I was elected, it was passed to me and I carried it on. It is not as though on the whim or on the back of an envelope, we have decided to do a deal with the casino to stop them from doing what I assume the hon. Member is encouraging them to do, which is to pack their bags and go. Life is not quite that simple and decisions have to be taken which are often difficult decisions, challenging decisions. (*Interjection*)

Yes, of course I will.

930 **Hon. D J Bossino:** I know he was in full steam and I would not have wanted to, I was willing to make the point at the end of his... just before he sat down.

It is a point of clarification, yes, the Hon. Minister is absolutely right and I think I made the concession when I spoke on the Bill, that the Bill, now the Act which now he is wanting to amend did provide for exemptions. He is absolutely right. But the exemptions that we were willing to concede and therefore vote
935 in favour of are nothing of the sort that we are seeing now.

The distinction that I make is that is a business case which is being made. He said so and he has admitted during the course of his speech and also in the press releases. So that is the distinction.

The exemptions there related to private accommodation, residential accommodation, specialist
940 tobacconists and the like. In fact, the one that comes closest relates to... In other words yes, people who are in long term stay, basically where they sleep almost.

The one that comes closest is the accommodation for guests in a hotel because you could say well maybe could that have been as a result of a business case. But I do not think so. I think the common denominator in many of these things is that people are... it is basically almost like their own private accommodation where they actually sleep. So that is the distinction that I made, and I wonder if the Hon.
945 Minister would concede that that is, I think, a reasonable one to make.

Hon. A J Isola: No Mr Speaker, I am afraid I do not agree and I will explain why I do not agree.

I was making two points. The exemptions you are referring to which extend to, for example, bedrooms in a hotel. Well, workers go into a bedroom in a hotel. If you order room service and you are smoking, a
950 worker will come into that room.

So this situation is actually far, far better than the situation that you all accepted in 2012 when the Hon. Mr Netto voted in favour. So a prison, on each of the others, an inn, a hostel, there are staff involved. In this case, we have gone even further than that by ensuring that that does not happen.

So in respect of the exemption, I accept what the hon. Member has said insofar as this is concerned, the
955 2012 Act allows exceptions to be made, but not where tobacco is sold on the same premises – not the area, but the entire premises. (**A Member:** Alcohol.) Alcohol, I am sorry. My apologies. I am talking about smoke. Alcohol cannot be sold within the entirety of that premises, so that is why the 2012 Act actually gave even more protection by saying if it is part of a bigger establishment where there is alcohol involved, you have got to come back to Parliament.

That was the intention and that is what we are doing. So the steps that have been taken by this
960 Government in ensuring as I say after two years of discussions with the operator, who is going to invest close to half a million pounds to ensure that everyone can be as protected as they possibly can be, bearing in mind that there are smokers in there – and I do not quite have the dim view that my hon. learned the Chief Minister does, because I happen to smoke (*Laughter*) but this pit to which he refers, I have made my
965 damned best to make sure that it is as comfortable as it possibly can be, in case I should go there!
(*Interjection*)

So the extent of the protection is that if somebody does not want to have smoke in their face, which was the essence of the 2012 Act that this Parliament passed, they do not have to.

On that basis Mr Speaker, I commend the Bill to the House. (*Banging on desks*)
970

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Smoke-Free Environment Act 2012 and for connected purposes be read a second time. Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** Abstain.) The Opposition abstain. Carried.

975 **Clerk:** The Smoke-Free Environment (Amendment) Act 2014.

COMMITTEE STAGE AND THIRD READING

Smoke-Free Environment (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

Hon. A J Isola: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

In Committee of the whole Parliament

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

985 **Hon. Chief Minister.** 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 European Parliamentary Elections (Amendment) Bill 2014; the Supplementary Appropriation Bill (2014/2015) Act 2014; the Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014; the Perpetuities and Accumulations (Amendment) Bill 2014; and the Smoke-Free Environment (Amendment) Bill 2014.

**European Parliamentary Elections (Amendment) Bill 2014 –
Clauses considered and approved**

990 **Clerk:** A Bill for an Act to amend the European Parliamentary Elections Act 2004.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

995 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Supplementary Appropriation (2014/2015) Bill 2014 –
Clauses considered and approved**

1000 **Clerk:** A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2015.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1005 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Public Health (Amendment No. 2) Bill 2014 –
Clauses considered and approved**

1010 **Clerk:** A Bill for an Act to amend the Public Health Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1015 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Trustees (Amendment) Bill 2014 –
Clauses considered and approved**

Clerk: The Trustees (Amendment) Bill 2014.
Clauses 1 and 2.

1020 **Mr Chairman:** Stand part of the Bill.

Clerk: The Long Title.

Mr Chairman: Stands part of the Bill.

**Perpetuities and Accumulations (Amendment) Bill 2014 –
Clauses considered and approved**

1025 **Clerk:** The Perpetuities and Accumulations (Amendment) Bill 2014.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1030 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

**Smoke-Free Environment (Amendment) Bill 2014 –
Clauses considered and approved**

1035 **Clerk:** The Smoke-Free Environment (Amendment) Bill 2014.
Clauses 1 and 2.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, if I may I have a letter prepared just dealing with a very minor amendment to replace ‘the Minister with responsibility for Gaming’ substituted by ‘the Minister with responsibility for Gambling’.

1040 **Mr Chairman:** Could I draw the attention of the hon. Member to clause 2subclause(2)small(a), the third line? It reads:

‘for consumption on the premises *is not be* permitted’.

1045 I think there is either – ‘is not *to* be permitted’ – a word missing, or ‘is not permitted’. But that does not read properly. I think there is a typographical error. In either case, the same purpose can be achieved, either by adding the word ‘to,’ ‘is not to be’ permitted, or delete ‘be’.

Hon. A J Isola: Yes Mr Chairman, if I may seek to delete the ‘be’ in the third line of clause 2subparagraph (2)(a).

Hon. J E Reyes: Likewise, Mr Chairman, perhaps, just above that on that page, where the ‘be’ is just above the ‘to’, it says:

‘the condition *set out in set out in* subsection (2).’ Is that...

1055 **Mr Chairman:** Yes, yes. There was a time when, with the Attorney General a Member of the House, he would just make a simple note of those typographical errors and they would go through the system. Now unless the Minister for Justice makes himself responsible for that, maybe and unless that happens, perhaps a small formal amendment should be moved.

Hon. J E Reyes: If I remember rightly – Mr Chairman –

1060 **Mr Chairman:** That takes on the responsibility of correcting typographical errors.

Hon. J E Reyes: Yes. If I remember rightly –

1065 **Mr Chairman:** But I think Members ought to decide whether in the case of the one that I have drawn attention to, whether the word 'to' should be added or the word 'be' deleted.

1070 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, in both cases an amendment has to be moved and passed, and then the Clerk will make sure that the final version reflects what Parliament has done.

It seems to me that we are agreed that in the case of the 'be' we just remove the 'be' in clause 2(2)(a) so that it reads:

'the sale by retail of alcohol for consumption on the premises is not permitted'.

1075 And in the previous 2, (1)(b) which says, 'the condition set out in', remove the second 'set out in' so that it reads simply:

'the condition set out in subsection (2)...'

Mr Chairman: Now the proper amendment – will the hon. Member move it, is he giving notice?

Hon. A J Isola: With pleasure, Mr Speaker.

1080 **Mr Chairman:** Does anybody wish to speak on the proposed amendment to clause 2. No?
All in favour? (**Members:** Aye.) Carried.
Clause 2 as amended stand part of the Bill.

Clerk: The Long Title.

1085

Mr Chairman: Is there a clause 3? Yes, clause 3 as well, on the next page.

Clerk: Clause 3.

1090 **Mr Chairman:** Stand part of the Bill.

Clerk: The Long Title.

Mr Chairman: Stand part of the Bill.

**European Parliamentary Elections (Amendment) Bill 2014;
Supplementary Appropriation (2014/2015) Bill 2014;
Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014;
Perpetuities and Accumulations (Amendment) Bill 2014;
Smoke-Free Environment (Amendment) Bill 2014 –
Third Readings approved; Bills passed**

1095

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the European Parliamentary Elections (Amendment) Bill 2014, the Supplementary Appropriation (2014/2015) Act 2014, the Public Health (Amendment No. 2) Bill 2014; the Trustees (Amendment) Bill 2014; the Perpetuities and Accumulations (Amendment) Bill 2014; and the Smoke-Free Environment (Amendment) Bill 2014 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

1100

Mr Speaker: I now put the question, which is that (1) the European Parliamentary Elections (Amendment) Bill 2014; (2) the Supplementary Appropriation (2014/2015) Act 2014; (3) the Public Health (Amendment No. 2) Bill 2014; (4) the Trustees (Amendment) Bill 2014; (5) the Perpetuities and Accumulations (Amendment) Bill 2014; (6) the Smoke-Free Environment (Amendment) Bill 2014, be read a third time and passed.

1105

Those in favour of the European Parliamentary Elections (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

1110

Those in favour of the Supplementary Appropriation (2014/2015) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Public Health (Amendment No. 2) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Trustees (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

1115 Those in favour of the Perpetuities and Accumulations (Amendment) Bill 2014? (**Members:** Aye.) Those against. Carried.

Those in favour of the Smoke-Free Environment (Amendment) Bill 2014? (**Government Members:** Aye.) The Opposition abstain. Carried.

ADJOURNMENT

1120 **Clerk:** Adjournment.

Chief Minister (Hon. F R Picardo): Mr Speaker, on what you yourself has described as a red letter day, I have the honour to move that the House do now adjourn *sine die*.

1125 **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.

The House will now adjourn *sine die*.

The House adjourned at 5.21 p.m.