



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.44 p.m.

Gibraltar, Thursday, 23rd January 2014

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<i>The House recessed at 12.44 p.m. and resumed its sitting at 3.00 p.m.</i>	<i>47</i>

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

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

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

PRAYER

Mr Speaker

Order Of The Day

Acting Clerk: (i) Oath Of Allegiance;

CONFIRMATION OF MINUTES

Acting Clerk: (ii) Confirmation of Minutes – the Minutes of the last Meeting of Parliament which was held on 19th and 23rd December 2013.

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

Mr Speaker signed the Minutes.

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

Questions for Oral Answer

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q1/2014

Government rental homes – Arrears of unpaid rents

Acting Clerk: Question 1/2014, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide updated details of arrears in respect of unpaid rents pertaining to Government rental homes, since the answer provided to Question 780/2013?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the total amount of arrears in respect of unpaid rents as at the end of December 2013, was £4,893,633.26.

Q2-3/2014
Mid-Harbour Estate –
Works to counteract anti-social behaviour

25 **Acting Clerk:** Question 2/2014, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing confirm if the works ordered for Mid-Harbour Estate as stated in the answer to Questions 774/2013 and 775/2013, have all now been fully completed?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 3.

35 **Acting Clerk:** Question 3, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details of any further actions planned to be undertaken, other than those already mentioned in answer to Question 774/2013 and 775/2013 in order to curtail non-compliance of house rules at Mid-Harbour Estate?

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

Hon. P J Balban: Mr Speaker, in respect of CCTV the following works have now been completed: the installation of cameras on the car park level; connection to the main fibre ring; procuring and installation of CCTV signs within the car park level.

In respect of CCTV ongoing works include: the integration of cameras installed within the car park level to the existing Public CCTV System and RGP Control Room at New Mole House; infrastructure works to allow installation of cameras on the podium and promenade levels; integration of podium and promenade level cameras to the existing Public CCTV Systems and RGP Control Room at new Mole House.

50 In respect of the barriers, these have already been installed and will be operational shortly.

It is expected that with the measures being taken, the incidence of anti-social behaviour will be much contained. Once the CCTV system and entry barrier are operational, a decision will need to be taken as to whether further action is necessary. In the meantime, we will continue liaising with the RGP on the issue of anti-social behaviour.

55 **Hon. E J Reyes:** Mr Speaker, I thank the Minister for that answer.

May I ask him, in the things that are still to be considered – obviously it makes a bit of sense after the barriers and the cameras and so on are fully operational – the question of litter disposal and so on, I hear from some tenants it is starting to be cropping up to be a problem. Can the Minister confirm that he also intends to have that item as one to be reviewed in the future with other considerations?

65 **Hon. P J Balban:** Mr Speaker, the Ministry meets with the Tenants' Association on a regular basis. The Tenants' Association also meets with other members of the Department more frequently, so that any concerns that the Tenants' Association may have are addressed by the civil servants present and staff. Anything that I need to know about will also be relayed down the line. So if there are issues with litter, then obviously these issues have no doubt been passed on to the relevant members of my Department then to act upon.

70 **Hon. E J Reyes:** Yes, I am grateful, but then do I take it from that, the Minister is not particularly aware of any specific concern in respect of litter? An accumulation of, I believe, some unwanted household items are now even being simply deposited at the podium. Is he aware or is this something that he just simply wants to take forward and consider?

75 **Hon. P J Balban:** Mr Speaker, as I said, if there are issues, housekeeping issues like sporadic accumulation of litter, these will be addressed directly by the Tenants' Association to the members of staff and they would be responsible to look after those things. If there are issues of a more important nature, then I would be informed and would then tackle them accordingly. So I would expect that the issues of litter accumulation, as you would probably expect would happen after Christmas, when after opening presents there are boxes galore to throw, and that you know is something which I expect would be seen to and
80 addressed accordingly at a given time.

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

85 May I as well ask the Minister, he may have given it in his answer and I could have missed it as I was making some notes. In the last session in respect of Question 775, the Minister informed us that some signage had been ordered and so on, it was part of the works needed to make the barrier and the cameras fully operational and so on. In conjunction with that, he had placed an order for signage. Can he confirm at what stage we are with the signage, is it now completed and fully up in the allocated positions?

90 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I am not sure whether the hon. Member is referring to the CCTV signage, because that is an area that I am dealing with and I am aware of, the question of the signage. But if he is not, then I would ask my colleague to deal with the matter.

95 **Hon. E J Reyes:** Yes, Mr Speaker, it is both. The Minister did say last time it was signage. Part of it was concerned with the CCTV and I think the other part was because of the barriers, there had to be some signage in the – let us call it, underground parking so that people knew which way to come in and out, so it was better and clearly defined.

100 **Hon. G H Licudi:** Mr Speaker, with regard to the CCTV, signage was ordered and has been placed in the estate. I gave instructions that the signs which had been placed on the estate in respect of the CCTV should be covered until the system is operational. As my colleague has indicated in his original answer, we are now in the final stages of the CCTV project for that particular estate and that should be operational very, very soon with a signage displaying that CCTV is in fact operational.

105 **Hon. E J Reyes:** Yes, and in respect of the traffic flow and so on. Is the Minister for Housing any the wiser on that one?

110 **Hon. P J Balban:** Mr Speaker, I cannot recall a discussion last month on the signage specifically, but I will endeavour to find out. Obviously, there will be... if signage is appropriate, it will be placed, especially with the barriers.

But again, I will have to revert to him on that one.

Q4/2014

Reallocating empty homes – Expenditure on repair works

Acting Clerk: Question 4, the Hon. E J Reyes.

115 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of all expenditure incurred since the answer to Question 776/2013, in respect of contracts awarded for making empty homes suitable for re-allocation, 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?

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

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

125

Answer to Question 4

Contractors	No. of Properties	Cost
A & K GENERAL BUILDERS LTD	1	£16,517.60
CEPRAND LTD	1	£2,000.00

130 ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

Hon. E J Reyes: Mr Speaker, may I – something that has struck me here, there are only two companies involved. The second one in the schedule has the name of Ceprand Ltd, I think in the past I have come across the name of Ceprano. Could it be a typographical error or perhaps the Minister is aware that this is a company with a similar name but yet spelled correctly?

135

Hon. P J Balban: Mr Speaker, I would need to confirm but I think that just by looking at it, I do recall the name Ceprano Ltd too, it could well be a typographical error but I would need to confirm that. I doubt whether there are two companies with such similar names, but I need to check.

140

Hon. E J Reyes: I am content, Mr Speaker, for the Minister to have a chance to set it up and if it does require a correction or whatever, he can inform you and that way the Clerk for the record has it, so that in any future reference we have the correct name of the company written. Thank you.

145

**Q4/2014
Government rental homes –
Repair works**

Acting Clerk: Question 5, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 777/2013, indicating how many will be repaired by (a) the Housing Works Agency; (b) Sub-contractors and (c) the assigned tenants themselves?

150

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer given to Question 777/2013, five flats have been assigned.

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The repairs are to be undertaken by the following: the Housing Works Agency, nil, zero; sub-contractors, four; the assigned tenants themselves, one.

160

Hon. E J Reyes: Mr Speaker, I see from these figures provided today and comparing them as well to those provided previously to the answer to Question 777/2013, it seems that the Housing Works Agency as such undertake very little repair work and the majority tends to go to sub-contractors. Is this something that is because the Agency does not have the workforce or either the expertise to undertake it, or is it Government policy to contract out rather than give it to the Agency itself?

165

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, one of the things that is the result of the exit package is that the skills mix in some areas is very low and therefore there are jobs that cannot be done, because there are no people in that trade. That is to say that the right to take up the exit package is not constrained by trade or anything else. You could have a situation where everybody who is a carpenter decides to go and everybody who is a painter decides to stay.

170

So there are jobs that are then passed on to sub-contractors and there are three quotes given and the policy, as I think I have explained before, is that of the approved contractor list, all of which are relatively small companies employing maybe between half a dozen and ten people, who then take on one job or one house or whatever. It is given to the lowest bid or if the bids are within a few pounds of each other, to the one that is running out of work, in order to avoid people being laid off.

175

Hon. E J Reyes: Yes, Mr Speaker, thanks for that clarification, but then what is actually happening is that the Housing Works Agency in some areas simply does not have the manpower to carry out the tasks, and it prompts me on to lead, well why aren't...? If there is a shortage of, for example, carpenters, like the Minister for Employment was saying, is the Government going to address that issue so that we are not short of any particular skill?

180

Hon. J J Bossano: Well, the issue that has to be addressed, Mr Speaker, is that the houses should be repaired, which is what the purpose of the Housing Works Agency is. At the end of the day, there is not a reason for the Housing Works Agency to exist, other than to get the houses repaired. What they cannot repair, somebody else does, so the tenant does not suffer and the cost is not higher.

185

So at the end of the day, the mechanics of the Housing Works Agency, as both sides of the House know, is that it is destined to reach sometime in the future a situation where there are only two guys left and when

190 the two go, only one is recruited and then when the one goes, presumably a part-timer is recruited, since it is one coming in for two going out.

Hon. E J Reyes: Yes, so then, Mr Speaker, it is a question of, is the Minister for Employment confirming that despite there being an identification of a particular shortage of skills in a particular area, that those are simply not going to be replaced because the long-term objective is actually to phase it out? (Laughter and interjections) Yes? I didn't know. I am asking because perhaps I have not understood it clearly. That is why I am asking for clarification, rather than leaving doubt, Mr Speaker.

Hon. J J Bossano: Mr Speaker, the long-term objective has not changed on 9th December 2011. The long-term objective was the inevitable arithmetical consequences that if two people go and one comes in, the time will come when there is nobody left.

200

Chief Minister (Hon. F R Picardo): Which they agreed. (Interjections)

Hon. J J Bossano: Right. The answer is that what we are doing is making sure that, notwithstanding that inevitable process, the houses still get repaired and that they get repaired at a cost which at the very least, is no higher than what it would have been, had it been done by direct labour.

205

What we are doing, in fact, is effectively as the Housing Works Agency does less with direct labour, the more is done with sub-contracts for small contractors, and the staff in the Housing Works Agency are involved in that process. That is to say, the people who are involved in the scoping of the work and in the estimating of the work, and in approving the final acceptance of the invoice on the basis that the work has been done, are the people who are initially from the Housing Works Agency, some of whom are seconded, which is the issue, In another of the questions that the hon. Member has asked before and is asking again.

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So effectively, they are involved in doing the work, but rather than being involved in actually going to the house and doing the repair themselves, a number of them are involved in actually supervising the work being done by somebody else and that is how we are ensuring that, notwithstanding the shrinkage, the tenants still receive the service they expect to receive.

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Q6/2014

Government rental homes – Urgent decanting of tenants

Acting Clerk: Question 6, 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 778/2013, indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

220

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 778/2013, no further tenants have required urgent decanting.

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Hon. E J Reyes: Mr Speaker, the Minister may or may not have the answer because I did not give due notice, but in Question 778/2013, he gave me some information that a tenant who had been decanted on 11th November 2013 had still not returned to the flat because the works were ongoing.

230

Would he happen by chance to have any information whether those works have been completed and he is now able to return? I would appreciate it if he does happen to have it.

Hon. P J Balban: Mr Speaker, last month the actual question was regarding, I think it was, tenant number 2 and I can say that that tenant returned to the flat on 20th January this year.

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Q7/2014

Government residential homes – Allocations and assignments

Acting Clerk: Question 7, the Hon. E J Reyes.

240 **Hon. E J Reyes:** Can the Minister for Housing say how many residential homes have, since the answer to Question 779/2013, been (a) allocated and (b) assigned, showing the room composition of the respective homes?

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

245 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question 779/2013, 14 flats have been allocated and assigned as follows.

Allocated: 1RKB, zero; 2RKB, three; 3RKB, three; 4RKB, three; 5RKB, zero; 6RKB, zero. A total of nine allocated.

Assigned: 1 RKB, zero; 2RKB, two; 3RKB, 3; 4RKB, 5RKB and 6RKB, zero. A total of five assigned.

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Q8/2014

Housing Works Agency employees – Numbers retired, transferred and seconded

Acting Clerk: Question 8, the Hon. E J Reyes.

255 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been (a) retired; (b) transferred and (c) seconded either from or into the Housing Works Agency, since the answer to Question 781/2013.

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 781/2013, no further employees have either been retired, transferred or seconded.

Q9/2014

Housing Works Agency employees – Details of secondments

265 **Acting Clerk:** Question 9, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to Question W146/2013, can the Minister for Housing inform this House to which Department or Departments the nine Housing Works Agency employees have been seconded and for how long these secondments are expected to last?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the nine Housing Works Agency employees were seconded to Gibraltar General Construction Company and they will remain there as long as their services are required.

275

Q10/2014

Housing Works Agency and Ministry for Housing – Comprehensive review

Acting Clerk: Question 10, the Hon. E J Reyes.

280 **Hon. E J Reyes:** Mr Speaker, further to Question 782/2013, is the Minister for Housing now in a position to furnish this House with any details of the comprehensive review pertaining to the Housing Works Agency and the Ministry for Housing, which he has previously answered, was now being considered by Cabinet?

Acting 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, in fact further to Questions 886/2012, 331/2013, 616/2013, W147/2013 and 782/2013, the reply still remains the same.

290

SPORTS, CULTURE, HERITAGE AND YOUTH

Q11/2014

Gibraltar National Week fair – Venue

Acting Clerk: Question 11, the Hon. D J Bossino on behalf of the Hon. S M Figueras.

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Hon. D J Bossino: Yes, Mr Speaker, just to explain for the members of the public, Mr Figueras is on business in the United Kingdom and for that reason has not been able to attend the House today and he has asked me to deal with his oral questions. I think the House staff have been advised accordingly.

Mr Speaker, is the Government considering using the area of Grand Parade as the venue for Gibraltar National Week fair?

300

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, H M Government have not yet taken a decision as to where the Gibraltar National Week fair will take place this year.

305

Hon. D J Bossino: Mr Speaker, can I ask the Minister, although no final decision has been made in relation to the venue of the National Week fair, can I ask him whether the Grand Parade car park is being considered as one of the options?

310

Hon. S E Linares: Yes, sir.

Hon. D J Bossino: I am grateful. In that context, Mr Speaker, can he advise what issues are being considered by the Government as to whether that particular venue is an appropriate or an inappropriate venue? Can I ask him that?

315

Hon. S E Linares: Mr Speaker, because where the venue of last year's is, there is a coach car park now, therefore we are looking at logistics – whether we move the coach car park or whether we leave it there and it is not only the Grand Parade venue. We are also looking at other venues for the future, so the fact that you have asked about, or Mr Figueras has asked about Grand Parade, yes that is one place that we are considering, but we have not taken a decision yet.

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Q12/2014

Medical Priority Dispatch System – Date to go live

Acting Clerk: Question 12, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Civil Contingencies say when the new Medical Priority Dispatch System will go live?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, proposals have been presented to the Interministerial Committee of Ministers with a view to see how and when the new Medical Priority Dispatch System can go live.

335 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister, in the May Parliament, said that it would be going live in July and in his Budget Speech he said that this dispatch system will be one that we will prioritise and implement within the next few months – this was six months ago. So, has the decision not yet been taken of how it will be implemented?

340 **Hon. S E Linares:** Well, Mr Speaker, as the answer states, proposals have been made, have been presented to the Interministerial Committee, with a view to see how and when. As I understand it, in the questions I answered last time, it was that we were awaiting proposals. I did give a date, but proposals have not been presented. They have now been presented and we are now in the position to see when and how we are going to implement them, and go live as it is stated.

345

Q13/2014
C3 Committee bunker –
Updating and fitting out

Acting Clerk: Question 13, the Hon. Mrs I M Ellul-Hammond.

350 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Civil Contingencies say what progress has been made in updating and fitting out the C3 Committee bunker as outlined in his Budget statement of 2013?

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

355

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, works on the new bunker commenced last week, jointly with that of Convent Place. Facilities required have already been assessed and will incorporate the same advanced technology that will be provided by the mobile control vehicle, thus allowing an effective communication system during emergencies.

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Q14/2014
Command Centre –
Purchase of mobile control vehicle

Acting Clerk: Question 14, the Hon. Mrs I M Ellul-Hammond.

365 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Civil Contingencies say when the mobile control vehicle, for moving and situating the Command Centre in time of emergency, will be purchased, as outlined in his Budget Speech of 2013?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the mobile control vehicle was purchased in December 2013 and is expected to be delivered in April 2014. A three-day training package will take place on delivery, attended by selected officers from the City Fire Brigade, Royal Gibraltar Police and Emergency Ambulance Service.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, I know I have not given notice of this question, but does the Minister know or have a round figure for how much it cost?

380 **Hon. S E Linares:** Mr Speaker, I think it was about £150,000 but I do not want to be held to that figure. But the ballpark figure is about £150,000.

Q15/2014
City Fire Brigade and Defence Fire Service –
Training to co-ordinate

385 **Acting Clerk:** Question 15 the Hon. Mrs I M Elul-Hammond:

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Civil Contingencies state, since 9th December 2011, how many times the City Fire Brigade has conducted training exercises together with the Defence Fire Service in order to be in a position to co-ordinate for when the need arises?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, all operational Watches from the City Fire Brigade and the Defence Fire and Rescue Service, have been involved on numerous occasions in training and familiarisation visits on high risk areas in the MOD and local jurisdictions. From information immediately available, this has been carried out on 35 occasions.

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Q16/2014
Upper Rock water hydrants –
Water pressure

400 **Acting Clerk:** Question 16, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Civil Contingencies say what has been done in order to address the pressure of the water in the hydrants in the Upper Rock, in order for them to be sufficient to deal with any potential fires there?

405

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, all fire hydrants connected to pressured sea water mains in the Upper Rock are maintained by AquaGib, and are operating correctly and within optimum pressure parameters.

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Q17/2014
Ship firefighting –
Training for City Fire Brigade

Acting Clerk: Question 17, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Civil Contingencies state what ship firefighting training has taken place in the last two years, giving details of the exercises conducted?

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

420

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the City Fire Brigade has conducted a total of 388 hours ship firefighting training during the past two years. In the year 2012, a total of 144 hours were completed by three Watches locally; in 2013, 244 hours.

Hon. Mrs I M Ellul-Hammond: Yes, Mr Speaker, could the Minister clarify how many people were involved in these hours? Is it the whole of the City Fire Brigade and the Port personnel or just selected individuals?

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Hon. S E Linares: No, Mr Speaker, as I said a total of 144 hours in 2012 were completed by the three Watches – that means the complete three Watches.

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Additionally, I can give her the information that between 2012 and 2013, eight officers have successfully completed a tactical ship firefighting course at the Fire Service College in Morton-in-the-Marsh, UK. So that is even extra.

Q18/2014
Tercentenary Hall –
Hire cost for private Christmas functions

Acting Clerk: Question 18, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Sports and Leisure advise how much the rental of the Tercentenary Hall for a private Christmas function is?

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

440

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there is no rental fee for the use of the Tercentenary Sports Hall for functions not of a sports nature.

Q19-20/2014
John Mackintosh Hall –
Recruitment of caretaker and night receptionist

Acting Clerk: Question 19, the Hon. E J Reyes.

445

Hon. E J Reyes: Mr Speaker, further to Question 768/2013, can the Minister for Culture say when the position of caretaker at the John Mackintosh Hall will be advertised and by when it is expected that this post will be filled?

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

450

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this together with Question 20.

Acting Clerk: Question 20, the Hon. E J Reyes.

455

Hon. E J Reyes: Mr Speaker, further to Question 769/2013, can the Minister for Culture say when the vacancy for a night receptionist at the John Mackintosh Hall will be advertised, and by when it is expected that this post will be filled?

460

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer to these questions remain as that of December's Parliament, Questions 768 and 769/2013.

465

Hon. E J Reyes: Mr Speaker, in the answer to Question 768 and all those prior to that, the Minister said that he was waiting for the item to be included in the agenda of the board of the Mackintosh Hall and so on. Seeing that he is also the chairman of that board, can the Minister confirm if the item is now on the agenda and just waiting for the next meeting?

470

Hon. S E Linares: Yes, sir.

Q21/2014
Cricket and rugby –
Alternative facilities

Acting Clerk: Question 21, the Hon. E J Reyes.

475

Hon. E J Reyes: Mr Speaker, further to Question 771/2013, can the Minister for Sports and Leisure inform this House if he has now identified and agreed upon with the respective Sports Governing Association any alternative facilities to Europa Sports Grounds for the playing, teaching and development of either cricket or rugby?

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

480 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no further development has taken place since my answer in December's Parliament to Question 771/2013.

Q22/2014
Heritage sites –
Works and costs

485 **Acting Clerk:** Question 22, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Heritage provide details of all works, together with respective costs, undertaken at any Heritage related site since the answer to Question 772/2013, stating by whom these works were carried out?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to answer to Question 772/2013, I now hand over to the hon. Member opposite the information requested.

495

Answer to Question No 22

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

500

a) Site: Jumpers Bastion

Works: Manufacturing, fitting and paint three metal balustrades in compliance with building regulations.

505

Contractor: DGM Gibraltar Ltd.

Total Amount: £ 3,440.00

510

b) Site: St Jago's Arch

Works: Painting of railings and general heritage works

Contractor: SFA Interiors

515

Total Amount: £1,120.00

c) Site: Montagu Bastion

520

Works: Repairs to existing double leaf door

Contractor: DGM Gibraltar Ltd.

525

Total Amount: £680.00

530

Hon. E J Reyes: Mr Speaker, I would be grateful if the Minister does happen to have it at hand, for a bit of clarification. On the first site mentioned under (a) Jumpers Bastion, the Minister says that there were works undertaken in manufacturing, fitting and painting three metal balustrades in compliance with building regulations. This is in respect of which building works as such that are happening and are there any other related costs? Because if they are doing something in respect of building regulations, it must be because some building was taking place and this a new item. It was not something that was ongoing from the previous schedule, so I see nothing else in respect of building works being carried out at Jumpers Bastion.

535

Hon. S E Linares: Mr Speaker, if I remember correctly, the fitting of balustrades were to do with unsafe... the access to the whole of the Jumpers Bastion, where the steps go onto the main road. There are

540 balustrades there which are one beside the other, so that people do not run into the road. But on top of that, we are placing gate-type of things so that it is even safer. But it is to do with the painting of those balustrades that go onto the main road.

There are, I think, four exits from what we call the Saluting Battery – the whole of the Saluting Battery.

545 **Hon. E J Reyes:** Yes Mr Speaker, that does clarify it a bit better, because Jumpers Bastion: I was physically imagining the submerged bastion as such, but the Minister has clarified, this is probably the walkway, the Saluting Battery area there and so on. Yes. So perhaps in the title 'Jumpers Bastion', if he does not mind, we will add alongside with that the Saluting Battery area.

550 Coming to site (b) which is in respect of St Jago's Arch, in a previous answer the Minister has expressed that over £7,000 had been spent in the conservation works to St Jago's Arch and now there is painting and railings of general heritage works. Is this just sort of the topping off the completion, or is this a totally new project?

555 **Hon. S E Linares:** No Mr Speaker, as he rightly mentioned, this is just adding on to or finishing off the works. So therefore it is as it says there, painting of the railings, because there was scaffolding around and all that, you do not paint the railings until the end, and the invoice was then presented later.

560 **Hon. E J Reyes:** And hopefully lastly, Mr Speaker, the site (c) which is Montagu Bastion, I view it as a relatively wide area and its repairs to existing double leaf door: whereabouts is this door within the area that we all refer to as Montagu Bastion? Is it an external door, perhaps an internal door – anything that could help to shed information?

565 **Hon. S E Linares:** Yes, Mr Speaker, I am glad to say that it is where the youth clubs are, as you enter the youth clubs, in the youth centre, on the left where the motorbikes actually park outside, there was an old store which was the Housing Store and there is a little hill. If you see at the top there is a door. *(Interjection)* Yes, it is just a very small gradient hill, where the motorbikes are outside the youth centre, there is a gate to the youth centre on the right, and then on the left there is a little hill that goes up and there is a door there.

570 Inside that is all Montagu Bastion. There is a vault inside and that was used by the Housing Department, which now I am glad to say that the Heritage has taken over, and the door was in a very sorry state. In fact, I can tell the hon. Member, as an anecdote, I once went in there and we had squatters sleeping inside, so we had to fix the door and I told the squatter that by tomorrow, if he was not out, we would chuck him out!

Hon. E J Reyes: Well, Mr Speaker, I am really glad to hear the Minister saying that he has taken an interest in that area, because yes, all of it, whether it is used by the youth or by Housing or whatever...

575 The Minister there answered, in helping to clarify, he said that it used to be under Housing; it has now been taken over by Heritage. Is he aware, would that be given now passed on to Youth, so that they have a particular extension or like an annexe area there, or does he have in mind a future Heritage project, totally now independent from the Youth section?

580 **Hon. S E Linares:** Mr Speaker, we have not yet decided exactly what we are going to do with that area, but the two suggestions that the hon. Member has made, could probably be two that we can put on the list of things that we can do with it.

585 **Hon. E J Reyes:** May I just end by saying, Mr Speaker, I will obviously look forward to hearing the Minister once a decision is taken there, but whatever it is, given that he is indicating that he is looking at it and helping to preserve it in Heritage, he can count at least from that point of view on my support in whatever future use it entails, because we do share that common interest. I know a large number of the electorate do as well, in preserving where possible these things, so I congratulate him for that initiative of putting the doors and helping to preserve a site, *[inaudible]* the thing and please keep me updated so that we work together, rather than at loggerheads in preserving our heritage for the benefit of our children and grandchildren and future generations.

Hon. S E Linares: I will do, Mr Speaker.

Q23/2014

**Power station and gas storage facility –
Separate construction tenders**

Acting Clerk: Question 23, the Hon. J J Netto.

595

Hon. J J Netto: Mr Speaker, further to Oral Question 773/2013, can the Minister with responsibility for Utilities, state why it was deemed necessary to have two separate tenders, one for the construction of the new permanent power station and another one for the gas storage facility?

600

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

605

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, it was considered that there were commercial and technical advantages for not tying together the construction of the power plant and the construction of LNG storage and regasification facilities, as these are different technologies and the market research that was carried out suggested that Gibraltar could obtain a better deal if it was tendered separately, targeting companies that specialise be it in construction of power plants or construction of LNG storage and regasification.

Q24/2014

**Power station and gas storage facility –
Dovetailing the construction tenders**

Acting Clerk: Question 24, the Hon. J J Netto.

610

Hon. J J Netto: Mr Speaker, further to Oral Question 773/2013, can the Minister with responsibility for Utilities state how the two separate tenders for the new power station and for the gas storage facility will dovetail within their own respective milestones in order to provide overall coherence to the total project?

615

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

620

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the construction of the LNG storage facility is estimated will take considerably less time than the construction of the new power plant. The tender for scopes of work for the new power station advised the tenderers that the client will supply natural gas at the required quantities, temperature and pressure at the boundary of the footprint to the new power station.

625

The precise engineering details of how this will dovetail will be known once we have evaluated the engineering proposals for the new power station tenders. The LNG storage and gas supply tender will include details of engineering requirements to supply the natural gas to the new power station of the successful bidder.

630

Hon. J J Netto: Mr Speaker, I would be grateful if the Hon. Minister will help me to be able to get an overall picture of the different aspects or facets of this major project, because I have seen reports in the local press that the storage for the gas will now be in the Detached Mole. Is that correct? Could the Minister perhaps confirm that?

Hon. S E Linares: That is the place that we are looking at, but we cannot confirm whether it will be there at this moment in time. We are looking at different options.

635

Hon. J J Netto: Well, I think that some Members at least who are members of the Development Planning Commission, not from the Government side obviously, nor civil servants, have made a statement to the press in which they actually claim that that is a fact. Perhaps other Members in the Government who are members of the Development Planning Commission may be able to provide the House with a bit more clarification on the matter?

640

Chief Minister (Hon. F R Picardo): Mr Speaker, I am Chairing the Inter-Ministerial Committee on the power station etc. The hon. Member will know that that is now at the stage of having gone to the tender etc. The answer given by the Minister a moment ago is the position, that the Detached Mole is one of the areas being considered. That is the position in fact.

645 **Hon. J J Netto:** When the Hon. the Chief Minister, indeed the Minister himself for Utilities says it is being considered, can I try to elucidate a bit more information out of that, in the sense of saying when it is being considered? Is it being considered because there are some studies taking place of different alternative locations, and to see the strength and weaknesses of the various locations?

650 Where are we in terms of being able to decide, because eventually the Government will have to decide on a particular place in order to make the overall project come to proper fruition in this place? So have any studies been conducted of various places?

Hon. Chief Minister: Mr Speaker, when you say that something is being considered, what you are saying is that it is not something that you have decided to do but something that you are considering. Therefore we are considering that in the context of what could possibly be the location for such a plant.

655 So I do not think it is appropriate, Mr Speaker, for me to say more at this stage, but the hon. Member knows that this is at the stage of the GEA having gone out to tender.

660 Can I just ask him to wait to see what those announcements are before he pursues this particular issue? When the Government has reached a decision as to where the plant is going to be or has to be, then that will be announced.

Hon. J J Netto: Well, Mr Speaker, can I also ask the Chief Minister whether in considering the place, amongst the places that they are considering, whether at least environmental and health and safety audits are being conducted in order to determine which the ideal place is?

665 **Hon. Chief Minister:** Mr Speaker, of course.

Hon. J J Netto: Have those health and safety and environmental audits now finalised and are being discussed and analysed by the Government?

670 **Hon. Chief Minister:** No, Mr Speaker, some of them are still in process. That is why I am saying to him that this is at the consideration stage and that no final decision has been made. And it is not just the environmental and health and safety issues that are relevant.

675 He will know, like every Gibraltarian, that this place is two and half miles by one mile at its widest point and part of what we all have to do in living in this gem of ours is ensure that we ensure that different industries and different things happen, sometimes as close as possible to each other and sometimes as far as possible from each other. Those are the issues.

Hon. J J Netto: Mr Speaker, by when does the Government think that they will be in a position to make a decision?

680 **Hon. Chief Minister:** Mr Speaker, the Government is keen to ensure that we can deliver a new power station for Gibraltar as soon as possible, so we would want to make decisions as soon as possible and that is all about when reports are finalised, when tender processes are completed, etc. I am not going to be in a position to give him a clear timeline as to when this particular aspect, this particular ingredient of this new power station solution is going to be finalised.

685 **Hon. J J Netto:** Mr Speaker, I am not asking for a clear timeline; all I am saying is whether the Government think that they will be in a position, say three months from now, six months from now, nine months from now, twelve months from now, to have been able to consider all the various documents that they are required to look into the matter and make a decision. That is all I am saying.

Hon. Chief Minister: Well Mr Speaker, that is asking for a timeline and that is exactly what I have said I cannot give.

HEALTH AND THE ENVIRONMENT

Q25/2014

New Mental Health Unit –
Recruitment of staff

695 **Acting Clerk:** Question 25, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the post for the extra staff to man the new Mental Health Unit will be advertised and what the skill mix will be?

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

700

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the process will start very shortly. The skill mix ratio is in the process of being finalised.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, are there plans to increase the service, once the move from the KGV to the new site takes place, which would require hiring more personnel over and above the present complement, and if so, when will this increase in service take place?

705

Hon. Dr J E Cortes: Mr Speaker, this exercise is a relocation of an existing service to better facilities. The only challenge that we are facing is the fact that because we are on four floors, we may need a few more people on any particular shift, but we are not revising the service. We are relocating an existing service to a new improved location, so essentially it is the same service in a different site.

710

**Q26/2014
Dementia Strategy –
Details and publication**

Acting Clerk: Question 26, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the Government will be publishing its national ‘Dementia Strategy’ for the treatment and care of people with Alzheimer and Dementia and what will the strategy include?

715

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, this continues to be developed.

720

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say at what stage the development process is at, because in May’s Parliament of last year, the Hon. the Minister for Social Services said, ‘It is envisaged that the plan will be published at the end of the year’?

725

Hon. Dr J E Cortes: Mr Speaker, the fact that we do not have a published strategy as a document does not mean that we do not have a strategy. The important thing with strategies is the strategy, not the document. We are constantly developing and reviewing our strategy for dementia and for the elderly, as the different facilities that will be rolling out during the course of this year will demonstrate.

730

This means that this has to be a dynamic process, and the process is never quite actually finished. We are not prepared at this point to publish it because it is developing, we are looking at new facilities, we are looking at new ways of doing things, and I would rather delay the publication of a strategy for a number of months and have a better strategy at the end of it.

735

But we have a strategy and the improvements that we will see during the course of this year to the care of dementia and the elderly will speak for themselves.

**Q27/2014
GHA locally qualified and eligible staff –
Clarification of answer to Q812/2013**

Acting Clerk: Question 27, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to the answer given to Question 812/2013, can the Minister for Health clarify (a) which potential GHA staff applies to ‘staff’, which opens the answer in the first paragraph; (b) what the Hon. Minister means by ‘locally qualified’, quoted in the second paragraph; and (c) what the Hon. Minister means by ‘locally eligible’ quoted in the second paragraph?

740

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

745 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this question was answered at the time, and the Member opposite had every opportunity to ask for clarification by way of supplementaries and chose not to do so. That I believe is the correct time to ask for such information. It would in my opinion, Mr Speaker, be an unfortunate precedent if we were to get into the habit of asking the supplementaries one or two meetings later.

750 In any case, Mr Speaker, I will clarify, my reply is that the word 'staff' in this context applies generally and means employees. 'Locally qualified or eligible' means in general terms, a Gibraltar resident who has the required qualifications and fulfils the eligibility criteria for the post.

Q28/2014
Contract workers in answer to WQ167/2013 –
Nationality

Acting Clerk: Question 28, the Hon. Mrs I M Ellul-Hammond.

755 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer given to Written Question 167/2013, can the Minister for Health say what nationality are the 11 contract workers who were offered indefinite employment?

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

760

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, further to that question, the nationalities of the 11 contract workers who were offered indefinite employment are ten British/Gibraltarian and one Spanish.

Q29/2014
New Born Hearing screening –
Commencement

Acting Clerk: Question 29, the Hon. Mrs I M Ellul-Hammond.

765

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the New Born Hearing screening will start?

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

770

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA is currently looking at issues of training and validation for all staff who will be engaged in the screening process. Once this is in place, the full programme will commence.

775 The first phase is in place. We have recently purchased new equipment which is more sensitive and accurate in picking up any problems. This is initially being used in children who may be high risk such as those with the relevant family history, or in other cases, such as post meningitis – clearly, that is not neonatal.

780 It is difficult to give an exact date for the full roll-out, because we are looking at bringing out a team for training local staff and also looking at placements in the UK and it means scheduling times and dates that are mutually acceptable.

Q30/2014
New Prostate Clinic –
Opening

Acting Clerk: Question 30, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the new Prostate Clinic will be opening?

785

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there is already a specific Prostate Clinic held on the first Thursday of every month, with urgent cases seen in-between as needed. The clinic is run by Consultant Surgeon/Urologist Mr Andrew Sene.

790

New improvements are currently being introduced with the purchase of new equipment donated through the support of the Prostate Cancer Support Group by the Kusuma Trust, such as a flexible cystoscope and a transrectal ultra sound scanner. This follows testing of equipment and a visit by the consultant to a UK centre.

795

This would allow, for example, for parts of the service which are currently undertaken in the Radiology Department, to be relocated to the specialised clinic area.

In addition, the Support Group has been offered use of a room at St Bernard's Hospital to assist with counselling and a new protocol to include Primary Care is being finalised.

We hope to have the whole new system in place during the first part of this year.

800

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I missed the first part of that answer. Can the Hon. Minister again say, has the new equipment already arrived in Gibraltar?

Hon. Dr J E Cortes: Mr Speaker, I did not say that, but I am told that the equipment arrived two days ago and now obviously has to be unpacked, commissioned and training in its use initiated. But it has just arrived in Gibraltar.

805

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister mentioned a room being made available for counselling within the hospital for the Prostate Cancer Support Group. Will this room also be opened up to other cancer support groups?

810

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

Mr Speaker, perhaps I should add that the Prostate Cancer Group would normally use it on the day of the specialised clinics, so that somebody who may have had bad news would be able to avail themselves of the group's support and counselling. So the arrangements would have to be made as to which group would use it on which day.

815

Q31/2014

New emergency ambulances – Fitting under A&E canopy

Acting Clerk: Question 31, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise if there have been any problems with the new emergency ambulances fitting under the canopy outside of the Accident and Emergency department, and if so, what is being done about it?

820

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, both ambulances fit under the canopy outside the Accident and Emergency department.

825

Q32/2014

Sponsored patients mechanism – Review

Acting Clerk: Question 32, the Hon. Mrs I M Ellul-Hammond.

830 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state what progress has been made with the complete review of the sponsored patients mechanism, and at what stage is it at in such an endeavour?

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

835 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, views and information have been assembled and discussion is ongoing in developing the proposals.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Hon. Minister have a timeframe for the completion of such a review?

840

Hon. Dr J E Cortes: No, Mr Speaker. I think it would be premature to give that. It is a complex issue. There are many different aspects that we are looking at and I would not like to be held to dates. But certainly we will see it during this term.

Q33/2014

Primary Care Clinic for children – Relocation to St Bernard's Hospital

845 **Acting Clerk:** Question 33, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say at what stage the GHA is in relocating the Primary Care Clinic for children to St Bernard's Hospital?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA is currently undertaking a consultation process with key staff groups, to assess the various options in relocating this service.

855 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with respect, that is exactly the same answer the Hon. Minister gave me last May. Can he explain what has been the delay?

860 **Hon. Dr J E Cortes:** Mr Speaker, the answer is the same because the answer happens to be the same. We are still in a consultation process. This is a complex issue; you cannot suddenly open a door and in come the patients. This is a complex issue which involves discussions between both general practitioners and paediatricians and we then have to look at the best sites to use. Therefore it is a complex issue and as I said before in relation to the Dementia Strategy, I would rather take a little bit longer and get it right. That is in fact the case in a number of the issues that have been raised today. The situation remains that we are discussing the options.

Q34/2014

Repeat prescriptions – Issuing without seeing a GP

865 **Acting Clerk:** Question 34, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say what the plans are to deal with the issuing of repeat prescriptions without the need to see a GP?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I refer the Member opposite to Questions 869/2012 and 122/2013.

875 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, yes, I am aware of those answers. This is specifically in relation to those on repeat prescriptions who are still required to go to their GP after six months for medication, such as anti-histamine statins and are on these medications for a long term – whether a more expedient system for that category of patients or that category of medication... whether a more expedient system will be put in place.

880 **Hon. Dr J E Cortes:** Mr Speaker, the Member opposite has answered the question for me; she has said this is for those patients that need to see the GP. If they need to see the GP they need to see the GP. Very often the GP will want to see them after six months.

885 It is possible, now that we have finally introduced, after many years of that not having happened, prescribing by nurse practitioners, that it could be a nurse practitioner who deals with this who would be perfectly qualified to do so.

But it is often the case that the GP actually wants to see the patient after six months, to see how they are reacting to the particular treatment. And if the GP wants to see them, then we cannot jump that one and do it in an administrative manner.

890 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, but my understanding is that a lot of these patients say that it is not necessary for them to go and see their GP, and that they are taking up an appointment slot just to pick up another set of prescriptions. Whether some other process will be considered when they just need another six months' worth of prescriptions and they can obtain it in another manner, rather than taking up a GP's time?

Hon. Dr J E Cortes: Mr Speaker, that is a different set of patients to the one that I have just commented on.

900 If the GP feels that it is not necessary for them to be seen in six months' time, then the GP has the option of offering prescriptions for a longer period. However, having taken the point that the Member opposite has made, which is outside the answer that I have given, I will look and see whether there is a need for that and whether there is a significant number of patients who are just given six months prescriptions and the GP specifically says he does not need to see them. I will look and see whether that is a real problem, and if so, we will tackle it.

905 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister then confirm that the GP does have the option of prescribing for longer periods than six months?

910 **Hon. Dr J E Cortes:** Mr Speaker, I would not be able to categorically answer that question, so I will not. This is why I offered to look into the situation.

Q35/2014

GHA employees on contracts – Eligibility for joining Superannuation Fund

Acting Clerk: Question 35, the Hon. Mrs I M Ellul-Hammond.

915 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 813/2013, can the Minister for Health say whether GHA employees on contracts who have worked for less than four years are eligible to join the Superannuation Fund?

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

920 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, at present, the option for these contract workers to join the Superannuation Fund is given when they are offered employment on indefinite terms. Employees have the option to back-date entry into the fund to the date of commencement, if they have not received the gratuity whilst employed on contract terms.

925 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so can the Hon. Minister confirm then, for instance, doctors who have been on contracts for over four years, are they able to join the Superannuation Fund but they are still on a contract?

930 **Hon. Dr J E Cortes:** Mr Speaker, the answer is quite specific. It is those who are offered employment on indefinite terms. It does not specify whether it is a doctor or not a doctor, but it is a question that they would have to fulfil whatever criteria are considered would justify them being employed on indefinite terms.

Q36/2014
GHA employees –
Increasing nursing assistants

935 **Acting Clerk:** Question 36, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if the GHA will be increasing its complement and employing more nursing assistants in the near future?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, if this was operationally necessary.

945 **Hon. D J Bossino:** Presumably, Mr Speaker, the current position is that it is not considered to be operationally necessary, so therefore the current intention is not to increase the complement. Just for the sake of accuracy, is my interpretation of his answer correct?

950 **Hon. Dr J E Cortes:** Mr Speaker, at the moment, there are no current plans to increase the numbers, but if it were operationally necessary for any particular reason, then that is something that would have to be considered.

Q37-45/2014
St Bernard's and KGV Hospitals and Primary Care Centre –
Fire drills, alarms and smoke detectors

Acting Clerk: Question 37, the Hon. J J Netto.

955 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state if there has been any fire evacuation drill carried out at St Bernard's Hospital in 2012 and 2013?

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

960 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 38 to 45.

Acting Clerk: Question 38, the Hon. J J Netto.

965 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state if there has been any fire evacuation drills at the Mental Hospital at KGV during 2012 and 2013?

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

970 **Mr Speaker:** I think for better procedure, since it is the same questioner and the same Minister who is going to reply, I think that, Mr Clerk, you should call out each, one question after the other.

Acting Clerk: Question 39, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state if there has been any fire evacuation drill at the Primary Care Centre during 2012 and 2013.

Acting Clerk: Question 40, the Hon. J J Netto.

980 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state if there are fire alarms and smoke detectors installed throughout St Bernard's Hospital?

Acting Clerk: Question 41, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state whether during 2012 and 2013, the fire alarm systems and the smoke detectors installed at St Bernard's Hospital have been tested and certified and if so, by which professional entity and on what dates this has taken place?

Acting Clerk: Question 42, the Hon. J J Netto.

990

Hon. J J Netto: Mr Speaker, can the Minister for Health state whether there are fire alarms and smoke detectors installed throughout the Primary Care Centre?

Acting Clerk: Question 43, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Health state whether during 2012 and 2013, the fire alarm systems and the smoke detectors installed in the Primary Care Centre have been tested and certified and if so, by which professional entity, and on what dates this has taken place?

1000 **Acting Clerk:** Question 44, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health state whether there are fire alarms and smoke detectors installed throughout the Mental Hospital at KGV?

1005 **Acting Clerk:** Question 45, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health state whether during 2012 and 2013, the fire alarm systems and the smoke detectors installed throughout the Mental Hospital at KGV have been tested and certified and if so, by which professional entity and on what date this has taken place?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the last fire drills to have been held on GHA premises were as follows: Primary Care Centre, November 2012 – no such drills have been carried out previously; King George V Hospital, 2005, two following an incident in 2004 – there is no record of a previous one; St Bernard's Hospital, 2005 – it was not in that location before then.

1015

Mr Speaker, the lack of such fire drills in the past is a cause for concern to me, as the organisation had found itself with a lack of experience and expertise. I am pleased to say that we are now liaising with the City Fire Brigade in order to update the evacuation and fire drill programme, and fire marshals are currently undergoing training. There will therefore be at least annual drills as from this year. In addition, a full survey on the preparedness of the organisation in fire safety is underway.

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In relation to fire alarms and smoke detectors, these are installed throughout the Primary Care Centre, KGV and St Bernard's Hospital. They have been tested as follows...

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I have to add it was not in my script, but I note the hon. Member had asked which firm had done this – they have been tested by G4S Fire Security.

They have been tested as follows: St Bernard's Hospital – 30th January 2012; 13th August 2012; 28th February 2013; 13th July 2013.

Primary Care Centre – 30th January 2012; 31st July 2012; 13th April 2013; 12th September 2013.

King George V Hospital – 2nd May 2012; 19th October 2012; 20th May 2013 and 13th January 2014.

1030

Hon. J J Netto: Mr Speaker, when the Hon. the Minister for Health stated that there are discussions taking place with the Gibraltar Fire Brigade, can he actually inform the House when such discussion started?

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Hon. Dr J E Cortes: No, Mr Speaker, but they were certainly ongoing before I got notice of this question, in case that is what he is implying.

Hon. J J Netto: Mr Speaker, in addition to having a discussion with the Gibraltar Fire Brigade in order to see how the emergency evacuation plan ought to take place, is this a matter which has been discussed

1040 within the Health Authority, given the Health and Safety Committee that exists between the management and the trade union representatives in the past?

1045 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware. Again I would need notice of that specific detail. I think I have answered the question perfectly well, expressed my concern at the lack of fire preparedness that I inherited, and the steps that I am taking to ensure that that is no longer the case. He has given me a marvellous opportunity to express publicly how little sensitivity there had been to the danger of fire. But those specific questions, I would need notice of.

1050 **Hon. J J Netto:** Mr Speaker, by when will the Minister think he will be in a position in order to have a plan which can be implemented for the purpose of fire evacuation drills, and not only that, in addition to that, also to be able to cascade the information to members of staff ? Because that information needs to be disseminated amongst members of staff and presumably, there needs to be what some people may call fire agents or fire marshals, who will be able to implement whatever the procedure is that eventually takes place.

1055 So can the Minister tell us whether this issue is likely to be in place perhaps within the next three months?

1060 **Hon. Dr J E Cortes:** Mr Speaker, I wonder whether the hon. Member had a similar conversation with the previous Minister for Health after so many years without any movement whatsoever. But one can only speculate on that.

Mr Speaker, we will be ready very soon indeed.

1065 **Hon. J J Netto:** Mr Speaker, I thought I understood, and if obviously I got it wrong, I would be grateful if the Hon. Minister would correct me, but I think he stated that once the procedures are in place, that he would like to be in a position that at least it is to be tested once a year. Was that correct?

1070 Because my understanding, from looking at the information in the UK as far as hospitals are concerned, and this is information which is readily available on the internet, I came across the fact that a lot of hospitals in the UK tend to execute fire drills almost on a weekly basis. I am not suggesting for one minute that that should necessarily be the practice here in Gibraltar, but given the fact that there are... well, the service users of the Health Authority, some of whom have disabilities and some of whom have sensory impairment of different kinds, the Health Authority will have to consider how appropriate will such drills have to be taking place.

1075 **Hon. Dr J E Cortes:** Mr Speaker, we will obviously heed the professionals who are advising us. I offered once a year because I think that is the minimum that I would require, but using the premise that they should be held once weekly, then in 16 years of Government by the party opposite, they have missed 2,496 fire drills that they should have had. *(Laughter)*

1080 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so despite the Hon. Minister's horror and concern, can he confirm that no fire drills have taken place these last two years then at St Bernard's Hospital, the Primary Care Centre, or the KGV under his watch?

Hon. Dr J E Cortes: Mr Speaker, I have already answered that question.

1085 **Hon. J J Netto:** I am trying to find a particular note which I cannot find now, but one of the things that I would like to urge the Minister is that one of the things that managements do take in place when elaborating procedures of this kind, I think it is called something like PEEPS, Personal Emergency... In other words, they are looking at the service users that there is in the Health Authority, and given the nature of those individualised circumstances, they are taking into account for the purpose of when a fire drill has to be executed or even if a fire actually takes place, they know exactly where to go, how to go and perhaps optimise the evacuation procedure as soon as possible.

So can I urge the Minister that they take on board those particular practices in the UK because obviously they are essential given the service users that the Health Authority have?

1095 **Hon. Dr J E Cortes:** Precisely, Mr Speaker, and the hon. Member opposite is really helping me very much this morning. It is precisely because of the complex nature of doing it that if it has not been done for so many years, it takes time to establish it and to carry out these measures properly. That is the exercise on which we are engaged.

1100 **Hon. D J Bossino:** Mr Speaker, can I ask the Minister a specific question. He made a reference in answer to Question 41/2014 to the professional entity as the question is posed, which is assisting the Government in relation to this issue and I think he said... is it G4S Fire Security and is that the trading name? Can he give me the company name and with details as to whether it is a local company or it is a UK company providing professional input in relation to this matter?

1105 **Hon. Dr J E Cortes:** If you bear with me Mr Speaker, I will check and see if that is in my notes, but the testing was carried out by G4S Fire Security. That is the name of the company that I have been given and the actual... Let me just check my papers here – the actual survey and preparedness of the organisation is being done by a fire safety management company called Tenos. I do not have any more details of that.

1110 **Hon. D J Bossino:** Mr Speaker, I would like those details and I suppose we could write to the Minister after this or maybe he could obtain the details from the civil servants and give it to us whenever he has a moment.

1115 Is he able to answer this question, Mr Speaker: is he aware of the cost of this exercise? Does he have that information with him? I appreciate it is a specific question – we can always ask it at the next sitting.

Hon. Dr J E Cortes: Mr Speaker, those are specific details which were not asked. I answered the question, I think, very thoroughly and in great detail. That information I do not have it.

1120 **Mr Speaker:** If the Hon. Minister is willing to and able to provide that information, well and good, but it does not arise from any of the eight or nine questions that have been taken together.

Q46-53/2014
Macaques –
Combating illegal feeding and spread of disease

Acting Clerk: Question 46, the Hon. J J Netto.

1125 **Hon J J Netto:** Mr Speaker, can the Minister for the Environment state if there has been any discussions between the Department of the Environment and the RGP, in order to establish a working methodology to avoid any illegal enticing or feeding of Macaques, contrary to the Nature Protection Act, or any of its subsidiary legislation, during the course of the last year?

1130 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 47 to 53.

Acting Clerk: Question 47, the Hon. J J Netto.

1135 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there has been any discussion between the Department of the Environment and the Environmental Agency, in order to establish a working methodology to avoid any illegal enticing or feeding of Macaques contrary to the Nature Protection Act or any of its subsidiary legislation during the course of the last year?

1140 **Acting Clerk:** Question 48, the Hon. J J Netto.

1145 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there has been any discussion between the Department of the Environment and the Customs Department, in order to establish a working methodology to avoid any illegal enticing or feeding of Macaques contrary to the Nature Protection Act, or any of its subsidiary legislation during the course of the last year?

Acting Clerk: Question 49, the Hon. J J Netto.

1150 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state, how many individuals have been fined for illegally feeding the Macaques within the Nature Reserve, during 2012 and 2013?

Acting Clerk: Question 50, the Hon. J J Netto.

1155 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many individuals have been fined for illegally feeding the Macaques outside the Nature Reserve during 2012 and 2013?

Acting Clerk: Question 51, the Hon. J J Netto.

1160 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many Macaques have been culled on a monthly basis since January 2012?

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

1165 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state where the Department of the Environment is purchasing the noise makers used in order to frighten the Macaques at the Nature Reserve, who is purchasing the noise makers, whether a licence has been issued for such a purpose, and whether the noise makers purchased comply with our local laws on this matter?

Acting Clerk: Question 53, the Hon. J J Netto.

1170 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the local population of Macaques are monitored for Hepatitis A disease, and if so, state how many are infected with it, what percentage of the population it represents, and if there is a vaccination programme for Hepatitis A being delivered?

1175 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, in answer to Questions 46 to 48, in order, yes sir, yes sir, and no sir.

1180 In answer to Questions 49 and 50, the same number as have been fined for this since the unauthorised feeding of Macaques was made illegal, about 100 years ago, after they were regularly coming into town. That is, none.

1185 In answer to Question 51, between 1st January 2012 and 31st December 2013, a total of nine Macaques have unfortunately had to be put down for veterinary or behavioural reasons: in 2012, August, three; September, one; November, one; 2013, March, one; September, two; October, one.

The Senior Executive Officer of the Department of the Environment purchases the noise makers from either of two specialist shops in Spain. The Collector of Customs grants an import licence each and every time noise makers are imported. These noise makers comply with local legislation.

1190 In answer to Question 53, a study was undertaken in 2000 by the Macaque Management team which identified certain Hepatitis A antibodies in 80% of the animals sampled. But I very quickly add that this needs to be qualified. Although not a direct consequence of the question, with your leave, Mr Speaker, I think I need to clarify this statistic, in order to avoid unnecessary fears.

1195 Mr Speaker, all the Macaques that tested positive back in 2000, did so for the IgG antibody, which indicates that the animals had been exposed previously to an infection, but were immune from the disease at the time of testing and therefore, and most significantly, were not shedding the virus, and therefore did not pose any risk. No Macaques at all, that is zero percent, tested positive for IgM, which is the infectious antibody, and therefore, I repeat, no Macaques tested would have been shedding the virus, and therefore there was no risk of infection.

1200 In fact, Mr Speaker, it is likely that the infection originated from humans. At that time, the veterinarian decided to vaccinate as many juvenile Macaques as possible, to create what is known as herd immunity. Blood testing after vaccination would be futile, as there is no way to distinguish between an immunised animal and one that had previously contracted the disease.

1205 The risk of humans acquiring the disease is negligible, provided normal precautions when in contact with any animal are taken, such as washing of hands. Hepatitis A can only be transferred by the oro-faecal route – that is, by taking by mouth after contact with faeces – and not by bites or contacts.

1210 **Hon. J J Netto:** Mr Speaker, my first question is in relation to any discussions being held either with the RGP, the Environmental Agency and the Customs Department. I think I understood the answer by the Minister was that yes, there had been some discussion taking place in order to avoid that. Can the Minister perhaps provide Parliament with more information as to the nature of those discussions?

Hon. Dr J E Cortes: Yes, of course: what I said, Mr Speaker, was yes, Police; yes, Environmental Agency; no, Customs, we have not discussed with Customs.

1215 The nature of the discussions were a way of trying to get more application or enforcement of the laws. The discussions reached the conclusion that the law, as it stood, was a little bit complicated to enforce, and also that clearly the Police have many priorities, so this led to the decision, and there is a Bill before this House, which I think will be taken at the next meeting, in order to introduce fixed penalties and expand the enforcement abilities from the Police to include members of the Department of the Environment and the Environmental Agency, hence the discussions with the Environmental Agency.

1220 So it has been a long process of discussion, in order to better enforce this law, which as I said before, has never, ever in a hundred years, to my knowledge, resulted in any fines, and this is a process that is ongoing in order to improve the way that we manage the issue.

1225 **Hon. J J Netto:** Yes, Mr Speaker, but in order to try and see where this discussion is actually leading to... The hon. Member said that they are trying to discuss how more effectively they can enforce the law, and, in fact, he mentioned that there is a Bill later to be discussed at a subsequent date. But do I take it from the comments made by the Minister that the Minister is actually looking more specifically for a kind of multi-agency application, of the enforcement of fines, whenever anyone is identified for either illegally enticing, or illegally feeding, and having the co-operation of both the RGP, which unfortunately, as the Minister has said, in the past has not been there, because they have other priorities,

1230 But do I take it that as a result of these discussions, perhaps the RGP maybe able to prioritise and make a contribution in the help to tackle this perennial problem?

1235 **Hon. Dr J E Cortes:** Mr Speaker, the idea is precisely to have a multi-agency approach to the problem, with the RGP continuing to be involved as the primary law enforcers in Gibraltar, but a multi-agency approach will mean that there will be more people on the ground, to be able to dissuade people from feeding the Macaques.

1240 **Hon. J J Netto:** Mr Speaker, obviously I do not want to necessarily anticipate a discussion which later on is going to be discussed, at a time when the Minister makes his speech in the First Reading of the Bill, so I do not want to necessarily anticipate any discussion there, but I think I heard the Minister saying that there had been no discussion at all with the Customs Department, is that correct?

1245 **Hon. Dr J E Cortes:** Mr Speaker, that is what I said, and I am now racking my brains to see whether I have actually mentioned it to a Customs Officer in conversation. No, seriously, Mr Speaker, I do not recall any discussions with the Customs. I do not think this is something that the Customs should be involved in.

1250 **Hon. J J Netto:** So the Minister believes that there is no reason whatsoever why the Customs Department, in the future, will be able to make a contribution, by way of issuing out fines for illegal feeding of Macaques. Is that what the Minister is saying?

Hon. Dr J E Cortes: Mr Speaker, the hon. Member knows I am very keen to export Macaques, but getting them to jump the border carrying anything that they should not (*Laughter*) to guarantee interception by Customs Officer is not one of those. I say that obviously in jest.

1255 Mr Speaker, there is no intention at the moment to engage with Customs. I think they have other duties that they need to deal with, and by expanding to the Environment Ministry and the Environmental Agency, I think we will have enough people on the ground, at least to make a good start at this multi-disciplinary approach.

1260 **Hon. J J Netto:** Well, Mr Speaker, certainly I would leave the issue of Customs there. But I just want to highlight to the Minister, in fact, that there is a reference to Customs in the Bill, so this is why I am asking the question; but leave it there, because obviously we can have the discussion much later on, when the Bill comes, and perhaps he may be able to provide more information as to the reason why Customs are actually included, among the different groups, (*Interjection*) hence the reason for the question.

1265 But, can I move on, Mr Speaker, with other supplementary questions? In relation to the firecrackers, noise makers, or commonly known as *petardos comunes* or *petardos chinos*, the Minister actually said that those are being purchased from two particular places in Spain. Now, can the Minister say whether the noise makers or *petardos*, whatever they are are called, abide by both the British Standards application and the European Union?

1270 **Hon. Dr J E Cortes:** Mr Speaker, the information I have, which I have given in the answer, is that they comply with local legislation, If he wants me to look more specifically at any particular legislation which he bears in mind, then I would be happy to take that away. He may be able to write to me, as indeed he often does, and I will certainly look at the information.

1275 **Hon. J J Netto:** Yes, Mr Speaker, I will certainly take the offer, but my understanding is that they do
not. They do not comply with EU Standards. The EU Standards are EU EN14035-15 and, in fact, the
firecrackers, the Spanish firecrackers are actually, as I understand, illegal throughout Europe. The fact that
Spain still manufactures and sells these particular noisemakers is in contravention of the European
1280 legislation. So my point, if I am correct, is that the noisemakers that the Department of the Environment, or
any other employee of the Government, are purchasing in Spain may well be illegal products in Gibraltar,
even if they happen to be certified by the Collector of Customs when entering into Gibraltar.

1285 If that is the case, will the Hon. Minister look whether those purchasers are legal products, as far as the
European Union is concerned; look into whether they abide by the British Standards, which are different
and much higher in quality; and whether the Fire Brigade actually sanctioned the purchase of these
particular products in Spain, given that they will probably have a policy in that regard, which says that if
one person in Gibraltar wanted to sell these particular firecrackers, or pyrotechnics, they are illegal products
under the policies of the Fire Brigade in Gibraltar?

1290 **Hon. Dr J E Cortes:** Mr Speaker, of course, I will look at these [*inaudible*]. In fact, I asked the hon.
Member to write to me with precisely those facts and I would ask him to write to me with that, as it will
make it easier for me to look at that.

I think I must comment, without being able to answer that specific point, that there are situations in
which, for example, it is illegal to hold a firearm without a licence, but firearms can be used for specific
issues. I am not comparing one to the other, but clearly, I will look at that information, and if it is the case
that this causes a problem, then obviously we would have to reassess the use of these particular ones.

1295 But as I say, I cannot commit myself, because it may well be that the particular ones that are used do fall
within the local legislation which is applicable, because, clearly some of what the hon. Member has told me
may or may not be applicable to Gibraltar.

But, certainly I will get the Department of the Environment to look at it immediately we receive the
information.

1300 **Hon. J J Netto:** Moving on, Mr Speaker, to my last set of questions, which dealt with the Barbary
Macaques in relation to Hepatitis A. Yes, I do share the comments made by the actual Minister in the sense
that this is not something to be worried about in relation to Hepatitis A. But I was not dwelling, if you like,
on that itself.

1305 What I was trying to get information from the Minister on, I am not quite sure whether he actually
provided that information, is that whether the Macaque who does have Hepatitis A, or all of them, they do
have some vaccination themselves. We are looking here at the welfare of the Macaques, as well.

1310 **Hon. Dr J E Cortes:** What I explained, Mr Speaker, is that with the Macaques that had a positive test, it
was a test for the antibody that proved that they had had the disease but had got over it. So they still had the
antibodies in the body, but they were no longer – they had the protection, but they no longer had the
disease. Then I explained that there was a vaccination of as many juveniles as possible, in order to create
what is known as herd immunity, so that the younger ones who would not have been exposed to the disease
at the time that the older ones were would then be given immunity by a process of vaccination and that will
1315 have cut it off. They were no longer shedding so they were not subjected any more, and the juveniles were
immunised.

So the issue is that that was one incident, which was dealt with at the time, and which we have no
reason to think that is a problem at this point in time.

Q54/2014

Wildlife wardens – Extra employees to be taken on

1320 **Acting Clerk:** Question 54, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if extra personnel are going to
be employed in order to discharge the duties of wildlife wardens?

1325 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, this will be determined
as part of the Upper Rock Management Plan.

1330 **Hon. J J Netto:** Mr Speaker, in the past, when I raised the issue of the Upper Rock Management Plan, I recall the Minister saying that this will be launched very soon, and that has been at least more than six months now. Can the Minister perhaps tell the House when it will be announced?

1335 **Hon. Dr J E Cortes:** Very soon, Mr Speaker, soon. This is a complex one, once again, and I have the tendency of reading things, and always trying to improve on the last time, and then I think it is ready, but one more time.

This is going to happen very soon. I think we are talking about a few months only.

1340 **Hon. J J Netto:** Mr Speaker, can I ask the Minister whether he himself believes that there is a need to have a dedicated group of directly employed people, working as wildlife wardens in the Upper Rock Nature Reserve?

1345 **Hon. Dr J E Cortes:** Mr Speaker, what I believe is that we have to have people carrying out the functions of wildlife wardens throughout Gibraltar. That is why we recently published legislation, which appointed the employees of the Department of the Environment, including the new Environmental Protection Officers, to be enabled, under the Acts of the Nature Protection Act, to perform those functions.

1350 So, at this point in time, these ladies and gentlemen are able to do that and have started this work in a small way; an induction and so on will be carried out, so at this point in time, I am not going to commit myself, as to whether or not we would require to employ specific people. The Upper Rock Management Plan will inform that and the experience that we have, we are now undergoing, by giving those powers to people already in employment, I think is the correct way of addressing this, and we are doing this in a staged process.

1355 **Hon. J J Netto:** Well, Mr Speaker, that is certainly a turnaround from the days when he used to be the General Secretary of GONHS, because he used to chastise – (*Interjection*) I am sorry can you calm yourself down, and allow me to continue?

Mr Speaker: It is for me to ask hon. Members to calm themselves down. (*Laughter*) The job of the hon. Member there is to ask supplementary questions.

1360 **Hon. Dr J E Cortes:** Mr Speaker, I have to answer that comment. There is absolutely no turnaround – (*Interjections*) I am not giving way, Mr Speaker. (*Interjections*)

Mr Speaker: May I? The Hon. Mr Netto has the floor, if he wishes to ask a supplementary.

1365 **Hon. J J Netto:** Thank you, Mr Speaker.

1370 As I was saying, certainly a 180-degree turnaround by the former Secretary General of GONHS, when he used to chastise the GSD Government for not having a dedicated group of employed people to be wildlife wardens. Can the Minister tell the House that no extra amount of money will be provided for, to any private company, to undertake the duties of wildlife wardens in the next 12 months?

Hon. Dr J E Cortes: Mr Speaker, first of all, I think that question is not a direct follow-up, and I have already said that we are looking at whether or not we are going to employ wildlife wardens as part of the Management Plan.

1375 But, I have to correct two things that the hon. Member has said, because I think they are very unfair, and I think that he, of all people, knows how unfair they are. Because, Mr Speaker, when I was General Secretary of the Gibraltar Ornithological and Natural History Society, I never chastised any Government, but I worked within the Government, and I may have had conversations with him, as Minister, and with others of his colleagues and Ministers on the issue. But I never chastised anyone: that was not my way of working, as he and all the Members opposite very well know, and I am still that same person, Mr Speaker.
1380 That is a very unfair comment.

1385 But having said that, Mr Speaker, it is not a turn of any nature. I have said that I have empowered the whole staff of the Department of the Environment – 20, 30 people, I do not have the details now – plus two new Environmental Protection Officers to fulfil the duties of wildlife wardens. If the Ministers that I worked to in the past had responded to me when I said ‘we need wardening on the Upper Rock’, and had said, ‘Well look, we are going to have Environmental Enforcement Officers, and I am going to offer the whole of the Environment Department staff’ – which was much smaller than it is now, by the way – ‘and I will empower them to carry out those duties’, then I would have said, ‘Well thank you very much, let us see how it goes.’

1390 The allegations that the hon. Member has made are completely unsubstantiated, and anybody at all who knows me, and the way that I work and have worked, will know that that is the case.

Hon. J J Netto: Mr Speaker, does the Minister consider that the employment, I think he said, of two Protection Environmental Officers is sufficient for undertaking the duties throughout Gibraltar for wildlife wardens?
1395

Hon. Dr J E Cortes: Mr Speaker, I refer to my original answer: this will be determined as part of the Upper Rock Management Plan.

1400 **Hon. D J Bossino:** Mr Speaker, this may be a question which he may not have the answer to as yet, but does he have an idea, certainly from the employment perspective, as to which entity would be the employing body of these wildlife wardens? Would it be the GDC, for example, or a Civil Service post to be created? Can he answer that question?

1405 **Hon. Dr J E Cortes:** Mr Speaker, I have already said that it has not even been determined. This is totally hypothetical.

1410 **Hon. J J Netto:** Mr Speaker, does the Minister not envisage, perhaps, the scenario whereby, despite having a situation where they have a multi-agency approach to this particular issue, and yet find that, despite all the willingness in the world, at the end of the day the RGP will not be able to provide the assistance that is required? Because that has been the case in the past, given their other priorities, and perhaps, for relying on other agencies, as in maybe like the Environmental Agency, would be, to use perhaps the Spanish saying, *desvestir un santo para vestir a otro santo* – meaning an employee of the Environmental Agency having to put aside some aspects of their normal day-to-day work, in order to do this particular work. Hence my reason, and hence my question, whether the Minister thinks there are sufficient people employed to undertake such duties. Can he provide an answer?
1415

Hon. Dr J E Cortes: Mr Speaker, first of all, I have to correct: the hon. Member is getting two questions confused. The Environmental Agency is being empowered to deal with the feeding of Macaques, and they are out in the street, they issue litter tickets, they look after all sorts of issues, so they are already on the ground. So that will not detract them from any other duty, and that is a previous question.
1420

This question is specifically on the question of wildlife wardens, which have not been extended to the same people, but in any case, I repeat my original answer: this will be determined as part of the Upper Rock Management Plan, and no matter how many questions I am going to be asked, I am going to give the same answer, because it is a work in progress. We have to assess it in relation to what we are already doing, and then we will come up with a properly worked out answer.
1425

I have said it several times before today, Mr Speaker, I am not going to be rushed by the Opposition, into launching strategies, into publishing plans, or into giving answers which have not been properly studied. My scientific training has told me that I really have to lay the point, and then I come to the conclusions, and I am not going to be rushed in advance of that. So this will be determined as part of the Upper Rock Management Plan.
1430

Hon. J J Netto: Mr Speaker, could I ask the Minister, whether he can provide the House with some sort of definition of duties that are likely to emerge, for someone undertaking the function of wildlife wardens?

1435 **Mr Speaker:** That does not arise at all. I am not allowing that supplementary. (*Interjections*) Any other supplementary? In that case we will go on to Question 55.

Q55/2014
Sewage treatment plant –
Plans for construction

Acting Clerk: Question 55, the Hon. J J Netto.

1440 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there are plans in progress for the construction of a sewage treatment plant, and if so, provide Parliament with a statement as to the timeline for operations for the plant to start and the cost to build the plant?

1445 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I can confirm that there are plans in progress for the construction of a sewage treatment plant, and that these are proceeding swiftly.

1450 The Government invited tenders for the design, build, finance and operation of a waste water treatment plant at Europa Point, in the Official Journal of the European Union on 28th June 2013. The tender was also advertised in local media, in line with statutory requirements, and a number of tenders have been received to date.

1455 The Government will commence the tender evaluation process on 24th January, in a couple of days' time. Government intends to award the tender, as soon as possible, once the tender evaluation process is completed. All aspects of the design and construction of the project rests with the tenderers, and therefore the estimated cost of the plant will only be known once a successful tenderer is chosen.

In terms of timescale, the Government envisages that the plant be operational within two years of awarding the contract.

1460 **Hon. J J Netto:** Mr Speaker, can I ask for clarification, whether the Minister can say that the period for prospective tenderers, that period has now closed and nobody else can put further bids to the process?

1465 **Hon. Dr J E Cortes:** Mr Speaker, I believe that the evaluation process will start on 24th, because that is when the tender closes. (*Interjections*) Mr Speaker, the 24th I believe is tomorrow, so –

1470 **Hon. J J Netto:** Mr Speaker, could I ask the Government, and I am not trying to hold the Government to an exact figure certainly, but a kind of order of cost of what this project might entail? In other words, are we talking about a £50 million project, a £100 million project, a £150 million project, and I am not trying to hold the Government now to... within a couple of million either way.

Hon. Dr J E Cortes: No, Mr Speaker, I do not have that information. This is a tender process, and we...

1475 **Hon. J J Netto:** Mr Speaker, could I ask the Minister if he could perhaps tell Parliament, whether the Government is envisaging that the new sewage treatment plant, when it becomes operational, whether this will be connected, in any way to other plants, perhaps the waste treatment plant that the Government is proposing?

1480 **Hon. Dr J E Cortes:** Mr Speaker, this is too early a stage to answer that question. We are processing tenders for the waste treatment plant, we are about to process tenders for the sewage plant, and this will then be considered in relation to that, but I do not have that information.

1485 **Hon. J J Netto:** Well, obviously, Mr Speaker, it is something that I would have to perhaps continue this line of questions on another month.

But could I ask, perhaps, one final question on this particular topic, and could the Minister state whether this particular project to build the sewage treatment plant will be funded, or the intention is to fund either wholly, or partially, either directly, or indirectly, by (a) Credit Finance Company Limited; or (b) from the proceeds of monies deposited in the Gibraltar Savings Bank?

1490 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with respect to the hon. Gentleman, I believe that question was specifically asked by him at the last Parliament, or in the list that was asked at the last Parliament, of projects to be funded by... in the options put by the hon. Gentleman. The answer then was no, and it remains no.

1495 **Mr Speaker:** Next question.

**Q56/2014
Cigarette stubs –
Litter Committee discussions**

Acting Clerk: Question 56, the Hon. J J Netto.

1500 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if the Litter Committee has discussed the increased amount of cigarette stubs that litter our streets, and whether there are plans to place cigarette bins throughout Gibraltar, supported by an awareness campaign?

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

1505 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, cigarette stubs have not been specifically discussed at the Litter Committee meetings.

I will explain: they do not appear in the minutes. There may have been peripheral conversations on it, but they are not something that was specifically discussed at those committee meetings.

1510 The issue has been dealt with internally by the Department of the Environment. Thirty bins with ashtrays have been purchased and will be deployed shortly, to see whether the system actually helps, of course.

1515 **Hon. J J Netto:** Well, Mr Speaker, that is certainly good news to hear from the Government side, but can I also urge the Minister on the second part of my question, that perhaps the introduction of those extra littler bins should be supported by an awareness campaign as well?

Hon. Dr J E Cortes: Yes, Mr Speaker, I think that is a logical step to be taken, on the launch of the new bins.

Q57-59/2014
Detached Mole –
New bunkering arrangement

1520 **Acting Clerk:** Question 57, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the new arrangement for bunkering at the Detached Mole is a temporary or permanent measure?

1525 **Acting Clerk:** Answer the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 58 and 59.

1530 **Acting Clerk:** Question 58, the Hon. J J Netto.

1535 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with an explanation as to the procedure covering the new bunkering arrangement from the Detached Mole, and what protection is in place to safeguard the environment?

Acting Clerk: Question 59, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if, as a result of the new arrangements for bunkering at the Detached Mole, whether local fishermen will be able to continue fishing from that location?

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

1545 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, before I answer that, I would just like to say that the Hon. Minister for the Port would likely have answered at least some of these questions, as he has been leading on this, but in his absence on Government business outside Gibraltar, I am happy to provide the information.

1550 Bunkering activities in British Gibraltar Territorial Waters are regulated by the Gibraltar Port Authority, under the Bunkering Code of Practice, and the Ship to Ship Code of Practice. Bunkering activities at the Detached Mole are regulated in accordance with these codes of practice, and are subject to the same level of supervision and control as other bunkering activities in BGTW.

Among the measures in place to ensure protection of the environment are limitations on cargo temperatures, and hydrogen sulphide content of cargoes, booming requirements for transfers of persistent

1555 cargoes, GPA inspections for cargo transfers, and unannounced inspections of both the mother ship and the bunker barges involved in these operations.

At the moment this is considered a temporary arrangement.

New procedures have been introduced to ensure the safety of anglers and ships berthed at the Detached Mole, while ensuring that the impact on fishing activities, which will continue, is minimised. These procedures have been agreed with the fishing associations.

1560

Hon. J J Netto: Mr Speaker, the Hon. the Minister has said that these are temporary measures, or operations that are taking place. Can the Minister perhaps provide Parliament with a more elaborate explanation as to what the more permanent measures will be? I say this, because in the statement issued by the Environmental Safety Group, they argue that this will not in the future be a permanent onshore operation for bunkering.

1565

Hon. Dr J E Cortes: Yes, Mr Speaker, the comment that... clearly this is a statement by a non-Governmental organisation, and the Government is not party to those, or to what may have gone behind arriving at that statement. I am not able to offer more information than the one that I have given: I was asked whether it is temporary or not. I have answered that, and as I explained, my colleague, the Minister responsible for the Port is away on Government business, and did make it known to the Opposition that he was going to be away, and therefore I am not able to offer more information than what I have offered this morning.

1570

Hon. J J Netto: Do I take it that the only thing that has changed, really, is that before, this particular refuelling or bunkering operation was done in the Bay of Gibraltar, and now what we have is a large bunker storage tanker, which will be permanently docked or anchored inside the Bay, on the inside of the Detached Mole?

1575

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may assist. The bunkering operations have not changed; what has changed is the location of the storage. Right. The hon. Gentleman needs to know that bunkering did not occur when this vessel was lying in anchorage, it did not occur between this vessel and the vessels that came to receive bunkers. This vessel was the storage vessel. It transferred bunker supplies to a smaller vessel, and that smaller vessel went out to the vessels that wanted to receive bunkers in Gibraltar.

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So the only thing that has changed is the location of the storage vessel. That has now been brought alongside. Now, I think it has been said, in the context, I believe, of an answer to a question put by one of the local newspapers, by the *Chronicle*, that this was at the instigation of the company, and was part of a process towards moving to a new more permanent solution in respect of storage of bunkers. But the hon. Member's supplementary is about the actual bunkering operation. The bunkering operation has not changed.

1590

Hon. J J Netto: Indeed, Mr Speaker, the fact that the bunkering operation was done outside in the Bay of Gibraltar, now is done inside the Bay of Gibraltar – (*Interjections*) sorry.

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Hon. Chief Minister: If I may, if the hon. Gentleman will allow me to assist him on this. The bunkering operation, the actual bunkering is still happening in the Bay outside of the Port. It is the storage of the bunkers that has come within the Port, not the bunkering operation.

1600

Hon. J J Netto: Well, given that the storage is inside the Bay, at the Detached Mole, given the concerns of the local environmental group here, where they argue that as a result of that new location, which is hypothetically, or hypothetically will be, close or adjacent to where the future gas storage facility for the power station will be, and considering that on the north end we have nuclear submarines being stationed from time to time, has any health and safety and environmental audit been carried out on the potential risk that may emanate from such a decision?

1605

Hon. Chief Minister: Mr Speaker, if I may say so to the hon. Gentleman, that question to a great extent was already answered when he was asking questions of the hon. the Member with responsibility for Utilities, when he was asking about whether the gas storage was the subject of any health and safety audit, etc and he was told that it is presently the subject of such audits. So he knows, I put it to him, as a result of that answer, that such investigations are ongoing.

1610

But he needs to remember, and this is a point that all of us are unfortunately stuck with, we made a huge success of this community, being two and a half miles by one mile: if we had the land mass of others, I cannot imagine how the Gibraltarians would have led the world. Whether the bunkering vessel is storing

1615 bunkers on the Detached Mole, or whether it is in its old location, it is probably within 500 or 600 metres of the nuclear berth, and the residential facilities, etc. So it is all a question of determining what are the best places to put this, as I said to him before in relation to gas.

So, yes, it is. This is the subject, the issues surrounding the gas and where the gas could potentially go are the subject of health and safety investigations. Hazardous operations investigations, I think they are called.

1620
1625 **Hon. J J Netto:** Mr Speaker, the Hon. Chief Minister mentioned the fact that the Hon. the Minister for Utilities did mention that there are indeed health and safety and environmental reports which the Government is considering. However, the Opposition clearly does not have sight of such a report, so can I ask the Government that they provide Parliament with copies of such report, so that at the very least, the Opposition will be in a position to know the issues that have been considered, and be able to ask the relevant questions on this matter in the future?

1630 **Hon. Chief Minister:** Mr Speaker, I have told the hon. Gentleman, those reports are being prepared. It is not that they are ready; it is that they (*Interjection*) are being prepared –

Hon. J J Netto: What the Minister for Utilities said before was that they had already been done, and they are currently being discussed in Government. (*Interjection*)

1635 **Hon. Chief Minister:** No, Mr Speaker, that I am afraid is not what the hon. Member said. But, look, if the hon. Gentleman's recollection is that, all he needs to do is, when the *Hansard* is ready, go back and check. But what I am telling him is there are a lot of reports, and the ones that he was asking about, which are those relating to gas, are in the process of being prepared.

1640 Mr Speaker, this will be a big change for our community. We will go from using one particular fuel type, which is diesel, to using a new fuel type, which is gas. People will need to understand whether there are any risks involved in using gas, what those risks are. There is risk involving any internal combustion fuel, any fossil fuel that is burnt, but of course, is there more risk, is there less risk? So, the hon. Gentleman can rest assured that when decisions come to be made about these issues, they will be fully explained, not just to this Parliament, and not just to Members opposite, but to the whole of the community.

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1650 **Hon. J J Netto:** Yes, Mr Speaker, but the reality is that the environment does not work in isolation, and we cannot say we are going to have a report simply for the gas storage on one side of the Detached Mole and then next to that particular location, there will be another function which may require a more holistic one, in terms of risks of concern. Now, can I put it, can I ask the Chief Minister, or the Government, by when they reckon that the health and safety and environmental report will be ready, so that at least the Opposition may have sight of them?

1655 **Hon. Chief Minister:** Mr Speaker, (*Interjection*) before the hon. Gentleman, in respect of his request for sight of the report, to the answer I have just given, and in respect of the timing of those reports, that is exactly the same question, with respect to him, that he asked when he was questioning the hon. Gentleman, and I got up to assist in respect of exactly this matter, and I told him I was not going to give him a timeline.

Let me put it in this context for him: the power station, we have all agreed, is an important issue for Gibraltar. We have said we are committed to delivering it, so it is something that is, obviously, going to happen as soon as possible.

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1665 **Hon. J J Netto:** Mr Speaker, in the Environmental Safety Group's statement, they urge the Government to have a rethink on the matter, as far as the location for the storage of – well the large bunker tanker storage facility there, and in fact, they go further to that, they suggest the Government that perhaps an alternative site that should be considered by the Government should be the King's Lines depot there, obviously once sufficient investment is done to infrastructural works to make it fit for purpose. Is the Government considering the suggestion of the Environmental Safety Group?

1670 **Hon. Chief Minister:** Mr Speaker, the Government is not just considering the proposals of the Environmental Safety Group; it is considering a very large number of proposals in relation to this issue, and long before the Environmental Safety Group suggested the King's Lines, the Government, the MOD, and third parties are looking at possibilities, for example, involving King's Lines – something that he might recall I used to urge them to do, when I was in Opposition and dealing with these issues. And not just King's Lines, Mr Speaker, we are considering all sorts of other potential areas for bunkering storage, and not just bunker storage, but fuel storage. And, he will recall, Mr Speaker, that when they were in
1675 Government, I also used to urge them to consider about how to have a strategic reserve for Gibraltar, etc.

So, if he were to think back, he would know that the Government is considering that and much more, for much longer than just the period since the ESG made their statement.

1680 **Hon. J J Netto:** Mr Speaker, given that this new large bunker, storage tanker, is now closer to a built-up area, the west side of Gibraltar, have new procedures been considered or even implemented to avoid nauseating smells, bad smells associated with this particular industry, within the whole of the west side of Gibraltar?

1685 **Hon. Chief Minister:** Mr Speaker, I am afraid the hon. Gentleman is wrong. The ship is not closer now to residential areas than it might have been. The ship was actually very close to residential areas where it used to be, and in the past when they were in Government, we had repeated incidents of noxious smells, and of what... the smell is of sulphur, like rotten eggs.

1690 And what he will know, Mr Speaker, if he bothers to think back to the issues, is that those things relate to the mix of the oil which can give rise to those smells, and the non-use of what is known as capture technology to have those fumes sucked in when the bunkering operations are ongoing. That is why it is important that he remind himself again, as I did a moment ago, that the bunkering operations are not going to change location. They will continue to happen where they used to happen. The only thing that is changed is that the storage, and therefore the replenishment of the smaller, the lighter that takes the bunker out for the bunkering operation, is now happening at the Detached Mole. Happening at the Detached Mole is not
1695 any closer, in my view, than when it used to happen, where the vessel used to be, in respect of those who have homes in the south district in Gibraltar.

1700 But, look, noxious smells are something that will always be a concern, and the Government ensures that there are no noxious smells, using the procedures that have long been put in place in respect of such bunkering operations. Those do not change.

Hon. J J Netto: Right, Mr Speaker, the Hon. Chief Minister, reminds us of what he used to tell us when we were in Government, but, I have to ask him, in terms of the new technologies, of capture of those bad smells, have they been implemented now?

1705 **Hon. Chief Minister:** Mr Speaker, look, I do not know whether the position is that they were implemented when they were in Government, or just after we were elected, but – this is what I am saying to him – they have long been implemented. And the movement of the vessel is not relevant to those things, or rather that does not change because of the movement of the vessel. There was a big issue with noxious smells some time ago, and at the time, mix or blend of oils was identified as the problem and recapture technology was one of the issues that was introduced, to ensure that these things did not happen – the way that the bunds are put around the pipes that take the oil from one vessel to another, and look, Mr Speaker, we have not had complaints of noxious smells at the rate at which we used to have them.

1710 I cannot remember, Mr Speaker, whether they deserve the credit for that, or whether we deserve the credit for it, but this is something now in the past.

1715 **Hon. Dr J E Cortes:** If I may assist, Mr Speaker, as to credit, because the hon. Members opposite like to refer to my past. Whether it happened before or after December 2011, I can certainly take a lot of the credit, because I campaigned in order to resolve this before I was elected a Minister. (*Banging on desks*)

1720 **Mr Speaker:** Next question.

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q60/2014

Equal Opportunities Commission –
Establishing

Acting Clerk: Question 60, the Hon. Mrs I M Ellul-Hammond.

1725 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say, as per the Government's manifesto commitment, when the Equal Opportunities Commission will be established, and how it will be set up?

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

1730 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, it will be set up in this term of office.

Q61-66/2014
Social Services' homes and buildings –
Fire alarm systems and smoke detectors

1735 **Acting Clerk:** Question 61, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state whether there are fire alarm systems and smoke detectors installed throughout Mount Alvernia?

1740 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 62 to 66.

1745 **Acting Clerk:** Question 62, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state whether during 2012 and 2013 the fire alarm systems and the smoke detectors installed throughout Mount Alvernia have been tested and certified, and if so, by which professional entity and on what dates this has taken place?

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Acting Clerk: Question 63, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state whether there are fire alarm systems and smoke detectors installed throughout the Care Agency Building for Looked After Children?

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Acting Clerk: Question 64, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state whether during 2012 and 2013 the fire alarm systems and the smoke detectors installed at the Care Agency Building for Looked After Children have been tested and certified, and if so, by which professional entity and on what dates this has taken place?

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Acting Clerk: Question 65, the Hon. J J Netto.

1765 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state whether there are fire alarm systems and smoke detectors installed throughout the premises of Dr Giraldi Home and St Bernadette's Occupational Centre?

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Acting Clerk: Question 66, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state whether the fire alarm systems and the smoke detectors at the premises of Dr Giraldi Home and St Bernadette's Occupational Centre have been tested and certified during 2012 and 2013 and if so, by which professional entity and on what dates this has taken place?

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, there are fire alarm systems and smoke detectors in Mount Alvernia, Dr Giraldi Home, and St Bernadette's Resource Centre, and smoke detector alarms in the Looked After Children facilities.

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No fire alarm system or smoke detectors were installed in Mount Alvernia during 2012 and 2013.

Dr Giraldi Home and St Bernadette's Resource Centre were tested on 28th February 2013 and 25th May 2013 by GibElec.

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The Looked After Children facilities have smoke detector alarms which are inspected for quality assurance on a daily basis by managers responsible for the facilities and looking after the children. Repairs,

when these are needed, are carried out by the Care Agency maintenance crew, who also inspect alarms on a monthly basis.

1790 **Hon. J J Netto:** I think I missed, actually, Mr Speaker, the first part of the hon. Lady's answer to the question. Did I understand rightly, she said that there were some premises... I think, she might have said the KGV... I beg your pardon, Mount Alvernia, where there were not any fire alarms or smoke detectors. Have I understood it wrongly, perhaps?

1795 **Hon. Miss S J Sacramento:** No, Mr Speaker, what I said, in answer to the question which asked whether any had been installed in 2012 and 2013, I answered that none had been installed because they were already there. They have not been installed in 2012-13.

Q67-69/2014
Social Services' homes and buildings –
Fire evacuation drills

Acting Clerk: Question 67, the Hon. J J Netto.

1800 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any fire evacuation drills at Mount Alvernia during 2012 and 2013?

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

1805 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 68 and 69.

Acting Clerk: Question 68, the Hon. J J Netto.

1810 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any fire evacuation drills at Dr Giraldi Home and St Bernadette Occupational Therapy Centre during 2012 and 2013?

Acting Clerk: Question 69, the Hon. J J Netto.

1815 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any fire evacuation drills at the Care Agency Home for Looked After Children?

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

1820 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I can confirm that fire drills have been carried out at Mount Alvernia, Dr Giraldi Home, St Bernadette's Resource Centre and the Looked After Children facilities during 2012 and 2013.

1825 **Hon. J J Netto:** Mr Speaker, can the hon. Lady, perhaps, inform the House as to how often perhaps the fire evacuation drills happen? Is it once a year or perhaps more than once a year?

1830 **Hon. Miss S J Sacramento:** Mr Speaker, they happen more than once a year. For example, in Mount Alvernia, we had drills, two in July 2012; two in December 2012; one in March 2013; two in April 2013; one in August 2013; and one in September 2013.

1835 **Hon. J J Netto:** I am grateful for that, Mr Speaker, but can I ask another supplementary question in line to what I asked to his colleague before, given the vulnerability of some of the service users, given their conditions, mobility, perhaps disability, and other complications – not all, indeed, but some of them – does the management have in all these facilities a personal plan designed, taking into account the various needs of those particular individuals for the purpose of executing those fire drills?

1840 **Hon. Miss S J Sacramento:** Mr Speaker, it is significant that, actually, we do have it now. I just gave an example of the drills that we have had at Mount Alvernia, but if I can say that, at Giraldi Home and St Bernadette's we have had drills in March 2012; June 2012; September 2012; January 2013; August 2013;

1845 and October 2013. Prior to December 2011, Mr Speaker, we can only find a record of one such drill taking place at Dr Giraldo and St Bernadette's (**Several Members:** Shame, shame!) and that was in 2011. But, in any event in answer to the question, yes there is – in the same way as my colleague answered, yes there is now a strategy going forward in all the homes that we are looking at our requirements in terms of the fire procedures. Of course, fire alarms and fire systems were already in place; fire evacuation drills did take place in some of the facilities – not all of the facilities, but going forward, this is now happening in all of the facilities.

1850 **Hon. J J Netto:** Mr Speaker, given the fact that there have been fire drills, exercises being carried out in various parts of the buildings that pertain to Social Services, when they actually carry out those fire evacuation drills, do they take on board different possible scenarios? For instance, a fire may emerge in the front entrance of a particular building, and therefore the requirement is needed that the evacuation actually takes place through a different route.

1855 I say this because, again, this is part of the research I was doing in relation to the UK, that the actual plans they may have on particular premises differ every single time – or sometimes it differs when they do the actual drills. Of course, that will depend as well on the characteristic of the building. But, what I would like to ask the hon. Lady is whether they have taken into account that there is a need, perhaps, to have different routes of evacuation, depending where the fire location is.

1860 **Hon. Miss S J Sacramento:** Mr Speaker, this is not information that I have, that I can confirm, but I would imagine that those tasked with ensuring that there are drills taking place will do so responsibly and however necessary. So, the hon. Gentleman can rest assured that going forward, in any event, I will check that this is the case, but I am sure that it is already.

FINANCIAL SERVICES AND GAMING

Q70-75/2014

Gibraltar International Bank – Plans for establishment and running

1865 **Acting Clerk:** Question 70, the Hon. D J Bossino, on behalf of the Hon. S M Figueras.

Hon. D J Bossino: Can the Hon. the Minister for Financial Services provide details to this House of progress in the establishment of the Gibraltar International Bank?

1870 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I will answer this question together with Questions 71 to 75.

1875 **Acting Clerk:** Question 71, the Hon. D J Bossino.

Hon. D J Bossino: Can the Hon. the Minister for Financial Services say the precise extent to which the Government and/or the Gibraltar Savings Bank will be involved in the establishment and running of the Gibraltar International Bank?

1880 **Acting Clerk:** Question 72, the Hon. D J Bossino.

Hon. D J Bossino: Can the Hon. the Minister for Financial Services say whether any premises have been identified for use by the Gibraltar International Bank, and if so, which premises and on what terms?

1885 **Acting Clerk:** Question 73, the Hon. D J Bossino.

Hon. D J Bossino: Can the Hon. the Minister for Financial Services say how the Gibraltar International Bank will be funded and, in particular, whether the Bank will be funded by either of the Gibraltar Savings Bank, Credit Finance Limited, or any other Government agency or company, whether directly or indirectly?

1890 **Acting Clerk:** Question 74, the Hon. D J Bossino.

1895 **Hon. D J Bossino:** Can the Hon. the Minister for Financial Services say how the Government intends that the Gibraltar International Bank will be capitalised?

Acting Clerk: Question 75, the Hon. D A Feetham.

1900 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please say who are the Government's proposed directors and managers of the Gibraltar International Bank, giving their names and professional backgrounds?

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

1905 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, in answer to Question 70, a high level steering group has been established to assist me, in defining the shape, substance and form of the Gibraltar International Bank. The group includes input from the Financial Services Commission, the Finance Centre Department, the Gibraltar Banking Association, and experienced bankers.

1910 In addition, accountancy, banking and legal professionals have been engaged to prepare the licensing application, including a business plan, and other necessary components. The application was submitted to the Financial Services Commission in late December, of last year, and I am confident that an in-principle decision will be received, by us, in due course. These professionals continue to assist us, in all technical aspects of the Bank and its application.

1915 Banking platform providers are being examined, and one particular operator in this field has already been to Gibraltar to familiarise themselves with the relevant systems.

Premises have also been identified and architects engaged.

1920 In answer to Question 71, as has been stated before, Mr Speaker, the specific intention of the Government is to ensure that the Gibraltar International Bank's day-to-day operations are independent of Government. It will be run on commercial lines by an independent management team with significant banking experience.

I am pleased to inform this House that the Government has identified premises for use by the Gibraltar International Bank. A number of options have been considered, including privately owned property.

1925 The premises that have been identified, after discussions with the Banking Committee, are Government owned and the terms of occupation are currently under consideration. An announcement will be made, once these matters have been agreed.

In respect of Question 73, Mr Speaker, no decision has yet been taken as to how the Gibraltar International Bank will be funded.

In answer to Question 74, Mr Speaker, the Gibraltar International Bank will clearly need to be capitalised by its shareholder. No decision has yet been taken as to how this will be achieved.

1930 In answer to Question 75, Government is not yet in a position to disclose the proposed composition of the Executive team, nor indeed of the intended Directors of the Gibraltar International Bank. Although discussions continue with regard to these appointments, no announcement can be made at this moment in time.

1935 **Hon. D J Bossino:** Mr Speaker, in relation to the answer the Hon. Minister has given in connection with Question 70, he talks about the high level steering group, I think he described it, and of course, we asked about progress, and I am grateful for the full answer he has given, but is he able to tell me now, whether he is in a position to advise this House whether he thinks that the Government will be able to stick to its publicly announced timeline of completion by, I think it is autumn this year. I think it is October this year.

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Hon. A J Isola: Yes, Mr Speaker, it is certainly our intention, to meet the very tight and strict timeline that we have set. As you will appreciate, it is not just the property or the platform or the people; there are a whole host of things that require to be prepared and put into place, long before the opening of the branch. But we have set a strict timeline, because that is a necessity that we have.

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So the simple answer is, yes, Mr Speaker, we have every intention of sticking to the timeline we have set, and very much hope that we do.

1950 **Hon. D A Feetham:** Mr Speaker, did I hear the Hon. Minister correctly, when he said that the business plan had not been completed, in his answer to 70, and that it was in the process of being completed by this high level steering group, as he described it?

Hon. A J Isola: No, Mr Speaker, I said that the business plan had been prepared in consultation with the accounting, legal and banking team that we had engaged, not the Banking Committee, and that has actually been submitted to the Financial Services Commission.

1955 **Hon. D A Feetham:** But, in that application, the Government has not identified how the Bank is going to be capitalised, and where the money is actually going to be coming from? Because, of course, he has said to this House today that no decision has been made, but anybody that has any experience of applications to the Financial Services Commission in respect of any licensing issues, that is one of the issues that one would expect the application form to contain – how a bank or a company is going to be capitalised. So, has
1960 the Government not made a decision, and that has not formed part of any disclosure that has been provided to the Financial Services Commission? What is the position in relation to it?

Hon. A J Isola: Mr Speaker, it is really quite simple. The hon. Member has touched on a number of different areas which have different facets to them. As I have said, in answer to a separate question, the Executive team has not yet been appointed. That is relevant to the extent that we wish to engage them in issues like capitalisation. Of course, the business plan has been put forward to the Financial Services Commission, and of course, the shareholder, being the Government, will arrange for its capitalisation, but as the hon. Member will know full well, at the end of the day, the capitalisation of the company is done by a process of consultation with the Regulator, meeting the ICAP requirements, meeting the requirements of the business plan, and then a conclusion is then reached. So the capital will be provided by the shareholder, and the capital will be fixed in consultation with the Executive team, the Financial Services Commission, to ensure that we meet the regulatory requirements that will be set on us, as a regulated entity.

Hon. D A Feetham: Yes, but with respect, that does not follow the previous answer that he has already provided to this House. You see, one of the questions that Mr Figueras asked was whether this bank was going to be funded out of the proceeds from the Gibraltar Saving Bank or from Credit Finance, and the answer that the hon. Gentleman gave is the Government had not made a decision in relation to that.

Now, I would have thought that before one submits an application to the Financial Services Commission, the Government would have made a decision in relation to that, because that is precisely one of the questions, certainly, that one would expect a regulator to make, because if it is capitalised from monies coming from the Gibraltar Savings Bank, and from Credit Finance, the Government wants this to be an independent run institution, independent of the Government. But I would have thought that if it is being funded from the Gibraltar Savings Bank, or from Credit Finance, that that is information that ought to be before the Financial Services Commission, and it is certainly a decision that the Government ought to have made before making the application.

It seems to me, Mr Speaker, that this is an application that really is being rushed through with the Financial Services Commission – I do not know why, but it appears to be rushed through, without essential information that one would have expected to have been included in an application of this nature, going to a regulator. Can the Hon. the Minister for Financial Services comment on that?

Hon. A J Isola: Mr Speaker, if we do it quickly, we are rushing it; if we do it slowly we are being lethargic. I do not think we could ever quite keep the Members opposite happy, or indeed, with respect to their obsession with Credit Finance. Anything that we do or suggest, like a jack-in-the-box, up comes Credit Finance. What this Government is doing, in consultation and being advised by serious professionals, including the hon. Member's partner, who submitted the banking application on our behalf, I do not think would agree with him, that it is rushed or done in a haphazard manner.

In fact, entirely the opposite: a huge amount of work has been put into this application by our lawyers, our accountants and our banking experts, in conjunction with a very high-powered Banking Committee that includes the regulator. Now, for the hon. Member to stand up and say that this is being rushed through, ill thought and ill conceived, with the best intentions, in my view, Mr Speaker, is completely ill conceived, to the extent of being irresponsible, on something as serious and important to the community as this bank is.

And it is also worthy of note, Mr Speaker, that the entire community have welcomed this process, and this bank, because they fully understand and recognise the need and the importance of this bank to our community. I say the entire community: I am perhaps misleading the public, because the hon. Members opposite have not. They very cautiously welcomed, as they usually do, anything that is positive or good for the people of Gibraltar.

Mr Speaker, it would be entirely irresponsible for this Government to say how or what the capital is going to be, when it has not yet been agreed with the regulator. If the capital is to be £500,000, or £50 million, I think Government would require to consider how best to capitalise, and where that capital should come from.

The Members opposite should know, there is a European Union Directive which sets a minimum capital, but there will be very few banks that go with a minimum capital. We certainly have no intention of doing it, to ensure that people know, before the Opposition start talking it down, that it is 100% capitalised, properly and effectively, and so, if the Government follows the advice of our legal advisers, our accounting professionals and our banking professionals, I am happy for them to have that discussion with you directly.

Hon. D A Feetham: What a load of nonsense I have to say, Mr Speaker!

I have not said that this is ill conceived or ill thought out. I will reserve my judgement until I hear more from the Hon. the Minister for Financial Services, in relation to how this is going to be structured, where the money is going to be coming from, and exactly what it is going to be used for. That is precisely why we have cautiously welcomed the enterprise.

Indeed, if we had been elected into Government, we would have done something similar, but it would have been truly independent of Government, and would have been capitalised through funds provided by the Government.

Now, with respect to the Hon. the Minister for Financial Services, on the one hand he says, that we are obsessed with Credit Finance, but he himself has said that he is not ruling out that the money to capitalise this bank comes from Credit Finance Company Ltd. He has not ruled it out, so how can we be obsessed by something that he is considering as an option. It is a ridiculous statement for the Minister, with respect, for him to make.

Now, Mr Speaker, can I ask the Hon. the Minister for Financial Services, will this decision in principle, from the Financial Services Commission, wait until the new Chairman or Chairwoman of the Financial Services Commission is in place? As I understand, she is going to be in place in February – March, I mean, he will correct me if I am wrong. But will it wait until... bearing in mind, this is a very important application indeed? Will it wait until then, bearing in mind that it is an important application, and it is also an application that has been filed, lacking some information necessary, at the end of December of last year?

Hon. A J Isola: Mr Speaker, I do not understand how the hon. Member can say to the people of Gibraltar that –

Mr Speaker: Now, just a moment. I was going to interrupt the Leader of the Opposition, when he was beginning to debate with you. You are now both of you beginning to debate, and that is the first time this morning that hon. Members are beginning to debate, during Question Time, and I am not having it. You answer the last supplementary that he asked. Right, that is your job, to answer that supplementary, not to debate as to what they would have done, or what they would not have done, or what you would have done. I am not having a debate on this issue, because, I know how things can get out of hand. Alright. Particularly, when members of the hon. and learned profession of barristers are concerned.

So, I am giving a warning, right at the beginning, right, that I am only allowing the Leader of the Opposition to ask supplementaries and you will answer those supplementaries, but you will not have a debate.

Hon. A J Isola: I am grateful, Mr Speaker.

In answering the question, Mr Speaker, the Opposition, the Hon. Leader of the Opposition, has premised his question by suggesting that the application made has been rushed, and is not complete. That is simply not the case. And unless he has seen the banking application that has been made on behalf of the bank, he could not possibly make that judgement. So, I do not understand, on what basis he can possibly stand up here today, and say to the people of Gibraltar that the application has been rushed through, and further, that it is incomplete – because he has not seen it. So, on what basis does he make that question, or make that suggestion? (*Interjection*) Well yes, my hon. Friend is reminding me that in fact, he is suggesting that his hon. firm has made a haphazard rush to an incomplete application. I have seen it myself, I have read it through myself, Mr Speaker, and it is an excellent application. Which is why the person that is doing it for us was selected, because she is excellent at what she does.

Mr Speaker, with regard to the suggestion, which I find extraordinary, in his question that the application should wait until the new CEO of the Financial Services Commission is in place, is wholly improper. It is improper on the current Chief Executive, it is improper on the forthcoming, the new Chief Executive, and it is improper on anybody else within the Financial Services Commission who is involved in the process of licensing and regulating our financial services sector. Because, what he is implying, is that we are trying to rush it through, with the incumbent, in case the one that is coming in does not like it.

Mr Speaker, the Financial Services Commission, as this Bank will be, is an independent institution, and it dictates its own timescales, by whom, and by when, applications are considered. And in answer to the hon. Member's question, I think it is wholly improper for him to suggest that there is any advantage to be gained by having it heard through this CEO, or the next CEO. They are both professional people, and I trust in their judgement. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, I will take my own council as to what is proper and improper and I certainly will not take council from the hon. Gentleman. (*Interjection*)

Mr Speaker, why is the hon. Gentleman reluctant to provide this House with the information to the question that I asked – not the supplementary but the Question that I asked at 75, who the proposed

directors of this particular company are, both executive, and non executive directors, being proposed in the application.

2080 **Hon. A J Isola:** Mr Speaker, the simple answer to that is twofold. Firstly we are in the process of identifying the people that we believe, to be best suited to do those jobs, so agreement has not been reached with them, as yet.

2085 And the second aspect of that is that they cannot be appointed until such time as the regulator approves their appointment. As the hon. Member will know, directors and non-executive directors of any credit institution are required to be approved by the regulator, and that has not happened yet. So, as and when we have got through those two hurdles, we will make a statement as to who they are. But, at this moment in time, we are not in a position to do so.

2090 **Hon. D A Feetham:** Well, Mr Speaker, you see, every time the hon. Gentleman stands up, and he provides an answer, the alarm bells begin to ring, in relation to my original concern with all this. He says to me, we are in the process of identifying the directors. That is what he has said to me, now. Now, every single banking application that I have seen has always identified the directors, the mind and management of the company that is applying for a licence. He does not know where the money is coming from, because he does not know whether the money is coming from Gibraltar Savings Bank, from Credit Finance or
2095 somewhere else. Well, look, I am afraid that if this is not an application that appears to be rushed and incomplete, because the Government has not made decisions on crucial aspects of this application before submitting the application, well I do not know what is. Does the Government, at the very least, have a shortlist of people that they have identified to the Financial Services Commission, so that the Financial Services Commission can at least say, well look, out of these ten (*Interjection*) these three are acceptable?

2100 **Mr Speaker:** Let him answer that question, does the Government have a shortlist?

2105 **Hon. A J Isola:** Mr Speaker, the Government is taking the advice from a very senior Banking Committee, comprising of representatives from the Banking Association, from the Financial Services Commission, from the Finance Centre Department and from professional bankers. We have identified individuals, we have not agreed terms, and we have not got regulatory approval. Now, surely it is better for the hon. Member to wait for these appointments to take place, before he jumps up to judge whether alarm bells should or should not be ringing. Because there is plenty of time for him to do that, and these announcements will be made, obviously, many, many months before the Bank opens, in the third quarter of
2110 this year. As indeed will the appointment of the CEO, and the COO, which are crucial to the functioning of the bank.

2115 The Government has told the Opposition and the people of Gibraltar that it will be an independently managed bank, on commercial lines, run by people with enormous banking experience. Why do you not simply await those names and those details to be released, as and when they can be released, and then form a view, rather than jump the gun, and make suggestions of alarm bells, hastiness, and ill preparation, which is what the Member continues to do?

2120 **Hon. D A Feetham:** But, Mr Speaker, how can the Government feel so confident that it is going to receive an approval in principle by February, when the application is so lacking in critical information? This is what I do not understand. The answer may well help me in a professional capacity as well, because maybe I can go back, and I can do exactly the same, and obtain approvals in principle, in two months, for a *bank, a bank*. We are not talking about a kiosk on Main Street; we are talking about a bank. An approval in principle, in barely two months, without having identified to the FSC the directors, without having identified to the FSC where the money is actually going to be coming from. (*Interjection*) I mean, I do not
2125 understand how –

2130 **Hon. A J Isola:** Mr Speaker, I find it staggering that the hon. Member should say what he is saying, because what this Government is doing with this application is precisely what we have been advised to do by our lawyers, (*Interjection*) his firm, his partner, who tell us that it is absolutely normal when making a banking application, to receive an in-principle consent, subject to a list of conditions, which include the directors, the executives, the premises, the team – absolutely normal. Now, if my hon. and learned Friend has a difficulty with that, I suggest he takes legal advice. Because I have taken legal advice, and I am following exactly the advice that we have received.

2135 **Hon. D A Feetham:** In terms of the steering group, this high level steering group that the Government has set up, whom from the FSC is sitting in this high level steering group that is helping the Government,

and precisely what is the nature of the assistance that the steering group is giving, in relation to this particular bank? (*Interjections*)

2140 **Hon. A J Isola:** Mr Speaker, the Chief Executive Officer of the Financial Services Commission sits on the Banking Committee, and he gives support, as he has an intimate knowledge of banking operations, from a regulatory perspective, and on an operational perspective.

2145 **Hon. D A Feetham:** Yes, but what is the purpose of the steering group? Because we have a situation where the (*Interjections*) application has already been submitted to the Financial Services Commission. It is not uncommon for the Financial Services Commission, and whoever makes the application form, to be in contact in relation to the application. But what is the steering group precisely for, in relation to the set up of this particular bank, and why does it require somebody from the Financial Services Commission, in this case a high level, the Chief Executive to be on it as – ? (*Interjection*)

2150 **Hon. A J Isola:** Mr Speaker, the Banking Committee was set up to take advice at the highest level from people across the sector, including the regulator. It has been immensely helpful to me in advising me. I have no experience of setting up a bank, I have never done it before. And consequently, the more advice and assistance that I can get in that process, the better the product will be, and that is what everybody wants.

2155 The assistance of the regulator has been as significant as each of the other members of the team. We do not meet with the regulator on the licensing application; that is done entirely by the professionals, who meet with the FSC – not with the CEO, as it happens; the person in charge of banking – on a very regular basis. They met this week and they meet again next week, as they go through the application process. I thought it was entirely appropriate that we should seek assistance and advice from them, because they have enormous experience, not just of one bank, but across the entire banking spectrum in Gibraltar.

2160 **Hon. D J Bossino:** Mr Speaker, the Hon. the Minister, and I would ask him to clarify, in two answers he has given, in relation to the identification of the directors and managers of the bank, he says that the Government is in the process of identifying, and I think, in answer to a further supplementary, he said that they have indeed been identified. First of all, can he clarify the position? What is in fact the position?

2165 And also, a second supplementary, if I may, Mr Speaker, because it is related: is it the intention, depending on how he answers, as part of the process, to advertise the positions? Is that going to form...? If the answer is you are in the process of identifying, it is possible that as part of that decision-making process, the Government intends to advertise the positions.

2170 **Hon. A J Isola:** Mr Speaker, it is an ongoing process, you speak to different people, you take advice from different people, different names are proposed, discussions then ensue. We have a good idea of who we would like. We need to agree with them, we need to get regulatory approval for them, and it is just an ongoing process. There is not any issue, there is not any difficulty. It is like if you are wishing to appoint certain people, you sound out, you take advice, you then try and agree terms, and then those terms are conditional on regulatory approval.

2175 So it is simply a process that we are going through, and we hope to be able to come back to you, and tell you who we propose that they will be, somewhere along the line. But, it is simply a process we are going through. Whether those specific jobs will be advertised, the answer is no. Whether the remainder of the jobs will be advertised, of course, yes. Outside the senior executives, because the intention is, once they are in place, they will then drive the process. They will then do the interviews, they will have a much better idea of what is needed than I do, or we do.

2180 **Hon. D J Bossino:** Mr Speaker, also, in answer to one of the questions, he made a reference to the shareholder. Is he in a position to identify to this House who that shareholder is? Or will that also have to await, as he said earlier, the conclusion of the application, and at some point, we will get another statement from the Government, providing the further details that we have asked in this House already, and this one which I am asking now.

2190 **Hon. A J Isola:** Mr Speaker, at the moment the ultimate shareholder of the company is the Government. In terms of how that evolves, if there is to be any change or not, we do not know, but that is something that is obviously being considered in line with everything else that I have mentioned this morning.

Was there a second question there? No.

2195 **Hon. D A Feetham:** Is it the Government, or a Government-owned company? Can he be more specific in relation to that? (*Interjections*) A Government-owned company?

Hon. A J Isola: Ultimately the Government. (*Interjections*)

2200 **Hon. D J Bossino:** The Hon. the Leader of the Opposition has asked specifically, now, who owns the
bank, and it is directly the Government, as opposed to... because I think the Hon. the Minister for
Employment is suggesting that the Hon. Minister was now answering questions, answering in terms of
ultimately the Government. Obviously, it is within the realms of possibility is that in giving that answer
2205 there is interposed between the bank and the Government ultimately, a Government-owned company. Can
he explain the structure as it currently stands? Or have I misunderstood...?

Chief Minister (Hon. F R Picardo): Mr Speaker, look, as hon. Members will know, the Government
owns many things. It owns some things directly, and it owns some things through companies. When it is
applying for the licence, it is applying through the licence with the Government as the shareholder. Now
2210 whether that ownership of those shares is ever going to be put into a corporate vehicle is something which,
subject to regulatory approval, may or not happen. It is not an issue which would be surprising, given that,
for example, the Government owns buildings, some of them directly, and some of them through companies.
This is just part of the structure of the Government which has been in place for many years, including the
time that they were in office, and he will know that there are a number of Government asset-holding
2215 companies. When the shares in this bank crystallise, they may be put in a Government company, but the
application is by the Government itself.

Hon. D J Bossino: Yes, Mr Speaker, I am grateful for the answer. Now, again, in relation to one of the
questions which I posed on Mr Figueras' behalf, which relates to the premises, I think the Hon. the Minister
2220 answered that a number of options were being considered, but they are all Government-owned properties. Is
he...? He is nodding, so maybe he can clarify the position – that is what my note says. I assume it was
Government-owned property, but if it is not, then I would encourage him to take the opportunity to clarify
the position. But, my question was, Mr Speaker, whether he is able to identify in this House which options
2225 are being considered.

Hon. A J Isola: Yes, Mr Speaker, I said in my answer that a number of different options had been
considered, including privately owned property, and that premises had been identified, which is
Government owned. That is what I said. (*Interjections*)

2230 **Hon. D A Feetham:** Effectively, you have considered a number of alternatives, but you have chosen
Government-owned premises, and can he identify those Government-owned premises. There surely cannot
be any difficulty in doing that?

2235 **Hon. A J Isola:** Mr Speaker, the position at the moment, as I said in my answer, is that once we have
agreed the terms, and everything is ready and it can be formalised, an announcement will be made, but not
at this moment in time.

Hon. D A Feetham: Yes, but, Mr Speaker, the terms with what – with the Financial Services
Commission, because they might not agree these particular premises? Is that what his concern is?

2240 I am just trying to identify the reason for the Hon. Minister's reluctance in providing me with
information that I seek, in terms of identifying these premises. If the answer is, well the FSC may not find
those premises suitable, and there is a risk of that, then perhaps I could understand. But, having identified
the Government-identified premises for this bank, I think it is a perfectly legitimate question for the
Opposition to ask, which is well, what are the premises and the venue identified?

2245 **Hon. Chief Minister:** No, Mr Speaker, the issue is not a Financial Services Commission issue. The
issue is that the Government in respect of that property has other responsibilities that it needs to ensure it
can deal with, before it is able to finally say okay, we having identified it. We can now confirm that there is
no other call on this property, and it can be used for that purpose, and that is the process that, I think, makes
2250 it important for us, not to make an announcement until we are ready to do so.

Because, Mr Speaker, the hon. Gentleman will allow me to go back to this theme that I have developed
today: Gibraltar is two and a half miles by one mile, and in respect of property, there are many calls, by
many different parties, for each particular property – in particular, public property – so we are in the
process of ensuring that that property can be used for this purpose, both structurally, both in terms of what
2255 other calls there may for it, and what other commitments there are for it, and we will make an
announcement as soon as we are ready to do so in this respect.

The hon. Gentlemen seem to be pursuing us on this issue, as if we do not intend to make an
announcement. They like to pretend that we want to keep things secret. Well, look, Mr Speaker, at least on

2260 the day that the bank opens, we will be telling people where it is, so that they can turn up to open their accounts. They just need to abide with us a little bit more, so that we are able to make the announcements, in the proper way, when we are able to do so, having dealt with all of Government's obligations, not just regulatory but also as landlord, as owner of property and as an employer of people.

2265 **Hon. D A Feetham:** Mr Speaker, the Hon. the Chief Minister, keeping anything secret – perish the thought of that! But I can understand the answer, if it is based on this: that there might be calls from somebody in the private sector, because the premises are occupied by someone in the private sector, and identifying those premises might, for example, as an example, lead those private individuals playing hardball with the Government, in a way that perhaps is not in the public interest. But, if there are calls on these premises from, for example, Government Departments or the public service, well I do not understand
2270 why there would be any type of commercial sensitivity, or any other type of sensitivity, in identifying the premises. Can he identify what the problem is in relation to these calls? (*Interjection*)

Mr Speaker: May I say that hon. Members of the Opposition really do need to listen, very carefully, to the main answers that are provided to questions, because sometimes the information that they are seeking is
2275 already contained in the main answer that has been given, and they may not realise that that is the case. Let me quote the sentence, that I have in the answer here, with respect to the premises.

2280 'The premises have been selected after discussions with the Banking Committee are Government owned and the terms of occupation are currently under discussion.'

That was the answer, that was the main answer that was given. Hon. Members do not seem to... perhaps they were not paying 100% attention, and they missed that point. (*Interjections*)

2285 **Hon. D A Feetham:** With respect it has nothing to do with the question I have asked –

Mr Speaker: Let me go back to what I am saying. These matters of... These questions are about a very important issue, and it is clear that hon. Members are going to spend more time in asking supplementaries, that may be the case with a run-of-the-mill question. But I, as Speaker, have a duty to point out to hon. Members that, very often, the answer has already been provided in the main answer, and yet they ask a
2290 supplementary about exactly the same thing, and that is quite unnecessary.

2295 **Hon. D A Feetham:** Yes, and in the last session of Parliament, Mr Speaker tried to give me a lesson about how he was a member of the Public Service Commission, and he had some kind of knowledge which made a question that we asked inappropriate.

Mr Speaker: That is totally irrelevant – nothing to do with what is happening at the moment. My job, as Speaker, is to see that the Rules of this House are implemented. If the hon. Members do not like the way that I am carrying out my duties, they know that they have got recourse to certain steps.

2300 **Hon. D A Feetham:** Well, I certainly do not like the way that the Hon. Mr Speaker has made interventions last time, has made an intervention now, and implied that somehow I do not know, as Leader of the Opposition, the answer that has been provided by the Hon. Minister. Well...

2305 **Mr Speaker:** Would the hon. Member sit down! Would the hon. Member sit down! Would the hon. Member sit down!

Hon. D A Feetham: May I, at the very least [*inaudible*]

2310 **Mr Speaker:** Will the hon. Member sit down!

Hon. D A Feetham: Well, Mr Speaker can shut me up, but I do not think [*inaudible*] –

Mr Speaker: Will the hon. Member – will the Hon. the Leader of the Opposition sit down!

2315 Look, where answers have been provided to a number of questions on the Agenda, five or six questions have been answered, and it does happen – and I notice it, because I happen to have the text, nobody else has got the text on that side, but I happen to have the text.

2320 At the last meeting, may I remind the Hon. the Leader of the Opposition that I tore out a page of my answers, and I passed it on to the Opposition, because they had missed the answer. I have the full text of the answer, and therefore I am aware whether a question that has now been asked as a supplementary has already been answered or not. I am aware of that, and therefore, because I am aware, I am saying that,

perhaps, the hon. Members, in listening, because they do not have the advantage of the text... So what I am saying is, please pay very careful attention, on these matters of vital importance, to the original answers that have been given. What is wrong with that, that I should give such guidance? (*Interjection*) What is wrong with that? What is unreasonable about that?

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Hon. D A Feetham: Because you are suggesting, and with respect to Mr Speaker, it is not the first time – he has intervened in the past, as well, in a manner that we do not believe is fair – he is suggesting that we do not listen to the answers, or that somebody here has not listened to the answer.

2330

I have asked a question: it is not related to the information that the Hon. Mr Speaker has actually just read to me, and it is patently obvious it is not related to what he has just read to me. And therefore, look, the Hon. the Chief Minister was quite prepared to stand up, without Mr Speaker making this a battle between the Opposition and the Chair, he was prepared to answer the question, and that would have been the end of it. But, Mr Speaker has chosen to intervene, as he has chosen to intervene last time, and indeed in previous months as well.

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Mr Speaker: Mr Speaker will intervene whenever he deems it necessary, in order to have good order, and if the hon. Member is not satisfied, he can bring a motion of censure against me. That is the recourse that they ultimately have.

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Hon. Chief Minister: Mr Speaker, may I rise a moment, just as Leader of the House, to say one thing. You have an invidious job, as Speaker. Not all of us will always agree with things that you may say about each of us, as is normal in the cut and thrust of debate. But, I think it is important – and I hope I speak for *all* Members, Mr Speaker – that we always accept your Rulings, and either take issues up with you calmly at the end of sessions, or in the process of sessions where we consider that the business is being interrupted, but that we always do so with the temperance that you ask us to share with each other, that we should also share with you.

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And can I just ask all Members, in my capacity as Leader of the House, not as Chief Minister, just that we should reflect on that, before we take matters any further, because I think it is in the interests of our community that everybody sees full respect paid to Mr Speaker in this House when we are debating these issues.

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And, Mr Speaker, if you will allow me, I would suggest that given the temperature to which the debate has risen at this moment, that we should simply recess the House now until 3.00 p.m.

2355

Hon. D A Feetham: Mr Speaker, it is in his prerogative, of course, as Leader of the House, to adjourn the House. I have to say that, we, as an Opposition, have always attempted to conduct ourselves in a way that is temperate.

2360

But at the same time, what the Opposition cannot do is accept or be pushovers in a situation where it believes that it is being unfairly treated. I have always, *always, always* when I have faced this situation, attempted to do so in a calm, measured way. But what I cannot do is refrain from calling a spade a spade, when I believe that a spade is indeed a spade. That would not be true to myself. It would not be true to my parliamentary colleagues, and I do not think that it does democracy any justice at all.

But perhaps he could just simply answer the supplementary question, and we just move away from this particular topic, because that was the last supplementary question – but it is up to him.

2365

Mr Speaker: The Hon. the Leader of the Opposition is accusing me of treating the Opposition unfairly –

2370

Hon. D A Feetham: No. May I say... No, I am not saying that the... and I do not want the public to go away with the impression that I am suggesting that the Hon. the Speaker is inherently treating the Opposition unfairly.

I believe that the Hon. Mr Speaker has been unfair in the comments that he has made today, as indeed he was unfair last time round in the comments that he made about the Public Service Commission.

2375

Now, taking that position, I think that it is incumbent upon me to say we are... that the comment is not unfair. That is not being discourteous, to the Chair, or to anybody else. Indeed, it is just simply calling a spade a spade.

But I am not suggesting, for the record, Mr Speaker, that I believe that Mr Speaker has some kind of, either... you know, a campaign against the Opposition; I am not. But the comments that Mr Speaker has made today, as indeed last time round, are not, in my view, fair to the Opposition.

2380

Hon. Chief Minister: Mr Speaker, this is the point I was trying to make to the hon. Gentleman before. I know that you want to reply to him, but he needs to understand that we sometimes all feel hard done by Mr

Speaker's Rulings. It is normal. Anybody who is playing football on a pitch will always feel that sometimes the referee is calling him foul, when actually one feels that one is not being called foul.

2385 During the course of this morning, Mr Speaker has allowed the Hon. the Leader of the Opposition to make some remarks before a question, but has then stopped the Minister before he was able to reply to that. Look, this is the run of play, and what I want the community to know, Mr Speaker, is that we have full confidence in the way that you are discharging your functions, and in the manner in which you are doing so, which we believe to be fair to all Members of this Parliament, because I believe Mr Speaker looks at us each as a Member of this Parliament, and not in which particular grouping we sit.

2390 I do not know whether the Rules allow it, but I think that, given the issues that have been raised, I think it is appropriate for me to move that the House vote confidence in the Speaker, and I assure you of our full support in that respect.

2395 **Mr Speaker:** By the nature of things, the job of the Speaker involves having to deal with matters that are raised... More time has to be given to matters that are raised by the Opposition than by the Government.

Questions are not asked by the Government; they are asked by the Opposition, and therefore the Speaker has the job of considering these very detailed Rules governing the right to ask questions, and it is with them that either the Speaker, directly or through the Clerk, has to deal.

2400 I consider that I am liberal in the way that I interpret the Rules governing the right to ask questions. Because, for instance, there is a particular Rule that says that a question shall not refer to any debate that has occurred or answer that has been given within the preceding six months. If I, as Speaker, were to implement that Rule strictly, perhaps we would only be dealing with 20 questions today, and not with 120. Because many of them are exactly the same question that was asked at the last meeting. (**A Member:** Every month.)

2405 At the last meeting, since the Hon. the Leader of the Opposition has referred to it, the Hon. Mr Bossino asked the question about the Labour Inspectorate. I have got 12 pages of *Hansard* here on one question – it must have taken 45 minutes, an hour. That is, I think, an indication of the extent to which I try to give the Opposition every opportunity to do their job.

2410 Today on the Order Paper, exactly the same question appears, from the Hon. Mr Damon Bossino. The only difference is that 'further to Question 799'. No one is going to tell me that in the exchanges that are going to occur, further to when answers are given that there will be no repetition of what went on in the 12 pages. Nevertheless, I mean Parliament is Parliament, and the Speaker wants to see that Parliament get an opportunity, that Members get an opportunity, to do their job.

2415 I just mention that as an indication of the fact that it is very often... liberality has to be given to Members of the Opposition, because they are the ones that are asking the questions. The Government only brings Bills to the House. That is all. So, by the nature of things, the weight of interventions on the part of the Speaker is invariably, given the nature of things, going to have to be with reference to the Opposition, more than the Government. But I do try, very hard, to strike a balance, and I have no compunction about bringing to order any Member of the Government, including the Chief Minister, if I feel that I have to.

2420 (*Banging on desks*)

Perhaps this might be a convenient time to recess until three o'clock this afternoon because if we do not, and matters carry on further, I may decide to stay at home.

The House recessed at 12.44 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 4.00 p.m.

Gibraltar, Thursday, 23rd January 2014

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

GOVERNMENT MOTIONS

Suspension of Standing Orders to proceed with Government motion – Debate commenced

Acting Clerk: Suspension of Standing Orders – the Hon. the Chief Minister.

5 **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 motion.

Mr Speaker: I would like to draw the attention of hon. Members to Standing Order 59, Suspension of Standing Orders:

‘Any Standing Order may, with the consent of the Speaker, be suspended on motion of which at least one day’s notice, in writing, exclusive of Saturday’s, Sundays and public holidays, has been given to the Clerk. Provided that, if he is satisfied that the matter is one of urgent necessity, the Speaker may dispense with the requirement that notice shall be given. If the motion be carried the Standing Order or Orders shall be suspended so far as is necessary to carry out the object for which the motion was made. No debate shall be allowed on such motion being made.’

10 I do not wish myself to dispense with the requirement that notice shall be given, and therefore I leave it to hon. Members to decide whether we should dispense with the necessary notice in order to proceed with the Chief Minister’s motion.

15 **Hon. Chief Minister:** Mr Speaker, the indication that you have given is, I believe, that you do not wish to be the arbiter of whether it should be that notice should not be given, because the motion, as Members will know, concerns you. So in that context, I am grateful that you are going to put it to a vote of Members.

Mr Speaker: That is the case. I naturally do not wish to myself exercise the discretion which the Standing Order gives me, and therefore it is a matter for Parliament to decide.

20 **Hon. D A Feetham:** Mr Speaker, with respect to the Hon. the Leader of the House, where is the motion? Can we read the motion? We have not got a motion in front of us here.

25 **Hon. Chief Minister:** Mr Speaker, I am sorry, I thought all hon. Members had been circulated with it. In that case – (*Interjection*) Ah, it is being photocopied, I see.

Hon. Chief Minister: Mr Speaker, can I invite you to put the motion to the vote, now that I understand hon. Members opposite have it? The introduction of the motion, to the vote – not the motion; the Suspension of Standing Orders?

30 **Hon. D A Feetham:** Mr Speaker, we have discussed it here across a few Chairs, I have to say, because we have not had notice of this. It is the first time now, when the Hon. the Leader of the House has stood up.

But I do not think that procedurally this is actually appropriate. What Standing Order 59 says in its second sentence is:

‘Provided that, if he is satisfied that the matter is one of urgent necessity, the Speaker may dispense with the requirement that notice shall be given.’

35 Now, I do not know what the urgency is, in actually considering a motion like this on the hoof, other than... I can understand politically why the Chief Minister wants to do it. But procedurally and as a matter of substance, I do not understand what the urgency is, in order to consider a motion of this nature at this stage, when we have got a number of questions, we have still got the Chief Minister's Question Time and we could all get on with the business of the House.

40 We are certainly not in agreement that there ought to be, effectively, abridgement of notice period for these particular reasons.

Hon. Chief Minister: Mr Speaker, I will explain to the hon. Gentleman why this is of urgent necessity and I will explain to him procedurally what is happening. What is happening is that he has called into question your fairness this morning during the course of the last question. Therefore, before we proceed with the rest of the questions, Mr Speaker, I want the Parliament to have an opportunity to express its confidence in you.

45 You have said, Mr Speaker, that because the subject matter is confidence in you, you do not want to be the one making the decision. Therefore, you have offered the Parliament the opportunity of indicating whether *it* believes that there is an urgent necessity to progress this matter now. That is why you are offering us the opportunity to express our view to you, so you then exercise your discretion in that way.

50 All I am offering the hon. Members is the opportunity to deal with this now, before we continue with questions. I would have thought that this could be dealt with very quickly and very shortly, with all Members of the Parliament then expressing confidence in you before we continue with Question Time.

55 If the hon. Member does not understand the substantive importance of that, the necessity of that for our community, then he was not listening to himself this morning, when he created the spectacle that he created.

Hon. D A Feetham: I am afraid that all I understand is the hon. Gentleman's desire to take political capital and mischaracterising effectively what I said this morning. I did not say that the Hon. the Speaker was unfair towards the Opposition *in a systemic way*. The day that we have to bring a motion of censure against this Speaker or any other Speaker because we felt that the Speaker was being systemically unfair to the Opposition, we will do so and we will not shy away from doing so.

60 What I said was that in relation to Mr Speaker's intervention this morning, as indeed in relation to an intervention last month as I pointed out, he was being unfair. Indeed, I believe that he was belittling the Opposition in relation to that particular intervention.

65 Now, that does not require a vote of confidence, and the only reason why the Hon. the Chief Minister is bringing this particular motion is in order to take political advantage and political capital, and it really ill befits a Chief Minister and the Leader of the House to take advantage of the situation for his own narrow political ends and doing away with all public interest and, in my view, all decorum and proper parliamentary conduct.

70 I have to say, we are certainly not going to be press-ganged by the Chief Minister and the Leader of the House, into considering this motion as a matter of urgency, because there is nothing urgent about the motion.

75 **Mr Speaker:** May I suggest to hon. Members that the House should recess for 10 or 15 minutes and give an opportunity to the Chief Minister and the Leader of the Opposition to thrash the matter out.

Hon. Chief Minister: Mr Speaker, of course we will accept that invitation, but I must tell you that the intention of the Government is to proceed with this motion.

80 **Mr Speaker:** The House will now recess for 10 or 15 minutes.

The House recessed at 3.15 p.m. and resumed its sitting at 3.34 p.m.

85 **Suspension of Standing Orders to proceed with Government motion –
Adjournment of House –
Debate continued and adjourned**

Mr Speaker: I understand that the Chief Minister and the Leader of the Opposition have not been able to come to an agreement to resolve this particular issue. Since the matter concerns me personally, I am not prepared to exercise the discretionary powers which are given to me under the Standing Rules, in order to make it possible for this particular motion to be debated this afternoon.

Therefore, in the absence of my dispensing with the requirement, what Standing Order 59 effectively requires is that a day's notice shall be given and therefore, if it is the decision of the Government, the matter can be taken tomorrow if they so wish.

95 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in those circumstances, the Government is not content to continue today with Question Time, until this issue has been resolved and the Parliament has had the opportunity of expressing its confidence in you and your ability to discharge your functions as Speaker, without fear of favour of either side.

100 In the circumstances, I therefore move that the House do now adjourn until tomorrow at 9.30 a.m. when the first thing that we will be able to do will be to consider this motion.

Mr Speaker: I now propose the question in the terms of the motion moved by the Chief Minister, namely that the House do now adjourn to 9.30 tomorrow morning.

105 **Hon. D A Feetham:** Mr Speaker, I rise to speak on the motion to adjourn as I think that I am entitled. The Rules provide for a one-day notice. Tomorrow morning at 9.30 does not constitute a one-day notice.

110 Now, Mr Speaker, can I say that an adjournment as far as the Opposition is concerned is preferable to the Government riding roughshod over the procedures and the dignity of this House, by effectively masquerading a motion on a vote of confidence in the Speaker, in order to make political capital out of the events of this morning.

115 I will also say this: that although Mr Speaker says that because it concerns him, he is not prepared to consider exercising his discretion, the reality of the situation is that Mr Speaker can only exercise his discretion to suspend Standing Orders if the matter is one of urgency. The matter is not one of urgency –

Hon. Chief Minister: It certainly is.

Hon. D A Feetham: And again, the matter is not one of urgency –

120 **Hon. Chief Minister:** It certainly is.

Hon. D A Feetham: And, in my respectful submission and view, no objective Speaker, objectively exercising his discretion, would come to the conclusion that the matter is urgent so that we have to take it now.

125 What is happening here is that the Government effectively is willing to just simply do away with the political session which is Chief Minister's Question Time, move that until tomorrow, so that he just simply gets his chance to present what is an empty, futile motion of confidence.

130 **Hon. Chief Minister:** Well, Mr Speaker, I rise to reply to that intervention as mover of the motion to adjourn the House.

The hon. Gentleman has said repeatedly, earlier and now, that he believes that this is not an urgent matter.

135 You see, it is interesting, Mr Speaker, you have rightly decided, perhaps in your own view, not to become involved in determinations of whether the Rules allow suspension or not, because this involves you. But of course, what the hon. Gentleman tries to make us all forget is that it was *he* that was also the participant of the events of this morning. It is therefore *he* who is suggesting now that it is not urgent, as if nothing had happened this morning, out of his own self-serving desire to avoid standing up to this community for what he did this morning, and the effect and import of what he did this morning by impugning your fairness as he did.

140 The Government's position, Mr Speaker, is that this *is* an urgent matter and that it is a necessary matter before we are able to continue dealing with issues relating to questions.

145 But I was very interested to hear the hon. Gentleman say that he called this Chief Minister's Question Time the political session of the Parliament. Interested, Mr Speaker, because it is something that I introduced when I have become Chief Minister. It appears to be something that he thinks is a valuable thing that should have been done before. So I will take at least that from the hon. Gentleman's speech, that he recognises that in having introduced sessions at a regularity, on a monthly basis on the third Thursday – although this first month, it is on the fourth – at 3.00 p.m., we are in fact, introducing something which is 'the political moment' in our Parliament.

150 But the fact is that this morning during the course of Question Time, fairness was impugned and therefore the Government considers it is appropriate not to progress matters until that issue has been dealt with.

I would have thought, Mr Speaker, that all that was going to happen here this afternoon, instead of the hon. Gentleman trying to hide his shameful behaviour of this morning behind allegations that the Government is somehow trying to create political capital out of something, all that would have happened – which is what I expected when I said this morning that I would be moving this motion – is that we would simply have been able, all of us, to rally round a simple motion of no confidence, which is literally one sentence, support you and agree that we sometimes all might feel hard done by your decisions.

Well, Mr Speaker, it has not been possible to do that, because the hon. Gentleman has decided that he wants to do everything possible to avoid having this motion. He has described this, Mr Speaker, as a motion that he will not be bounced into. I think it is important that people realise what it is that we are talking about. One would not want to be bounced into a 20-line motion dealing with complicated issues of international relations.

This motion, Mr Speaker, is one sentence and I think it is important that the community know that the motion is simply this:

‘This House has full confidence in Mr Speaker, the Hon. Adolfo Canepa, GMH OBE MP.’

That is the motion that the hon. Gentleman will not be bounced into. That is a motion, Mr Speaker, that I would have thought all of us would be able to support, when we are able to consider it, and if that is tomorrow at 9.30, then so be it, if it is not going to be this afternoon.

But the fact is, Mr Speaker, that the events of this morning require *urgently* and necessitate that this House take this motion. That is the Government’s view, and that is how the Government will proceed. And those, Mr Speaker, who want to continue to make – or attempt to make – politics even of the most basic Rules need to address for themselves whether they understand parliamentary democracy and whether they understand the role of each of us in this place.

Hon. P R Caruana: Mr Speaker, had the –

Hon. Chief Minister: Mr Speaker, a Point of Order, Mr Speaker.

Mr Speaker, you reminded us last time that points of order related to the Rules. I moved a motion, somebody spoke on that motion, nobody else appeared to want to speak, I rose to reply and I now move that you put the motion on the adjournment to a vote. (**Several Members:** Ah!) If the hon. Member wanted to speak earlier, he should have got up.

Mr Speaker: There was a comment this morning in the 1.30 news, that I conduct the affairs of this House as a school master, putting school children in their place. Sometimes one wonders whether precisely it is not a headmaster that is required here to try and knock some sense into hon. Members! Because quite honestly sometimes I despair about what I am up against, in trying to get things done in a manner which raises the esteem in which this House is held and should be held, and which people outside find that they can understand – because sometimes I think the public, notwithstanding the fact that the proceedings of the House are being televised, sometimes the public really do not understand what is going on and why things are going on.

Very often, when it suits hon. Members, there is no problem: even during the Second Reading of a Bill, they get up and they intervene more than once. But of course, if we want to go strictly by the Rules, we are also able to do that and I suppose on the basis of what is good for the goose is good for the gander. I regret personally that that should be the case.

I really am opening my heart to hon. Members. I enjoy this job enormously: I never thought I would have an opportunity to do it. I would like to do it for a while longer, for as long as God gives me good health to do it and for as long as hon. Members wish me to be here. But I think hon. Members, some hon. Members in particular, who may sometimes think that this is a court of law and not the Parliament, they ought to realise that they do not make the work of the Speaker easy at all.

It is not easy to be totally objective in applying the Rules, to appear to be fair and to try to ensure that the perception that people have outside is the correct one. That is not easy. I strive, I even pray about it, because I believe in the power of prayer, but I do not find it easy.

And I also have a strong personality, as hon. Members know, and I do make mistakes and I apologise when I make a mistake, and I hope that that is the end of the matter and that it should not be referred to again.

What I am trying to say is that hon. Members, particularly those who are going to be here for a number of years, must realise that it is not easy to sit in the Speaker’s Chair and that not everybody is going to want to do the job and the time may come when someone will say, ‘I’m throwing in the towel, I’m leaving and that is the end of the matter.’ I am not in that position myself: as I say I enjoy the work enormously, I want

210 to carry on, but I do have to make an appeal that if I make a mistake, I am only human and I am prepared to apologise.

I do make mistakes. Right. It is not easy for me because I have sat on both sides of the House and perhaps I am a more proactive person than other Speakers who have never been Members of the House. And if I do make a mistake in that respect, I apologise unreservedly.

215 But I would like to see hon. Members putting their heads together, trying to make life not too difficult for me and, in the process, *enhancing* the reputation of this Parliament and the regard in which Parliament should be held.

If I am speaking nonsense, I apologise again. (*Banging on desks*)

Now, does the Hon. the Chief Minister wish me to proceed and to formally put the motion on the adjournment? Yes.

220 I should remind him then that notice of the suspension of Standing Orders was given at three o'clock this afternoon and therefore, he cannot actually move the suspension of Standing Orders until three o'clock tomorrow afternoon.

Hon. Chief Minister: Mr Speaker, I understood the 9.30 was sufficient. If it is three o'clock, then three o'clock tomorrow –

Mr Speaker: A day... I do not want to be...

230 **Hon. Chief Minister:** It does not say 24 hours –

Mr Speaker: It does not say 24 hours, but if –

Hon. Chief Minister: I have no difficulties as proposing that the adjournment be until 3.00 p.m.

235 **Mr Speaker:** It does not say 24 hours, but if we wish to be pedantic, it *has* to be 24 hours. If that is challenged... If it is challenged, it has to be 24 hours. If it is not challenged, it can be the first thing in the morning, tomorrow morning at 9.30. It is up to hon. Members.

240 **Hon. Chief Minister:** Mr Speaker, I am quite happy, given the statement of the Leader of the Opposition, I am quite happy to move the adjournment to 3.00 p.m. instead of 9.30.

Mr Speaker: I therefore now put the question, which is that the House should now adjourn to tomorrow morning at 9.30. Those in favour?

245 **Hon. Chief Minister:** At 3.00 p.m. (*Interjections*)

Mr Speaker: At 3.00 p.m., sorry. I now put the question –

250 **Hon. P R Caruana:** Mr Speaker, I believe that that is a different motion, may I now be [*Inaudible*] (**Mr Speaker:** Yes.) (*Interjections*) Thank you.

Mr Speaker, for the avoidance of doubt and although I speak for myself, if the motion to adjourn had gone to the vote on the floor of the House today, I personally would have voted against it and it would have had nothing whatsoever to do with whether I have confidence in Mr Speaker, or whether I do not have confidence in Mr Speaker – on which question I do not hesitate to say, which I believe also to be the position of my friends on the Opposition bench, that I have complete confidence in you.

255 I would have voted against it, because I have not... There is one person who has been in this House longer than I have, and it would be interesting to see whether his memory is different to mine. In the years that I have been in this House, I have never known it for a Chief Minister to try and railroad the procedures of this House to the point that the Opposition discover the existence of a motion, have to ask for it to see it in print, are shown it in print, it is moved by the mover and we are expected to vote on it, all in the space of three and a half minutes! It is an issue, therefore, that I would have voted against, as a matter of principle to preserve the procedural integrity of this House.

260 And then, when the Chief Minister's motion had come to be heard tomorrow or whenever it comes to be heard – tomorrow at three o'clock now it appears – I will certainly intend to be voting in favour of the motion and it has nothing to do with the reasons why I... I just wanted to be clear Mr Speaker, to clearly record in *Hansard* today, that the need to delay the motion until tomorrow has got nothing to do with my willingness to express confidence in Mr Speaker today – nothing whatsoever.

265 I am obliged to have this opportunity. [*Inaudible*]

270 **Mr Speaker:** May I... There is one point I wish to mention. I need – well, I do not need to, but – I want tomorrow at 6.15 to attend a church service. It is a funeral mass at 6.15. I would feel very bad if I was not able to meet that commitment, because it means a lot to me. Therefore, if we are returning tomorrow at 3.00, it may not be easy. It may be difficult to conduct all the business of the House between 3.00 and say 6.00 p.m. It may be difficult.

275

Hon. Chief Minister: Mr Speaker, first of all, let me reassure you that there is no question of us holding you back from a commitment. We can recess or adjourn if necessary at that time, if we have not dealt with all the business of the House tomorrow, having started at 3.00 to continue to deal with it.

Let me, Mr Speaker, reply to the hon. Gentleman in his intervention.

280

Mr Speaker, he does not seem to remember anything that happened in the 16 years when he was in power. I am not surprised that he wants to blank it out, but those of us who sat opposite him for a period of that time, or part of that time, will have seen what a House railroaded really looks like. Never, Mr Speaker, has the House had to consider a motion as simple as the one that is going to be asked to consider tomorrow, and this idea that they have had three and a half minutes to consider it really does surprise me.

285

Well, perhaps it should not surprise me from him, Mr Speaker, because given that when he became a backbencher he decided that he was not going to come to all of the meetings of this House and this morning he was not here, he might not have heard me say this morning that I was going to move the motion this afternoon. I have therefore been surprised to hear that hon. Members were surprised that the motion was there – because during the course of the debate this morning, they were told and it is not as if this is a difficult motion to understand and support.

290

But I am very happy, Mr Speaker, to hear that the hon. Gentleman, if he deigns us with his presence – perhaps I should call him the hon. Knight rather than just the hon. Gentleman – if the hon. Knight is going to deign us with his presence tomorrow, I am very pleased to hear that he is going to be voting in favour of the motion, and that in fact, if those of us who are very keen to see Parliament progress with its work had been able to prevail, we might simply have been able to deal with that such positive support of you and of this motion that is important to the Government and to the community, simply being dealt with this afternoon.

295

But, Mr Speaker, for reasons that have now become apparent, hon. Members opposite do not want to simply support confidence in you this afternoon.

300

I shall have more to say, Mr Speaker, about the historic proceedings of this Parliament when issues like this have been raised in the past, tomorrow during the substantive debate on the motion.

Hon. D A Feetham: Mr Speaker –

305

Hon. Chief Minister: Mr Speaker, no. Mr Speaker, I am sorry. On a Point of Order.

Hon. D A Feetham: But this is a –

Hon. Chief Minister: On a Point of Order.

310

We are dealing with an issue which is going to require the Government to adjourn because the Opposition wants to stick to the letter of the Standing Orders. Well, the letter of the Standing Orders say that there has been a motion amended put, I have moved the amendment, somebody has spoken against it – or spoken on it, not necessarily against it. I have then been invited to reply and therefore I think that is the end of the debate, otherwise the Opposition are going to be allowed to make up the Rules as to when they reply or not.

315

Mr Speaker: We have a difficulty. The original motion for the adjournment was for 9.30. That the Chief Minister ‘amended’ to 3.00 p.m. tomorrow. In proposing the motion, I did not myself say, ‘Does any other hon. Member wish to speak on the motion before I call the mover to reply?’ I did not do that. And because I did not do that, I am allowing the Leader of the Opposition to take the floor.

320

Hon. D A Feetham: Mr Speaker, having heard the difficulties that Mr Speaker has, and my reading of the Rules – and at the end of the day, the Rules are the Rules; the Rules the Rules are there – my reading of the Rules, when it talks about one day’s notice, means 24 hours’ notice. That is what I believe in all fairness that the Rules indicate. Otherwise, we could end up in a situation where we could have an adjournment at 12 o’clock just simply for nine o’clock the next day. I do not think that is the intention.

325

However, having heard Mr Speaker’s personal difficulties, I have no difficulty with the adjournment to be... for the motion to be taken at 9.00 or 9.30 tomorrow. I say that as an olive branch to the Hon. the Leader of the House.

330 And may I also say this on Mr Speaker's words a few moments ago: everybody makes mistakes – I
make mistakes, everybody in this Parliament makes mistakes, but the reality is that I have not at any stage
today questioned Mr Speaker's impartiality in a systemic or general way. But one must also be honest and
335 hold to one's views, if I felt that Mr Speaker, mistakenly or otherwise had not treated us fairly in relation to
that particular point, and I do not believe that that either questions the integrity of Mr Speaker, nor
necessitates a motion of confidence, which the Opposition, as I indicated this morning, would be
supporting, but what we cannot do is allow the Hon. the Leader of the House to effectively ignore proper
procedure of this House and railroad a motion for the reasons that I have already explained.

Mr Speaker: In the light of what the Leader of the Opposition has said, does the Chief Minister wish to
340 ask one of his colleagues to move an amendment to the motion for the adjournment so that the House
adjourns to tomorrow morning at 9.30? Does he wish to do that?

Hon. Chief Minister: No, Mr Speaker. Given the way that the debate has developed this afternoon, I
345 think it is better all round that we simply stick to the Rules, or at least to the stickler's interpretation of the
Rules.

I do not believe that a day has to be, in the context of these Rules, 24 hours. But if Members opposite
say that that is how they would interpret the Rules, then I am going to allow them to have those 24 hours to
ruminate over how they deal with the motion.

350 But nonetheless, Mr Speaker, you must rest assured that I will certainly move an adjournment or a
recess at six o'clock to allow Mr Speaker good time to attend his other commitments.

ADJOURNMENT

355 **Mr Speaker:** I commend to the Select Committee that they have a very close look at the Standing
Orders of the House and decide what amendments they want for the future!

Having said that, I now put the motion, which is that this House do now adjourn to tomorrow at 3.00
p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

360 The House will now adjourn to tomorrow at 3.00 p.m.

The House adjourned at 4.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.45 p.m.

Gibraltar, Friday, 24th January 2014

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

GOVERNMENT MOTIONS

Standing Orders suspended to proceed with Government motion – Motion carried

Acting Clerk: Meeting of Parliament, Friday 24th January, 2014.
Government Motions – the Hon. the Chief Minister.

5 **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 motion.

10 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief... no, I think the Chief Minister has to formally... If he looks at the crib, he will see that he should read out the motion.

Hon. Chief Minister: The crib that I have has the vote before the motion, Mr Speaker.

Acting Clerk: No, you should have had this one.

15 **Hon. Chief Minister:** I have not had it. I am quite happy to do it that way.
Thank you, Mr Speaker. So I should read this motion, Mr Speaker, which is:

‘That this House approve, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion notified by the Hon. the Chief Minister on 23rd January 2014, and circulated by the Clerk on 23rd January, 2014.’

20 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against?

Vote of confidence in Mr Speaker – Motion carried unanimously

Acting Clerk: The Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

‘This House has full confidence in Mr Speaker, the Hon. Adolfo Canepa GMH OBE MP.’

Mr Speaker, it is a little bit like groundhog day to have to start again the session of Parliament at 3.00 p.m. with moving those motions, for the reasons that everyone is aware of.

30 I think, Mr Speaker, with all due respect to you, it is fair to say that nobody who has held the position of Speaker in the history of this Parliament has had the experience that you have had before you have taken the Chair. Nobody has ever been better qualified for the post of Speaker than you have been when you have arrived in it.

35 You have presided over a period of change in this Parliament, when the Government has been changing the mechanisms in which Parliament meets and the timing through which Government meets, there are many more meetings for Questions. Therefore you have wanted to change the way that Members of the Parliament behave during the course of Question Time and you have constantly been encouraging people on either side, Members on either side to raise issues in debate on motions, rather than trying to extend Question Time into debate.

40 Yesterday, Mr Speaker, your fairness was called into question by the Leader of the Opposition because you had called his attention to something that had been said during the course of a first answer, and during the course of his intervention the Leader of the Opposition said that he felt that you had been unfair to him yesterday, that you had been unfair to him last month and that you had been unfair before then.

45 Well, Mr Speaker, I do not know whether fairness and unfairness is exactly the best way to raise these issues, but of course in the cut and thrust of debate, those of us who are putting a point might always feel that we are right and we want to put our point across. I consider that putting one's point across vehemently during the course of a debate or even during the course of wanting to put a question or answer a question at Question Time is part of the cut and thrust and the proper cut and thrust of debate, as I am sure all of us in this Chamber believe and I am sure you believed, Mr Speaker, when you were also a Member on one of the sides of this House.

50 Therefore, Mr Speaker, a little bit like football players playing each for their team, when one is called up on one of those occasions when the referee might think that one is committing a foul, players usually feel that that is unfair, that they are not committing a foul, that the foul was the other fellow. But, Mr Speaker, much as in that hypothetical football match the referee's decision is final, well, of course, the Speaker's decision is final in a Parliament. Those are the rules at Westminster and of course they are also the rules here.

55 Standing Order 51 giving you responsibility for order is much in the identical terms to the rule at Westminster, which says:

'The Speaker in Parliament'

– and I am reading ours –

'and the Chairman in any Committee shall be responsible for the observance of the rules of order in the Parliament and Committee respectively and their decision upon any Point of Order shall not be open to appeal and shall not be reviewed by the Parliament except upon a substantive motion made after notice.'

60 Mr Speaker, in the context of your rulings, despite the fact that there is no appeal, you of course allow Members to put their point of view. But, Mr Speaker, to see a repeated questioning of your fairness, I think is not something which is edifying and I do not think that it is good for the workings of this Parliament.

65 That is why yesterday, Mr Speaker, I said during the course of the morning that I felt it was appropriate that whatever parties on either side might think about a particular decision that we should all, *all of us*, say, 'Well, we have full confidence in the Speaker', even though some of us might have wanted to express a lack of fairness evident in some ruling or another, and that is the purpose of the Government bringing this motion. It is important, Mr Speaker, I think for our community to understand that every Member of this Parliament has full confidence in the Speaker, even though there may have been instances when we might have felt hard done by, by one of your decisions.

70 Mr Speaker, I think as democrats – those who want to play by the rules of the Westminster parliamentary system that we have adopted in this community of ours – our democratic credentials are actually most tested when you are ruling against us and that is when we have to demonstrate that we accept your rulings, whether we agree with them or not and that we have confidence in you as Speaker, whether it is that you are pulling us up on a particular issue or you are not pulling us up on a particular issue or you are pulling up a colleague on a particular issue and if we are seeking to remonstrate with you. We are never suggesting that you are being partisan in any way.

75 Mr Speaker, it is for all of us in this Parliament, whatever post we hold within it, whether one leads the House, whether one leads the Government, whether one leads the Opposition, it is for all of us to understand that in the Parliament, yours is the final word. I am reminded of a parliamentary sketch by Ann Treneman that I read in *The Times* about a month ago, where she was referring to the relationship between the present Prime Minister of the United Kingdom and the present Speaker of the Westminster Parliament who, according to that particular columnist, apparently do not get on and do not see eye to eye, despite the fact that they are of the same political party. Miss Treneman put it this way, she said,

80 'The most powerful man in the Commons looked at the most powerful man in Britain and they did not like what each of them saw.'

Mr Speaker, I put it to you that this community should understand that in exactly the same way as Mr Speaker was referred to, in respect of the Westminster Parliament, as the most powerful man in Westminster when compared to the Prime Minister, the most powerful man in the United Kingdom, people in this community need to understand that the Speaker of *this* Parliament is the most powerful person in this Parliament because the Parliament has asked him to take responsibility for its Rules and that he should be their enforcer, that he should be their arbiter, he should be their referee.

Mr Speaker, I do not think there is more to say, other than to ask all Members of the Parliament to confirm their full confidence in your discharging of your functions as Speaker.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any Member wish to contribute?

Hon. D A Feetham: Mr Speaker, the Opposition will be supporting the motion, but I have to say that on this side of the House, certainly we take the view that this is the most shameful device and political opportunist device that actually does the contrary of what the motion seeks to do, because what it does is actually create the impression with the public at large that somebody in this House has sought to question the confidence or integrity of the Speaker or the House's confidence in him, which no one at any stage did yesterday (**A Member:** Hear, hear.)

Indeed, to continue the Hon. the Leader of the House's analogy about football matches, the best referees are the ones that go through games not being noticed. What this motion does is actually place the referee at the centre of the game, because all that people are going to be talking about is the referee and not in fact what we ought to be doing, which is getting on with the business of the politics of this community and the running of this community and the holding of the Government to account for the running of the affairs of this community in this Parliament.

Mr Speaker, no one at any stage yesterday sought to question your integrity or sought to question the confidence of the House in Mr Speaker. No one criticised Mr Speaker on the grounds of, as the hon. Gentleman has put it today, partisanship. I have never accused, nor anybody on this side of the House, that the Speaker was partisan; but, of course, I am entitled as Leader of the Opposition, when I feel that the Opposition has not been treated fairly in any particular instance, to say so. I believe it is also my duty to say so and I need to explain to the public so that the public understands what happened yesterday.

The Hon. Minister for Financial Services, Minister Isola had provided information to an original question, saying that the bank would be housed in a Government-owned building. I was not asking in my supplementary about whether the bank would be housed in a Government-owned building. I asked where it is going to be housed – in other words, the location of that Government-owned building – and it is obvious to anybody who heard the debate yesterday that Mr Speaker had misunderstood the nature of the question that I had asked.

Now, in those circumstances I believe that I am perfectly entitled to stand up on behalf of my colleagues and myself and say, 'No, Mr Speaker has got it wrong. That is not the supplementary that I am asking. It has not been answered previously and it is clear to anybody in this House that it was not.' In those circumstances I am entitled and I would be lacking in my duty as Leader of the Opposition if I did not point out that Mr Speaker had got it wrong. I believe that I am entitled to be heard on that.

Mr Speaker, I refer to my speech that I gave on the occasion of the setting up of the Committee on Parliamentary Reform, and I said this in June of last year, and I quote:

'We cannot always collectively get it right'

– I include us and the Chair in that –

'...but there has to be some flexibility in order to allow us to do our job I hope that when a point is taken about the appropriateness of a supplementary, for whatever reasons that we are allowed the floor to explain why we believe it was an appropriate supplementary or why we should be allowed to continue with a particular line of questioning. When we are told "You do not have the floor", we will abide by it but we are entitled to be heard as to where we are going with a particular line of questioning that we think is actually being quite effective.'

That is what I said last time and I stand by every single word, and if it happens again... if in the future Mr Speaker intervenes in circumstances where he has obviously got it wrong, in my view, I think that I have the right to say so. If Mr Speaker rules on a Point of Order, that is the end of the matter and I accept that; but if Mr Speaker is intervening and he has got it wrong, I believe that I have got a right to be heard. That is all I ask for, a right to be heard. A right to express the view as to why Mr Speaker has got it wrong.

And I believe that if the Leader of the Opposition of this community does not get the right to express why Mr Speaker has got it wrong in any particular instance, well, look, I think it does a disservice to democracy. This is the heart of our democracy. I ought to be allowed. There is nothing sinister, nothing

wrong in the Leader of the Opposition expressing that view without being told, ‘Sit down, sit down’, or not being allowed to express his views.

140 Mr Speaker, of course one also has to take into account... one focuses on supplementary questions, but of course supplementary questions also arise from the nature of the answers provided by the Government. If the Opposition get evasive answers to questions, the Opposition are perfectly entitled to press the Government to have clear answers to clear questions.

145 May I remind Members of this House that when I asked in July of last year whether the Government had provided indirect financial assistance to the owners of the Sunborn, the answer was no when the Government had indeed, through a Government-owned company run by directors, provided assistance to the owners of the Sunborn. The answer was no. On many occasions on this side of the House we are faced with evasive, shifty answers, in my view, and we ought to have – (*Interjection*) That ought to be factored into the equation in terms of any leeway that the Opposition is afforded.

150 Mr Speaker yesterday made – and I have to congratulate him – a moving intervention and I feel for Mr Speaker. I know he has a difficult job and he said that he often prays – and perhaps I am paraphrasing him – for the strength to do his job. Look, I do not like to talk about these things, because they are private matters, but I pray every single day. But I pray for the strength... not for any kind of victory. I pray for the strength to be able to do my job fearlessly and to the best of my ability and this is not an easy job to do as Leader of the Opposition.

155 Tony Blair once said that the worst day in Government is always better than the best day in Opposition. The hon. the backbencher, when I took over from him, gave me some very sound advice. He said something that will always stay in my mind, that being Leader of the Opposition is like running a marathon race where you run in all kinds of weather and it is a question of just simply continuing until there is better weather at the end of the race.

160 Look, I have a difficult job, but I have a duty to my parliamentary colleagues. I have a duty to 40%, according to the last by-election, of the electorate, who are supporters of my party in Opposition, to stand up, and if I feel that the Opposition has in a particular instance not been treated fairly, to say so. That does not question the systemic integrity or the confidence of this House or my party in the Speaker or anybody else. But all I ask – and I think that I am entitled to – is to be able to explain why I believe a particular intervention was not right and why I believe that a particular line of questioning is apposite and we ought to be allowed to continue with it. (*Banging on desks*)

170 **Mr Speaker:** Does any other hon. Member wish to speak on the motion?

Hon. Sir P R Caruana: Yes, Mr Speaker, I would like to speak on the motion.

175 Mr Speaker, I have full confidence in you. I have the same confidence in you today as I had when I first invited you to be Speaker many years ago, which you had to decline for personal reasons, and the same confidence that I had when I supported, as Leader of the Opposition, your appointment as Speaker by the present House. That confidence does not depend... it does not fluctuate and does not increase or wane depending on whether you give rulings that are fair to the Opposition or unfair to the Opposition, or fair to the Government or unfair to the Government. Confidence – and this is really why I have been motivated to rise as I had not intended to – is something quite different, in my opinion, from the obligation of people in this House to accept the ruling of the Speaker. One has nothing to do with the other.

180 We are obliged to accept the Speaker’s ruling as a matter of the Standing Orders of this House, whether or not we have confidence in the Speaker. To suggest that we should have confidence in the Speaker because we are obliged to effect his rulings is a *non sequitur*. It is not therefore like the referee in a football match because of course the referee’s decision in a football match is final.

185 How many times have we met on a Monday morning when I was at Number 6 and you came in when Arsenal had lost as a result of a refereeing decision (**A Member:** Manchester United!) or Manchester United? (*Laughter*) Of course, the referee’s decision had to be accepted, it did not stop you from being highly critical of the referee. There is all the difference in the... and indeed you may have lacked confidence in that referee. So the next time he referees an Arsenal match, you are not certain whether Arsenal is going to get... what is going to happen?

190 Confidence is different to subscription to the obligation to accept rulings tested this way. If I did not have confidence in you, would I be any less obliged to accept your ruling as final? Answer, no. Your ruling is final, because it is final regardless of confidence, and I think actually, reflecting on the Chief Minister’s opening presentation, it is not appropriate. It is not right to focus this question of confidence in the Speaker and the importance that it should exist on any analogy to do with finality or obligation to accept the finality of rulings. I do not know, because in this House we have always been different to Westminster in terms of these things... I mean, I do not know whether in the House of Commons Members are entitled to banter or do banter... not ‘banter’, it is the wrong word... exchange, have exchanges with the Speaker in making a

point or whether the Speaker simply speaks and then nobody else is allowed to engage. You know, with Question Time is the only bit of Parliament that I see, it does not happen of course.

200 But, of course, the Speaker, whatever might be the Rule about whether Members can forcefully put their views to the Speaker, and I do not know what the answer to that is, but even if it were the case that Members are allowed to do that, certainly when the Speaker says, 'Enough. I rule *A, B, C*', at that point that is it. I understand the parliamentary practice is that if Members then persist, the Speaker stands up in some form of notional final warning... sort of a yellow card in football analogy and thereafter the red card is that
205 you are named, but that is to do with the finality of the ruling, it is not to do with the question of confidence.

The last point that I will make whilst I am on my feet is this, and I heard the incident in the morning on the radio... it is true that I was not in the House. I really do wish the Chief Minister would resist the temptation every time he gets annoyed with me to tell everybody in Gibraltar whether I was in Parliament or not at the time. It seems...
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Hon. Chief Minister: It is entirely up to me.

Hon. Sir P R Caruana: Of course it is entirely up to you, that is why I said, if it were not up to you it would not be a matter of wish on my part. But nevertheless, but nevertheless it has to be said that I consider this motion to be entirely unnecessary. Or is it that the Opposition, and are we now...
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Does the confidence, does the Speaker's ability to do his job and to have the respect that he deserves, and which I think he enjoys, now depend and is for all time going to depend on there being an immediate motion of confidence whenever somebody strays across a line in this House which impugns the possibility that the confidence in the Speaker may have been put into question? Well, look, Mr Speaker, the respect and the stature and the standing of the Speaker has to be more robust and more resilient than that or it is nothing. I think that this motion does much more damage to the standing and stature of the Speaker than any good that might come from it. My personal instinct therefore would have been for that reason – having said that I have every confidence in you, Mr Speaker – would have been to abstain on this motion, not thereby showing any degree of ambivalence as to the degree of confidence that I have in you, but simply to signal that I do not think that your standing and status in this Parliament depends on whether this House passes this motion or does not.
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But I will vote in favour of the motion, because that is what this parliamentary group has decided that it wishes to do and I do not wish to do anything different. But I want to have it recorded that my personal instinct, and for the reasons that I have explained, would have been to abstain and not to vote in favour. (*Banging on desks*)
230

Mr Speaker: Before I ask the mover to reply, does any other Member wish to speak on the motion? The Hon. Joseph Bossano.
235

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): I feel I have no choice, Mr Speaker, but to contribute to this debate, having heard how onerous it is to be the Leader of the Opposition. I suppose I have broken all world records in running marathons in all weathers, having done it for 32 years. (*Laughter and banging on desks.*) I think the hon. Member opposite, if he ever gets into Government, is going to have a very tough time indeed if he thinks that being over there is tough (*Laughter*)
240

The latest contribution from the hon. backbencher has focused on the semantics of what the issue before us is, and he argues that whether you have confidence or you do not have confidence, you have to accept the rulings of the Speaker, and that is true for as long as the Standing Orders say that that is what happens. So therefore accepting the ruling is no evidence of confidence in the Speaker any more than rejecting the rulings is evidence of lack of confidence. (*Interjection*)
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But of course there is something that has changed in the way the discontent with the ruling was expressed yesterday and that has been expressed today by the Leader of the Opposition, something which I think is implicit and has been acknowledged by the contributor who described it as when someone strays across the line. So we can take it that he agrees that the Leader of the Opposition strayed across the line, because if he did not (*Laughter*) then there is no relevance between whether one is straying across the line or the motion is justified by straying across the line. So having strayed across the line, to what degree did he stray across the line? Well, when he was challenging the ruling of Mr Speaker, which was not really a ruling. It was just advice saying to the hon. Member, 'If you paid more attention to the original answer you would realise that the question that you are asking has already been answered'. Now, it may well be that in making that judgement, Mr Speaker, in fact, was mistaken, as the hon. Member is saying today; but the hon. Member did not stand up yesterday and say, 'Excuse me, sir, but you have got it wrong because you have made a mistake'. What he said was that he was being unfairly treated, and when Mr Speaker said,
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260 ‘Well, look, if you think I am not doing my job properly, which is to be fair to both sides of the House, move a motion of no confidence’, and then the Hon. Leader of the Opposition says, ‘Well, I will not move a vote of no confidence in you, Mr Speaker, because it is not systemic. Your bias against me is not systemic.’ That is to say you have done it today and you did it a few meetings back.

265 So what is the difference, because he then went on to say, ‘If it was systemic, I would move a motion of no confidence in you?’ So it is... well, Mr Speaker, the hon. Member was not in here yesterday, he can shake his head, but he can actually either go back and watch it or read it. He said it was not systemic, but if it were, I would have no problem in bringing a motion of no confidence. So therefore what the hon. Member was saying yesterday was that in fact you were not being fair, that is you were not showing the neutrality that you should be showing, but that you did not do this consistently. It was not systemic. It was sporadic, and as long it was sporadic, as long as you treated him well on some occasions and badly on others, he would not bring a motion of no confidence; but if it happened consistently, he would have done it.

270 Well, let me tell him something about what happened to me when I was in the Opposition, because if it had happened to him, he would have had to bring a vote of no confidence in every meeting of the House. *(Laughter)* The previous Speaker that was here ruled that the Opposition could only put two supplementaries – period. They were not allowed to put any more. As a concession, as Leader of the Opposition, I was allowed three *(Laughter)* and that none of the supplementaries could refer to anything in the answer – it was limited to something in the question that had not been answered. That ruling was systemic. That is, it was not sporadic. It was permanent. *(Interjection)*

280 Well, by the definition of the hon. Member of systemic bias, of constrain on his ability to express his mind and to question whether things are being done properly, he would have needed to bring a motion of no confidence in the Speaker in every single meeting of the House. If what he is facing now is a marathon, I would say he would have fallen by the wayside in the first hundred yards of the marathon in that context.

285 I think that perhaps in the heat of the moment he expressed himself in a way which he should not have done and I think that now that he has had the opportunity of reflecting on what he said, he has tried to retract from the position that he adopted yesterday. But there is no doubt in my mind that what he was saying to the Parliament was that the only reason why he was not questioning the neutrality of Mr Speaker, and consequently expressing lack of confidence in him, was because the treatment that was being accorded to the Opposition in the freedom that they have to put questions and supplementaries was not something that happened on every single occasion, that it only happened once or twice, and that to him it had happened on this occasion and on a previous occasion.

290 Indeed, the clearest evidence that that was the essence of the issue and not a question of understanding – *(Interjection)* – No, Mr Speaker, I will not give way – that that was the understanding of what was going on, was the fact that you yourself pointed out that how could somebody in the Opposition argue that you were not being sufficiently lenient or sufficiently liberal in allowing questions when one single question as to how many Health and Safety inspectors or how many Labour Inspectors there are, took 15 minutes... 15 pages and 45 minutes in order to try and satisfy the curiosity of the Hon. Mr Bossino, whose *[inaudible]* was as good as me.

300 Therefore it was clearly about the opportunity, the opportunity that is given to the Opposition to ask questions and the reality of it is that on many, many occasions they ask the questions, notwithstanding the fact that in our judgement the answer they have got is the only answer they are going to get, because as any of the Members on the opposite side will remember – if they still remember how they behaved when they were in Government – people in Government have the right to answer questions in the way they choose to answer it, and that is it. In the Opposition you can say you do not like the answer, but what you cannot do is insist that the answer that you get in Opposition is the one you would like to get in order to get the greatest political advantage out of it.

305 Therefore if there was any question that in future in the judgement of the Leader of the Opposition, your behaviour moved from being sporadic to being systemic, then I would hope that the result of this vote of confidence will not lead to the forceful statement made that he would not shy away from bringing a motion of no confidence against you Mr Speaker.

310 On this basis, I am happy to support the motion.

Hon. D A Feetham: Mr Speaker, may I ask for the indulgence of the Speaker to respond very briefly to some of the points that the hon. Gentleman has made?

315 **Mr Speaker:** It is not allowed for in the Rules, but I will allow you.

Hon. D A Feetham: Well, I am very grateful.

Mr Speaker, I think it is important and I am very grateful to Mr Speaker. I think that it is important that hon. Gentlemen understand the distinction that I am drawing, which I think has been mischaracterised by the hon. the father of the House.

Yesterday, what I was questioning was whether it was fair. Indeed, I was saying it was *unfair* for the Speaker to characterise my intervention in the way that he characterised it. It is not talking about bias or anything else, and I am entitled to say, Mr Speaker, I do not believe that you are being fair on this occasion. Now, the point that I made yesterday, and I think it was in response to some of the points that were being made from across the floor, or Mr Speaker, was that if I felt that Mr Speaker was being unfair systemically over a long period of time or that he was showing any kind of bias, then I would say so, but that was not the case.

But what I was saying was you are being unfair on this particular occasion, because the question has not been asked previously and has not been answered. I think it is unfair for Mr Speaker to characterise my intervention as not having been careful enough and not having listened to the answers carefully on such an important matter, because I believe, genuinely, that anybody listening to that would think, well, the Opposition is not doing their job properly. The Opposition is asking questions when the answer has been received and the Opposition does not know what it is talking about, and that is unfair. It was unfair because the Opposition... because I had not asked the question before the information had not been provided, and in that kind of situation I am perfectly entitled to say so, that Mr Speaker had not made a ruling. If Mr Speaker had made a ruling on a Point of Order and said, 'This is my ruling', I am bound by it. I sit down and that is the end of the matter, but he did not make a ruling. What he was doing was giving me advice on the basis that was, in my view, on the wrong premise, because I had not received that information and that is the point.

I have said, and the point that I made during the course of my speech is that I have made that point before. It is not questioning the integrity of the Speaker. Nobody has done so. It is not accusing the Speaker of bias. Nobody has done so and it is not a good enough reason to effectively place Mr Speaker at the centre now of this particular process and effectively be making him the item of news and not what we ought to be doing, which is getting on with the business of this House.

Hon. Chief Minister: Well, Mr Speaker, it is incredible that yesterday we could have dealt with this matter in a moment, but because we wanted to be sticklers following the Rules, we have had to adjourn Parliament for a day to be able to continue. Yet today, the Hon. the Leader of the Opposition says there is absolutely no need for this and that this is just putting you at the centre of the political debate when it is unnecessary.

Well, look, the first thing that the Hon. the Leader of the Opposition says when he gets up is that this is a shameful device and a politically opportunistic device being taken by the Government. Mr Speaker, that is – and everybody in Gibraltar who was watching will have seen – a politician wriggling on the end of a hook that he made for himself yesterday with his absolutely shameful behaviour before lunch.

We have heard a lot, Mr Speaker, from both Members opposite who have spoken about how nobody was impugning your integrity and how there is absolutely no need for this vote of confidence. We have heard a lot about how accepting the finality of the Speaker's rulings is nothing to do with confidence in the Speaker. Of course, Mr Speaker, what they are trying to do is to make the general public forget how all those things were conflated by the Leader of the Opposition yesterday.

Let us remind ourselves what exactly it is that the Leader of the Opposition said. I do not think he wants to be reminded, but *Hansard*... now there, Mr Speaker, there is a useful device, *Hansard*, because it tells us the truth of what happened yesterday.

Now let us look at the shameful things that the Leader of the Opposition said yesterday. He was not wanting to hear what you were saying to him about listening to first answers, and he said this to you, Mr Speaker, and this is a quote Mr Speaker:

'Well, I certainly do not like the way that the Hon. Mr Speaker has made interventions last time, has made an intervention now, and implied that somehow I do not know, as Leader of the Opposition, the answer that has been provided by the Hon. Minister.'

'I do not like the way that you are talking to me, Mr Speaker...' How dare any Member of a Parliament say to a Speaker, 'I do not like the way you are talking to me, Mr Speaker'? That sort of petulance, that sort of remarkable attempt to pretend that he can be the arbiter of how the final arbiter addresses us all is but a mere indication of what was to come.

After your next intervention, where you were saying:

'What is wrong with that, that I should give you such guidance? (*Interjection*) What is wrong with that? What is unreasonable about that?'

380 The Hon. Leader of the Opposition says:

‘Because you are suggesting, and with respect Mr Speaker, it is not the first time – he has intervened in the past, as well, in a manner that we’

385 – all of them –

‘we, do not believe is fair...’

And he goes on and says:

390 ‘Mr Speaker has chosen to intervene, as he has chosen to intervene the last time, and indeed in previous months as well’

– systemically.

395 Now, last month, in previous months as well, there is the system that is being implied.
You then say to him later, Mr Speaker:

‘The Hon. the Leader of the Opposition is accusing me of treating the Opposition unfairly –’

400 Well, this is remarkable, Mr Speaker, and it is going to be difficult for people at home to understand. If I just remind the public that I read a sentence where the Hon. the Leader of the Opposition said this:

‘...it is not the first time – you have intervened in the past, as well, in a manner that we do not believe is fair –’

405 He said:

‘...we do not believe is fair –’

You say, Mr Speaker:

410 ‘... the Opposition is accusing me of treating them unfairly –

He says:

415 ‘No, I am not saying that...’

(Laughter)

‘and I do not want the public’

420 – then he realises that people are going to see what a fool he has made of himself –

‘and I do not want the public to go away with the impression that I am suggesting that the Hon. the Speaker is inherently treating the Opposition unfairly.’

425 He has just said a moment ago, Mr Speaker, you are not fair to the Opposition, today, last month, or in previous months, but he has realised what he has done, Mr Speaker, and now he wants to row back, just as he has during the course of this intervention.

He goes on:

430 ‘I believe that the Hon. Mr Speaker has been unfair in the comments that he has made today...’

– remember that in just the sentence before he had said he was not suggesting that you were inherently treating the Opposition unfairly, although you had done it three times previously –

435 ‘I believe that the Hon. Mr Speaker has been unfair in the comments that he has made today, as indeed he was unfair last time round in the comments that he made about the Public Service Commission.’

440 ‘Now, having taken that position, I think it is incumbent upon me to say that we are... that is a comment not unfair. That is not being discourteous to the Chair or to anybody else.’

‘Who do you think you are to talk to me that way, Mr Speaker? You are being unfair to me, but I am not saying that you are being unfair to me. You have done it three times already, Mr Speaker, but I am not

445 saying that you have done it systematically. I am not being discourteous to you, Mr Speaker, by saying, “How dare you speak to me that way, Mr Speaker?” Well, I am just calling a spade a spade. Mr Speaker. I commend this transcript to Mr Cleese and Mr Gillingham, who have now got to come up with a script for their new *Monty Python* reunion. (Laughter)

450 ‘I am not suggesting, for the record, Mr Speaker, that I believe Mr Speaker has some kind of, either, you know, a campaign against the Opposition – I am not. But the comments that Mr Speaker has made today, as indeed last time round, are not in my view fair to the Opposition.’

455 So he says you have got a campaign by saying that you have done it three times. He impugns fairness. He does not say, ‘I think that you are interpreting this Rule in the wrong way’. It is not Rule 51 in this way or Standing Order 29. No, Mr Speaker, this is *fairness* and in imputing fairness or unfairness to you, what is being impugned is confidence in you.

460 Well, look Mr Speaker, that is what the *Hansard* tells us happened yesterday. That is why the Government decided that there was an urgent necessity to raise the issue of confidence and invited all Members to express confidence in you, including the Member who said that you were unfair to him this month, you were unfair to him last month, you were unfair to him before then, but he is not questioning your fairness and that he does not say there is a campaign.

465 Well, Mr Speaker, I think at least what this does is to demonstrate the level of incoherence in the arguments that the Hon. the Leader of the Opposition puts, not just in respect of this matter, but in respect of everything else, and we do it by looking at the record of *Hansard*; but, Mr Speaker, that is a hook that he made for himself and it is there for the whole community to be reminded of.

470 Of course the Hon. the Leader of the Opposition has a right to be heard, Mr Speaker, and that is why we are here. I am calling a meeting of this Parliament every month. He has a right to be heard every month. Of course he has the right when you raise an issue of order, if you raise an issue of order, to be heard by you in respect of those issues, although you are the final arbiter and decision maker. Mr Speaker, you have shown yourself to be open to hear each side’s interpretation of a particular Rule before you make a ruling – all Speakers have, Mr Speaker. You have shown yourself prepared to listen to any of us, who might be slightly aggrieved by a ruling you may have made, later in your Chamber to make us understand why you felt it was appropriate to make that.

475 So what is the Hon. the Leader of the Opposition doing getting up and saying today that he will be heard, as if he were having to become a champion of free speech, as if somebody were trying to shut him up? Mr Speaker, we do not only hear him and today, you have allowed him to speak even when the Rules do not allow him to speak. Yesterday, you allowed him to put all the arguments that he wanted. Of course he can be heard, but when in being heard he says things as incoherently as he said them and he questions fairness, then he has to understand what he is doing and how he is impugning confidence.

480 Look, Mr Speaker, but I suppose that in the context of this debate you are having to get used to the sort of thing that I am having to get used to, which is that the Leader of the Opposition repeatedly says things that he is then not prepared to defend. He said about this business of evasive and shifty answers about financial assistance to the Sunborn. He constantly says that, Mr Speaker. I have invited him publicly. If he wants to talk about that issue, to bring a motion, and let us debate what was said and what was not said. I said to him to put up or shut up, but he does not, Mr Speaker. He does not want to have an argument where we look at exactly what was said and when because he knows that he is wrong. He just wants to repeat things that are wrong, over and over again, hoping that by repeating them they might somehow become a reality. He thinks, Mr Speaker, that the politics of repetition is somehow the politics of what becomes reality.

490 But the speech that I have been treated to today, Mr Speaker, by the Hon. the Leader of the Opposition, really made me think that we were not considering what happened yesterday and whether we should have confidence in you. As usual with Mr Feetham, Mr Speaker, it was all about him. It was all about him. It was all about, ‘I will defend my right to be heard’ and ‘I will call a spade a spade’. Well, Mr Speaker, he can bring his bucket and he can bring his spade if he likes and we will hear him call them everything he likes, but what we will not do, Mr Speaker, is think that what happened yesterday did not happen. We will not be persuaded by talk of spades to forget the talk of fairness and unfairness that there was yesterday, and all he was doing, Mr Speaker, was trying to make people forget that boorish behaviour yesterday.

500 The hon. the backbencher may not like the analogy of the referee, and of course it is the right analogy in relation to the finality of your rulings, but this is the player who turns around and remonstrates with the referee and goes into the referee’s face and says, ‘You are unfair to my team’, whilst the match is ongoing, and rightly the referee has the right to show the red or the yellow card, whichever he thinks is appropriate. That sort of remonstrance that all of us who are watching a match believe that players should just not engage in and get on with playing, whether or not they think the foul was properly awarded or not.

505 So there is no need, Mr Speaker, for the hon. the backbencher – although I acknowledge that he is these days unfortunately repeatedly called upon by his party to get on the white charger and bail out the new incumbent from the trouble that he is getting them into (*Laughing*) – to pretend that somehow we have confused the concepts of the finality of your rulings under Standing Order 51 and confidence in you. There is no confusion, Mr Speaker. There is absolutely no confusion and he will now understand that it was in his absence that the Hon. the new Leader of the Opposition was impugning fairness and therefore confidence and that is why the issue had to be dealt with.

510 I will say this, Mr Speaker, now that I am mentioning his absence, that it is absolutely up to me and to any Member of this House on either side to point out the absence of other Members. Of course it is absolutely right and proper for Members not to be here if they have other business and the House is not dealing with business for which they are responsible – that was always the case. It was the case when I was in Opposition and I might not be here for a reason and he used to repeatedly get up and say, ‘Well, I do not know where Picardo is today (*Laughter*) but he is not here to earn his keep’. (*Laughter, interjections and banging on desks*) Well, Mr Speaker, I have to say I will not tire of pointing out to this community that they are paying £25,000 at least for the hon. Member these days to occupy a chair he is not often seen in, unless obviously watching it on television or hearing it on the radio he realises he has got to turn up quick, because the whippersnapper he left in charge of the party is taking it to the dogs. (*Laughter*)

520 Mr Speaker, it is a real pity, in my view, having made this intervention in reply, that the Opposition have wanted to take this debate to where they have taken it and I have had to reply to these points. The fact is that your fairness having been impugned (*Interjection*) – Mr Speaker if I may be allowed – your fairness having been impugned, it is for that reason that I got up yesterday as Leader of the House, and I said specifically that I was getting up as Leader of House and not as Chief Minister, to simply ask that all Members express their confidence in you. I expected when I came back after lunch that we would do that in a moment. That I would get up and read the motion expressing confidence in you. I would make little of no speech. We would have all have voted and have got on.

530 The Hon. the Leader of the Opposition says this is a device because you are today the central political feature and we are not talking about the issues that really matter. Well, Mr Speaker, that must be because he wants it to be that way because all that had to happen was that yesterday we could have dealt with this at three o’clock. We could have all voted confidence in you at one minute past three and we could have got on with Chief Minister’s Question Time immediately thereafter. So if things have been delayed, they have been delayed because the Opposition wants to be sticklers with the Rules when they are in their favour, or they believe them to be in their favour, but do not think that it is fair to apply the Rules to them when it might not be in their favour.

535 In that context, Mr Speaker, I have nothing more to say other than we should all support this motion and express our confidence in you. (*Banging on desks*)

540 **Hon. Sir P R Caruana:** May I raise a Point of Order, Mr Speaker?

I am not interested in contributing further to the debate on the motion, but rather in the same way that I feel, and I said earlier, that Mr Speaker’s reputation does not turn on expressions of confidence following individual incidents in this House. So I think I am in the happy position that my own reputation, for those who approve of it and for those who do not, in both cases, does not depend on insulting little observations that the Chief Minister may choose from time to time to aim at me; but at the very least he should seek accuracy when he does so.

550 The statement that my presence in this House costs the taxpayer £25,000 is to his knowledge untrue. He must know that if I was not in this House, I would be earning a pension from my Chief Ministerial and parliamentary career which would cost the taxpayer more than the £25,000 that I am earning for being an MP (*Interjection*) and that as a result of occupying this seat I am not collecting that higher pension. So far from my presence in this House costing the taxpayer £25,000, it is *saving* the taxpayer the difference between £25,000 and my slightly, albeit slightly higher pension.

555 So I do not mind the Chief Minister taking pot shots at me, but at least he should have the respect for this House and the respect for the community that he is addressing through the GBC microphones, to tell them the truth and not to mislead them.

560 **Hon. Chief Minister:** Mr Speaker, I wish to respond to that point, because first of all I do not believe that is a Point of Order; it was an issue relating to fact, and as you ruled last time – I think the hon. the backbencher was not here then either, not earning either his salary or his pension – you ruled that points of order were points which relate to the Rules and the interpretation of them, not to facts.

Mr Speaker: The Hon. the Chief Minister is quite right, but there is also provision in the Rules, and we could look at the relevant section, when an hon. Member wishes to make a personal statement and that is the way that I interpreted what the Hon. Sir Peter Caruana wished to say. (*Laughter and interjections*)

565 Right! I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

570 Questions for Oral Answer (continued)

CHIEF MINISTER

Q104/2014

Relocation of GBC – Current stage in process

575 **Acting Clerk:** Answer to Oral Questions continued. We shall now continue with the Chief Minister's questions.

Question 104, the Hon. Mrs I M Ellul-Hammond.

580 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can Government say what the plans are for the relocation of GBC to the town area and at what stage they are in this process?

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

585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is progressing the establishment of office and studio space for the Gibraltar Broadcasting Corporation in the town area. Discussions are ongoing with the CEO of GBC about how best to achieve this move, in keeping with the needs of the GBC and the professionals who work within it.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, are the plans still to locate to the Ince's Hall complex?

590 **Hon. Chief Minister:** Mr Speaker, because there is discussion ongoing with the CEO of GBC about how the best way to achieve this, I do not want to be drawn further at this stage. An announcement will be made.

595

Q105/2014

Spanish fishermen – Changes to legislation

Clerk: Question 105 the Hon. D A Feetham.

600 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether Spanish fishermen who are existing members of the *Cofradias* of Algeciras and La Linea at the date any legislation is enacted will have to apply for a Licence in Gibraltar in order to fish in British Gibraltar Territorial Waters with nets, as opposed to being automatically licenced to fish by virtue of their membership of their respective *Cofradias*?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the position will be set out in the relevant legislation when it is published.

610 **Hon. D A Feetham:** Yes, Mr Speaker, what a surprise. I have to say that I am not surprised by the answer because the Government is very reluctant to provide us with an answer to this particular question. I have asked it in the media, not in this House, but can I ask the Government this: has the Government made a decision in relation to the question? I am not asking what the decision is, but has it made a decision in relation to this particular matter?

615 **Hon. Chief Minister:** Mr Speaker, the Government makes decisions every day about many matters. This is one we have made a decision about and he will see what the decision is when the legislation is published.

620 **Hon. D A Feetham:** But hang on a minute, what you are effectively saying is you have made a decision in relation to this, but you refuse to say to this House whether Spanish fishermen will have to apply for a licence in Gibraltar. That is correct, isn't it?

625 **Hon. Chief Minister:** Mr Speaker, what I am telling the House is that the Government makes announcements when it considers it is appropriate to make them, not when the Leader of the Opposition decides that he wants us to make them.

Hon. D A Feetham: Mr Speaker, I am sorry, but the Hon. the Chief Minister is accountable, as is his Government, to this House and this is a matter of public interest, whether Spanish fishermen will have to apply for a licence in Gibraltar in order to fish with nets.

630 Now can I ask a different question? What does the Chief Minister say that the Government has achieved in the last two years since it tore up the 1999 Agreement to land us in a position where effectively Spanish fishermen... the law has now been changed in order to allow Spanish fishermen to fish in British Gibraltar Territorial Waters? You know I am entitled to draw the inference that the Hon. the Chief Minister's reluctance to provide me with an answer to this particular question is because they are not even going to have to apply for a licence here in Gibraltar in order to fish in our waters.

640 **Hon. Chief Minister:** Mr Speaker, he can draw whatever inference he likes. I am accountable to this Parliament and I am accountable to this community. I do not think anybody will think that I am not being accountable, simply because I am saying, when the law is published you will have the answer to that question.

I am not suggesting this is something that is going to be done without the community knowing how it is going to be done. It is going to be done because a law is going to be published for that purpose and the hon. the now backbencher taught us all the lesson of saying that the Government will make an announcement when the Government is ready to make an announcement. That is not to impugn accountability; that is simply not to accept that the agenda and timetable of Government announcements is run by the Leader of the Opposition.

645 Now he wants me to say what has been achieved... something which I think is really to propose a debate by what has been done in the last two years. Well, look, Mr Speaker, I will tell him what has been achieved. We have finally, *finally* re-established the rule of law that went out of the window in 1999 when the illegal agreement was entered into. I have said so on a number of occasions. If he wants to set himself up for me to tell him that his party was responsible for creating a problem with the rule of law in Gibraltar, I will tell him again.

650 An illegal agreement was entered into that allowed certain people to break the laws of Gibraltar and others were subjected to it. So we have re-established the rule of law. We have re-established the rule of law and that is what has been achieved in the last two years by what we have done. Quite right that we have done it, Mr Speaker, and I am delighted to have been the Head of Government in Gibraltar in order to be able to bring about exactly that re-establishment of the rule of law, exactly as set out in our manifesto we would do.

660 **Hon. D A Feetham:** Well, I am afraid that is not true, but I do not want to be drawn in relation to a debate about the legality or otherwise of the 1999 Agreement. We have had a debate about this in this House in the past.

665 But you see the 1999 Agreement was torn up by an infelicitous announcement on Facebook by the Hon. the Minister for the Environment, Minister Cortes, in March 2012 – so nearly two years ago – and in those two years we have seen a record number of incursions, not only by Spanish State vessels, but equally as important, Spanish fishermen accompanied by Spanish State vessels, something that had never happened in the past. (*Interjection*)

670 Why has it taken so long for the Government to make a decision to change the law and still for the Government not to be able to announce whether those same Spanish fishermen are now going to have to apply for a licence to fish in British Gibraltar Territorial Waters? Is it because effectively the Chief Minister wants to delay the day in which the entirety of this community will have found out that despite all his robust statements that he has made about the rule of law and our British Gibraltar Territorial Waters. He is going to be lowering his trousers all the way down to his ankles.

675 **Hon. Chief Minister:** Mr Speaker, I do not think that is a very parliamentary expression to use about lowering trousers all the way down to the ankles. I must tell him, I am not that sort of politician (*Laughter*) and if I were, Mr Speaker, if I was going to do a U-turn then, because I am slightly better tactically than he is, I would have done it as quickly as possible before the next General Election. I would not be delaying it to do the U-turn and lower the trousers, as he suggests, closer to the General Election. I think the hon.
680 Member thinks that we are all as bad at our jobs as he is.

We have not made an announcement about changing the law. There is absolutely no question of this Government doing a U-turn on anything. He needs to go back and look at what we have been saying from the very beginning and again, Mr Speaker, this business of the politics of repetition, whatever the truth may be in order to make things which may not be true, true. There is no question of the notorious 1999 *illegal*
685 Fishing Agreement having been torn up on Facebook, but he says it so often, Mr Speaker, that he wants people to believe it.

There was a manifesto commitment saying that the 1999 illegal Fishing Agreement would not be abided by, by this Government, because we do not believe in illegal agreements that break the rule of law. But Mr Feetham gets up in this House, and outside it, Mr Speaker, and repeatedly says the same thing because he
690 wants people through repetition to believe that is the truth: something torn up on Facebook.

Well, Mr Speaker, look it just does not make any sense. You cannot tear things up on Facebook; it is digital. (*Laughter*) You just write in, 'We are complying with our manifesto commitments and ensuring that the 1999 Fishing Agreement is no longer being adhered to because it is an illegal Agreement, contrary to the rule of law'.
695

Have we had more incursions? Yes. Mr Speaker, were they about fishing? Mr Speaker, even the Hon. the Leader of the Opposition cannot believe that the incursion by States vessels have anything to do with fishing because the hon. the backbencher, when he was Chief Minister, addressed the nation in a ministerial statement and talked about the increasing number of incursions *then*, and it was all about the SAC declared by Spain and the numbers are going up, and we must all be against it. Have there been more 'incursions' of
700 fishing boats? Well, Mr Speaker, those were never counted as incursions before 2012 because they were allowed.

Nobody went out and counted how many Spanish fishing vessels there were before 2012 because between 1999 and 2012 they were not classed as an incursion. So if there are two Spanish fishing boats here today, they are counted as two people who are here who should not be here, but if there were 10 in 2005,
705 they were not counted as an incursion because they allowed them. This is a case, Mr Speaker, of them behaving like the dog trainer that sees the dog sit down and when the dog is sitting down, they say, 'Sit. You see how he does what I say?' Our seas were full of Spanish fishing boats between 1999 and 2011 and nobody counted them.

Now that we count them he says, perish the thought the number of incursions that we have by Spanish fishing boats and he says that things have got worse. They come with Spanish State vessels. Well, things have not got as bad as Spanish State vessels being beached in Gibraltar with Spanish State actors coming ashore with their handguns drawn – that did not happen in my time. It did not happen in my time. Neither,
710 Mr Speaker, have I been pushed to say, if you are interfered with, 'Oh, Gibraltarian pleasure craft owner, go for your handgun...' sorry, 'your flare gun and discharge it into the air'. A real low point, Mr Speaker, which could have led us into even more dangerous ground.

But, Mr Speaker, his position on the issue of Spain is well known. His position on a number of matters is now becoming clearer and clearer, especially after the meeting yesterday, Mr Speaker. He is against the Bank. He is against my speech at the United Nations and yesterday, Mr Speaker, he was even against you. Who is he for? Daniel Feetham.
720

Hon. D A Feetham: That is the most self-serving answer I have heard yet from the Hon. the Leader of the House and the Chief Minister.

I will repeat the point about the 1999 Agreement being torn up on Facebook for as long as the hon. Gentleman repeats that the 1999 Agreement was illegal and *ultra vires* because he sins from the very same thing that he accuses me of – (*Interjection*) I have not given way. (*Interjection*) He sins from the very same thing... Do you now want to be Speaker as well as Chief Minister? (*Interjection*) He sins from the very same thing that he accuses – (*Interjections*)
725

Mr Speaker: Will the Leader of the Opposition continue with the preamble to the supplementary question which I am sure he is going to ask shortly.
730

Hon. D A Feetham: Thank you very much, Mr Speaker.

He sins from the very thing that he accuses me of and indeed there are more fishermen fishing in British Gibraltar Territorial Waters now than there were in the past and we see them every single day in the bay,
735 for all his talk about the rule of law.

740 But still, Mr Speaker, he has not answered the supplementary that I asked him. Why has it taken him two years effectively, or just under two years, to introduce the changes to the law to allow Spanish fishermen to fish with nets, but why is it still taking even longer to announce whether those Spanish fishermen will have to apply for a licence in British Gibraltar Territorial Waters? It is not difficult. It is not rocket science. The hon. Gentleman even commissioned an expert report on fishing. An expert report –

Mr Speaker: Why do you not allow the Chief Minister to answer that supplementary question.

745 **Hon. Chief Minister:** Mr Speaker, I am going to talk about making statements in this House or elsewhere when the Government thinks it is ready to do so, without having to have regard to when the Leader of the Opposition wants us to do so, as long as the Leader of the Opposition insists in asking us questions of why we do not do things according to his timetable.

750 But let us look at something which is very apposite. He says it has taken you two years from being elected to making this law, which we have not yet made, to allow fishing with nets, as he interprets the law will be. Well, Mr Speaker, it took them 12 years to do an Agreement, that I call an illegal Agreement and not to change the law to simply reflect in the law what the Agreement provided for. They could have done it immediately. They could have said, Mr Speaker, ‘We have done this Agreement whilst we change the law and will tolerate this breaching of the law by some and enforcement of it against others for a short period whilst we change the law’. They had 12 years to do it and he has the gall to ask me why we have taken two.

755 **Hon. D A Feetham:** Mr Speaker, changing the law two years ago may or may not have prevented much of what has transpired later, but it certainly in my view would have prevented much of the uncertainty.

760 Mr Speaker, can I ask him a simple question: did the expert’s report that he commissioned – they now have the report – did the expert report recommend to the Government that the law be changed to allow Spanish fishermen to fish with nets?

Hon. Chief Minister: Mr Speaker, there is one thing that he said before that I have not answered yet which I will answer first. He said there are more fishermen now. Mr Speaker, that is patently nonsense.

765 **Hon. D A Feetham:** That is not the question I asked.

Hon. Chief Minister: That is patently nonsense because –

770 **Hon. D A Feetham:** Mr Speaker –

Hon. Chief Minister: Mr Speaker, I have said that before I answer his second question I will deal with this point.

775 **Mr Speaker:** Yes.

Hon. D A Feetham: Mr Speaker, a Point of Order.

780 He is entitled to answer the question that I have asked if he has missed in a speech that he has given in answer to my previous question. If he has missed the point that he should have made last time round, well he ought to have made it in answer to my question (*Laughter and interjections*)

Hon. Chief Minister: Mr Speaker, I am afraid that the hon. Gentleman is not going to be the arbiter of what I say in answer to his questions.

785 **Mr Speaker:** May I ask the hon. Members really to come to order, avoid the temptation to debate, and let us get on with short supplementary questions, short answers? Let us see if we can make progress on that basis.

Hon. Chief Minister: Thank you very much indeed, Mr Speaker.

790 As I was saying, what I was going to say in relation to what he said before his latest supplementary was this: he said before that there are more fishermen. Well, Mr Speaker, that is patently nonsense. The issue is this, and I am going to explain it to him again in case he has not understood it... I would actually like to think that he has not understood it because otherwise he is being mendacious in the way that he is pretending not to have understood it.

795 There was no count of how many fishermen there were before 2011... before 2012. So for 1999 for 2000, for 2001, for 2002, for 2003, for 2004, for 2005, for 2006, for 2007, for 2008, for 2009, for 2010 and for 2011 there is no figure for him to compare with 2012 and 2013 and what has gone of 2014. So therefore,

Mr Speaker, it is not possible for him to say there are more Spanish fishermen coming now than there were then. So when he makes remarks like that, as you rightly said to him last time, Mr Speaker, he needs to be responsible for his statements.

800 Secondly, did the experts report recommend that we change the law? Mr Speaker, I am afraid I am going to tell him that the expert's report is a public document. He can read it himself and make up his mind.

805 **Hon. D A Feetham:** Mr Speaker, yes, I have read it and in the light of the fact that the expert report does not recommend that the law be changed in order to allow Spanish fishermen to fish with nets, why is it that the Government has taken this decision to change the law in order to allow Spanish fishermen to fish with nets? Yes, the decision has been taken. The only issue that remains pending that is not in the public domain is whether Spanish fishermen will have to apply for a licence in Gibraltar or not; not whether they will be allowed to fish in British Gibraltar Territorial Waters.

810 It took nearly a year, I think, for the report, for the full report certainly to be made public, the fishing report to be made public. Now, that does not recommend that the law be changed, on the contrary it actually congratulates the legislation in Gibraltar for its resilience. Why is it that the Government in the light of that ignores the recommendations of its own report and effectively is embarking upon the changing of the law in order to allow Spanish fishermen to fish?

815 **Hon. Chief Minister:** Mr Speaker, it appears from his second answer that he asked a question that he knew was related to something that was in the public domain. A report that he had read and he had made up his mind about the answer to the question that he was asking. I thought the rules were very clear. We should not be asking questions about things that are in the public domain and the Hon. the Leader of the Opposition knew that he was.

820 Well, he is making all sorts of assumptions. He has made an assumption as to what the law I have told him is to be published is going to do and how it is going to do it, and he has decided that he knows what it is that that is going to be. Mr Speaker, I must say I am delighted to continue to have this debate with him because this is what this has become. This is a question about the manner of application for licences by members of Cofradias in Spain and we are now at 'What does the report say? Why are you doing it?' etc.
825 Delighted to have the debate. He can put the motion or he can wait and see what the legislation says.

Hon. D A Feetham: But I have to say that he is still not answering –

830 **Mr Speaker:** I am going to allow the Leader of the Opposition another supplementary, but we have now been dealing with this particular question for well over 20 minutes, which, important as it is, I think it is enough because there are other important questions on the Agenda. I will allow him the most important supplementary question that he feels he should ask and give the opportunity to do so now.

835 **Hon. D A Feetham:** Mr Speaker, he now appears to be suggesting in his answers... I mean he is shifting from one side to the other and he now appears to be suggesting or he has indicated to members of the public and I do not know how he is going to get out of it when the legislation is finally published, but we have all understood, even reporters that sit in this Parliament today, that the Government's intention is to allow Spanish fishermen to fish in British Gibraltar Territorial Waters with nets.

840 Is it, or is it not the Government's intention to allow Spanish fishermen to fish in British Gibraltar Territorial Waters with nets – a step backwards from the question that I asked in the Order Paper – because he seems to be placing that in doubt?

845 **Hon. Chief Minister:** Mr Speaker, the only shifty thing about this afternoon are the questions from the Hon. the Leader of the Opposition. One must be left with the impression that he has a dodgy recollection about everything. The Government has made the statements that it has made in this House and publicly on this issue. He is now asking me to repeat them. I am not going to do so. They are already in the public domain. What we have said we have said, and what we will say, we will say.

Q106/2014

Private companies with links to Government – Directorship details

850 **Mr Speaker:** Next question.

Acting Clerk: Question 106, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, the question contains a typographical error. I will read it without the error.

855 Can the Chief Minister name each public servant who is a director of a private company not owned, directly or indirectly, by the Government, but which either has a registered address at a Government office or the benefit of a contract from Government?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, there are none.

Q107/2014

**Government-owned companies –
Directorship details**

Acting Clerk: Question 107, the Hon. D A Feetham.

865 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state which individuals are presently directors of companies owned directly or indirectly by Government, providing the names of the companies concerned, the names of the individuals, whether they are civil servants or GDC employees, and if annual remuneration is provided for such directorships, the amounts?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I hand the hon. Member a full list of the directors of the Government-owned companies. No remuneration is provided for such directorships.

875 **Mr Speaker:** The schedule is four pages long. Could I suggest to the Leader of the Opposition we proceed with the next question and then I will allow him to come back again if he feels a need to ask any supplementary arising from Question 107?

Hon. D A Feetham: Yes, Mr Speaker.

Answer to Question 107

Company name	Directors
Gibraltar Investment (Holdings) Limited	D D Tirathdas E Gomez F C Carreras
Brympton Co-Ownership Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Commercial Property Company Limited	D D Tirathdas E Gomez J Collado F C Carreras
Gibraltar Community Projects Limited	M Pecino E Gomez W Crisp F C Carreras D D Tirathdas
Gibraltar Co-Ownership Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Industrial Cleaners Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Information Bureau Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Joinery & Building Services Limited	M Estella W Crisp E Gomez F C Carreras D D Tirathdas
Gibraltar Land (Holdings) Limited	D D Tirathdas E Gomez F C Carreras J Collado
Gibraltar Residential Properties Limited	D D Tirathdas E Gomez F C Carreras J Collado
Gibraltar Bus Company Limited	D D Tirathdas E Gomez F C Carreras D Garcia

KIJY Parkings Limited	E Gomez W Crisp F C Carreras D D Tirathdas
Westside Two Co-Ownership Company Limited	D D Tirathdas E Gomez F C Carreras
Europa Incinerator Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Defence Estates and General Services Limited	C Victory D D Tirathdas F C Carreras E Gomez
Gibraltar Mechanical & Electrical Services Limited	D D Tirathdas F C Carreras M Alecio E Gomez
Kings Bastion Leisure Centre Company Limited	D D Tirathdas J Hernandez F C Carreras E Gomez
Gibraltar Strand Property Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Car Parks Limited	D D Tirathdas E Gomez F C Carreras
Giblaundry Company Limited	D D Tirathdas F C Carreras E Gomez
Gibraltar Cleansing Services Limited	M Pecino W Crisp D D Tirathdas F C Carreras E Gomez
Gibraltar General Support Services Limited	M Pecino E Gomez W Crisp F C Carreras D D Tirathdas
Gibraltar Air Terminal Limited	D D Tirathdas E Gomez F C Carreras

GCP Investments Limited	D D Tirathdas E Gomez F C Carreras
Waterport Terraces Management Limited	D D Tirathdas E Gomez F C Carreras J Collado
Cumberland Terraces Management Limited	D D Tirathdas E Gomez F C Carreras J Collado
Bayview Terraces Management Limited	D D Tirathdas E Gomez F C Carreras J Collado
Nelsons View Management Limited	D D Tirathdas E Gomez F C Carreras J Collado
Gibraltar Strand Management Company Limited	D D Tirathdas P Canessa F C Carreras E Gomez
Gibraltar Facilities Management Limited	D D Tirathdas E Gomez F C Carreras
GRP Management Company Limited	J Collado D D Tirathdas F C Carreras E Gomez
Gibraltar Residential Properties Aerial Farm Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Residential Properties Bishop Fitzgerald Limited	D D Tirathdas E Gomez F C Carreras
Strand Finance Company Limited	D D Tirathdas E Gomez A A Poggio
Gibraltar Manchester Property Company Ltd	D D Tirathdas E Gomez F C Carreras
Gibraltar Commercial Asset Rentals Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Residential Properties Coach Park Limited	D D Tirathdas E Gomez F C Carreras

Royal Gibraltar Post Office Limited	D D Tirathdas E Gomez F C Carreras
Economic Development & Employment Company Limited	D D Tirathdas E Gomez F C Carreras
Supported Employment Company Limited	D D Tirathdas E Gomez F C Carreras
Graduate Research and Development Company Limited	D D Tirathdas E Gomez F C Carreras
Employment Training Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar General Construction Company Limited	D D Tirathdas E Gomez F C Carreras
Construction Training Company Limited	D D Tirathdas E Gomez F C Carreras
Credit Finance Company Limited	D D Tirathdas C Victory F C Carreras E Gomez
Gibraltar International Bank Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar National Exploration of Minerals, Gas and Oil Compa	D D Tirathdas E Gomez F C Carreras
Gibraltar National Mint Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar Home Loans Company Limited	D D Tirathdas E Gomez F C Carreras
Gibraltar International Mint Limited	D D Tirathdas E Gomez F C Carreras

Q108/2014
Government-owned companies –
Written rules for directors

880 **Acting Clerk:** Question 108, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether there are any written rules for managing potential conflicts of interest of anyone appointed a director of a company owned, either directly or indirectly, by the Government?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the rules that regulate potential conflicts of interest of directors are set out in law.

890 **Hon. D A Feetham:** Yes, I understand that the rules in relation to directors. There are legal rules in relation to conflict of interest for directors, but are there any specific rules that may relate to civil servants appointed as directors of Government-owned companies? Is there anything, any rules that the Chief Secretary or the Civil Service may have in relation to those conflicts of interest?

895 **Hon. Chief Minister:** Mr Speaker, if he is asking me if there is anything which describes the rules for civil servants or is there anything that is provided as a *guidance* for civil servants as to what the rules in law are, I understand that there is not such a handout and there has not been for the past 20 years.

900 **Acting Clerk:** Question 109 –

Mr Speaker: Just a moment.
Does the Hon. Leader of the Opposition have any questions arising from the schedule?

905 **Hon. D A Feetham:** I have not seen it.
You can continue now because Mr Bossino and I will look at it later.

Mr Speaker: Okay, right.
Carry on.

Q109-120/2014
Gibraltar Savings Bank and Credit Finance Company Limited –
Investment, loans and employees

910 **Acting Clerk:** Question 109, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 844/2013, can the Chief Minister now confirm whether the developers of the Marriott project or any other entity or person connected with the project has received, or will in the future receive, financial or any other form of assistance from the Government, the Gibraltar Savings Bank or Credit Finance Company Limited?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question Nos. 110 to 120.

920 **Acting Clerk:** Question 110, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister advise whether the developers of the recently announced project to expand and refurbish the Caleta Hotel or any other entity or person connected to the project to include the owner of the hotel has received or will in the future receive, financial or any other form of assistance from the Government, the Gibraltar Savings Bank or Credit Finance Company Limited?

925 **Acting Clerk:** Question 111, the Hon. D J Bossino.

930 **Hon. D J Bossino:** Can the Chief Minister advise whether La Línea's Ayuntamiento or any entity connected to it has received financial or any other form of assistance from the Government, the Gibraltar Savings Bank or Credit Finance Company Limited or on the authority from any of these entities?

Acting Clerk: Question 112, the Hon. D A Feetham.

935 **Hon. D A Feetham:** Can the Chief Minister please list all the employees of Credit Finance Company Limited?

Acting Clerk: Question 113, the Hon. D A Feetham.

940 **Hon. D A Feetham:** Does Credit Finance Company Limited, or the Government on its behalf, hold directors' and officers' insurance to cover its directors for any potential causes of action against them in their capacity as directors?

Acting Clerk: Question 114, the Hon. D A Feetham.

945 **Hon. D A Feetham:** Can the Chief Minister state whether in relation to Credit Finance Company Limited there are minutes of board meetings appropriately minuted showing, for example, why decisions were taken and whether they received unanimous support of all the directors?

950 **Acting Clerk:** Question 115, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state, what is the rate of return on the money invested by the Gibraltar Savings Bank in Credit Finance Company Limited and when that money has to be repaid?

955 **Acting Clerk:** Question 116, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state how much money the Gibraltar Savings Bank has invested in Credit Finance Company Limited together with a breakdown of how much of that sum derives from the proceeds of the Gibraltar Savings Bank debentures?

960 **Acting Clerk:** Question 117, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please state how much has the Government either directly or indirectly invested in Credit Finance Company Limited and where that money has come from?

965 **Acting Clerk:** Question 118, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details as of 13th January 2014 of all sums paid by Credit Finance Company Limited to individuals and entities in order to allow them to pay off their debts to the Government in respect of Government arrears, broken down by (a) the amounts of each loan indicating in each case whether these loans were provided to individual, company or partnership (b) the dates such loans were provided and (c) the type of Government arrears each loan was used to pay for?

970 **Acting Clerk:** Question 119, the Hon. D A Feetham.

975 **Hon. D A Feetham:** Can the Chief Minister please state, as at 13th January 2014, how much has been paid by Credit Finance Company Limited in respect of commuted pensions of civil servants?

980 **Acting Clerk:** Question 120, the Hon. D A Feetham.

Hon. D A Feetham: Other than Government arrears and the commuted pensions to civil servants, can the Chief Minister please state, or please provide up-to-date details of all payments made by Credit Finance Company Limited, in respect of loans or any other kind of financial assistance, broken down by (a) the amount of each payment made, and in each case whether the payment was made to an individual, company or partnership (b) the date of each such payment and (c) their purpose?

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

990 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Government welcomes the fact that the developers of the proposed Caleta Hotel expansion and the proposed Marriott Hotel development are looking to invest in Gibraltar. At this stage the Government is in discussion with both parties as to the terms of what Government support can be provided in respect of each of these projects.

No financial or other assistance has been provided to the La Línea Ayuntamiento.

995 Other than the directors, Credit Finance Company Limited has no employees.

There is no directors' and officers' insurance in respect of Credit Finance Company Limited.

As with all companies in respect of Credit Finance Company Limited, board resolutions and other minutes of board meetings are prepared as and when required and signed by the Chairperson of the board.

1000 Investments in Credit Finance Company Limited by the Gibraltar Savings Bank Fund attract an average return of 5.58% per annum. The maturity dates of redeemable preference shares are matched against corresponding maturity dates of deposits in the bank.

1005 Of the figure of £344 million previously provided in answer to Question 663 of October 2013, there is no distinction made in respect of debentures, save that the redemption rates of the redeemable preference shares broadly match the maturity profile of the deposits in the Gibraltar Savings Bank – whether in respect of debentures or other investment accounts, or with any distinction as to the identity of the depositor or whether it is Government or not.

The Government itself has invested directly £10 million in the Ordinary Share Capital of Credit Finance Company Limited.

1010 The details requested in Question 118 remain the same amount as was paid by individuals, companies or partnerships to Government and which Government provided in answer to Question 758/2013 by letter of 23rd November 2013.

The value of the commutations obtained by Government pensioners from Credit Finance Company Limited, as at 13th January 2014, is £19,890,863.

The total amount of the loan book of Credit Finance Company Limited is £45,431,016.

1015 **Hon. D A Feetham:** Could the hon. Gentleman repeat the last figure?

Hon. Chief Minister: £45,431,016.

1020 **Hon. D J Bossino:** Mr Speaker, in relation to my Questions 109 and 110, the Hon. the Chief Minister refers to the Government considering – and I am obviously paraphrasing... I took a quick note – the support that it can provide to the entities presumably that I have cited in the questions. Does that assistance include financial assistance as a possibility and, if it does, is it possible that it can come from the entities I have cited in the questions, i.e. the Government, the Gibraltar Savings Bank or Credit Finance Company Limited?

1025 **Hon. Chief Minister:** Mr Speaker, there are a number of different hotel projects and a number of hotels in Gibraltar undergoing, themselves, refurbishment. He will know from, if I can call it his involvement in the industry through family rather than his role in Government, because he was not a part of the previous Administration, but all hotels are constantly talking to the Government about assistance.

1030 There was something called the 'Hotel Assistance Scheme' which was introduced – I do not know whether it was during the tail end of the first GSLP Administration or the early part of the GSD Administration – and all of those things are being discussed, not just with these two hotels, but with others. But we are talking about assistance that would come from the Government and that is why I have answered in respect of the Government.

1035 **Hon. D J Bossino:** Mr Speaker, as he well knows... for example, in relation to Question 110, the subject matter of which is the Caleta Hotel Project, figures have been referred to in the local press. I think if he adds the total it is about £45 million, which is a considerable investment, and the applications in relation to that for planning permission etc are proceeding in earnest.

1040 I just wondered whether there was any indication that the Hon. the Chief Minister could give that the Government has decided to provide assistance in relation to that particular... make any contribution towards the financing of that particular project. I would ask the same in relation to the Marriott, but I am not too sure whether a figure has been given in relation to the Marriott Hotel.

1045 But I would say, if he just permits me, that he will recall in the exchange that we had at the last sitting, that he did think that there may have been... I think the question specifically that I posed related to the owners of the Marriott, but then he said it could be possible that the developers of the Marriott may have sought assistance from the Government and he was going to provide me with this information. So that is why I posed Question 109.

1050 **Hon. Chief Minister:** Mr Speaker, the publication of plans by the Caleta Hotel as to what they are going to apply for or not apply for, when they are going to apply for and what the cost may be is really not something that has been discussed with the Government and the Government saw that in the newspapers as other people saw it. It is a third party private project, which has been properly presented to the Planning Commission; but there are discussions, as I am telling him, constantly with all the hotels.

1055 I am aware that the developers of the Marriott site want to talk to the Government about the Government assisting them in the context of their development of the whole site, not just the hotel site, but that assistance he should not think is funding the project. That is not what we are talking about. There are a lot of things that Governments do, as he will know. A lot of infrastructure that the Government is responsible. A lot of concessions that Governments can give. Some of them obviously have a financial implication. One of the things that he will know from his practice is that one of the things that people ask Government for is import duty waivers and this is a common thing, and development aid or whatever the equivalent may be. All of these things are financial assistance in many ways.

1060 Is the Government going to bankroll the projects? Those issues are not being considered. The Government is not going to bankroll these projects.

1065 **Hon. D J Bossino:** Mr Speaker, just by way of clarification, if he may, when he says that the Government, given the fact of the manner that I have drafted the questions in the Order Paper, can he confirm that that includes the other two entities that I have mentioned? In other words, the Gibraltar Savings Bank and Credit Finance Company Limited, given the structure of the funding that – *(Interjection)*

1070 Exactly – other projects have been at the receiving end of.

Hon. Chief Minister: Mr Speaker, the answer I am giving is for the Government, because I can tell him that the Government has neither and the Government will not and I can be very clear about that.

1075 Is Credit Finance financing these projects? Is that what he is asking me? *(Interjection)* Well, Mr Speaker, he has just asked a supplementary. I do not know whether the Leader of the Opposition feels that he needs to supplement what the Hon. Mr Bossino has said, but I have heard Mr Bossino very clearly and I am going to answer him and I hope as clearly as the question that he has put. His questions always have the benefit of being clear, so I am happy to be clear in my answer.

1080 Will Credit Finance do something in the future with these entities? As I understand it, there is no agreement between Credit Finance and any of these entities. Might there be in the future? I am not going to say that there might not be. I am not going to rule out that Credit Finance may or may not do any of these things in the future, but as I understand it there is no negotiation ongoing that is suggesting that there is going to be a lending.

1085 **Hon. D J Bossino:** Or indeed that there has been?

Hon. Chief Minister: Or indeed that there has been.

1090 The hon. Gentleman is clear. I will be clear. There has been no lending, as far as I am... there has been no lending.

Hon. D A Feetham: Yes, Mr Speaker.

1095 Mr Speaker, in relation Question 120, which is the last question in the Order Paper, he answered by reference to a total amount, but the question asked this: other than Government arrears and the commuted pensions of civil servants, which we know are two areas the Government is funding via Credit Finance, can the Chief Minister please provide up-to-date details of all payments made by Credit Finance in respect of loans or other kinds of financial assistance broken down by amounts, the date of payment and their purpose? He has not answered that question. Is there any particular reason why he has not answered that question?

1100 **Hon. Chief Minister:** Mr Speaker, I have answered by giving him the total amount of the loan book and I am not going to have the same debate that we have been having for the past three months – that is what I am going to give him. I know all the reasons why he wants more and he knows all the reasons why I am not going to give him more, but I have given him the up-to-date figure so that he has it.

1105 **Hon. D A Feetham:** Mr Speaker, with respect the difference between us, as he described it in Parliament... I think it was two months ago, and indeed he has repeated in the press recently and over those two months, is that all that he has refused to disclose to me is the identity of those receiving loans. But this question does not ask for the identity of those receiving loans, it says amounts, dates of payments and their purpose. In other words, you could have commuted pensions, you could have Government arrears, you

1110 could have a project to help repair an estate etc, etc, etc. That is what this question asks. Is there a reason
why the Government does not want to provide that information?

1115 **Hon. Chief Minister:** Mr Speaker, the difference between him and me is that I stick by what I say and
he is shifty about the ground that he is on. He has asked us about the commuted pensions, something he
knows we are doing out of Credit Finance. We have given him the figure up to date. He knows exactly what
it is.

1120 He has asked us about how much Government arrears have been paid using this mechanism. Mr
Speaker, we have told him because, as Government, we receive those amounts and we have that
information and we give it to him, as Government, because we are the ones being paid the arrears. So he
has got it. He has got the commutation figure. He has got the Government arrears.

1125 What else does Credit Finance do? Is it making other payments? No information provided, because
there are no other payments. That is why I am telling him that the amount that is relevant to that part of his
question is the amount loaned and given him the total amount of the loan book so he knows how much has
been paid in respect of commutations, how much the Government has received in respect of arrears and he
knows how much has been loaned. That is the money that has been used.

It is very clear, Mr Speaker, and I have told him before during the course of these debates, if I may say
so, with respect, that we are not going to give him more information in relation to the loans. I am not going
to give him a breakdown of the amount of loans. I am not going to give him the dates of the loans. I am not
going to give him the identity of the loans. I am going to give him the general amount.

1130 The hon. Gentleman likes to compare, rightly, as we all do, the fact that we are shareholders in Gibraltar
plc and this is a company owned by Gibraltar plc ultimately because it is owned by the Government. Well,
look, if we were all shareholders in Barclays Bank, Barclays would tell us how much it has loaned, not to
who and not when and not in what amounts. We would just get a global figure. That is the loan book. That
is the figure I have given him.

1135 **Hon. D A Feetham:** Yes, I am reminded that actually Barclays Bank does not use public funds. I mean
this is at the end of the day savers' money, or taxpayers' money because the Hon. the Minister for
Employment (*Interjections*) said it was taxpayers' money; indeed, all of it guaranteed by the Government of
Gibraltar. But you see I am not asking him for the identity and the answer that he has given me cannot
possibly be accurate because what he is saying to me now is the only two areas where Credit Finance has
actually provided any type of loan or financial assistance is in respect of Government arrears and commuted
pensions and I am giving you the global figure. That is what he has said.

1140 But we know from last time round that actually Credit Finance Company Limited has also lent money –
and we know because the chairman of the estate in question actually made it public on Facebook – to a
housing estate to allow for the renewal of the housing estate. (*Interjection*) He does not make himself
responsible. He is responsible for the answer that he gives. It cannot possibly be accurate the answer that he
is giving me.

1145 Can I please ask him again: apart from arrears and commuted pensions, what else? If the answer is
commuted pensions, Government arrears and assistance to certain housing estates, well fine, that is the
answer, but that is not the answer that he has given me today.

Hon. Chief Minister: Mr Speaker I am afraid he – (*Interjection*)

1155 **Hon. D A Feetham:** Well, of course –

Hon. Chief Minister: Mr Speaker, I am afraid he is wrong. (*Interjection*) Mr Speaker I am afraid he is
wrong and he just does not realise that he is wrong and I am going to have to explain it to him.

1160 Mr Speaker; first of all he is absolutely right, I should not have said Barclays. Barclays did not take the
King's shilling. I should have said NatWest or RBS. I should have said Lloyds Bank. I should have said one
of the others, right? But, in any event, shareholders in any of the entities do not get to see through to the
identity of borrowers, they just get told what the loan book is, and that is what I am giving him today, Mr
Speaker. I am giving him the balance sheet. I am telling him what the loan book is.

1165 What he does not realise, Mr Speaker, but I think it is important that he should –he might stop making
such a fool of himself when he makes public statements about Credit Finance if he listens – is that the only
thing that Credit Finance has paid are the commutations that I have told him about. As Government I have
told him the arrears, because we have received them as Government, and it has made loans.

1170 Now, he says he has read on Facebook. Mr Speaker, he keeps coming back to Facebook for fishing and
for loans and all the rest of it. He should spend less time on Facebook and more time on *Hansard* and
Erskine May and we might not get into the trouble that we get into in this House. He said he read on
Facebook that some housing estate has got some assistance... one thing and the other.

Mr Speaker, I am telling him – and he needs to research his facts more carefully – that Credit Finance Company Limited has only entered into three types of expenditure. The types I have told him: the payment of the commutations, the loans and the arrears agreement loans that he knows we have received as Government. So the funding of those arrears, which is part of the loan book, those are the types of expenditure that Credit Finance has incurred. That is it. That is it. He needs to do a bit more research if he thinks that there is something wrong here because I have given him scrupulously all the information that he wants.

But he wants to do something different, Mr Speaker, and again the facts do not matter to him. He wants to go out and he wants to say that Government is using Credit Finance like a credit card, and this is what he says in one of his many interventions where he confuses the facts and his fantasies. Mr Speaker, he wants to say, and they constantly now ask us about other projects, ‘Have you funded this with Credit Finance? Have you funded that with Credit Finance?’ When they asked us the whole list, I think they went through the manifesto, ‘Have you or will you or might you finance this with Credit Finance?’, we said no to all of it. We said no to all of it.

Therefore, Mr Speaker, the Government is not using Credit Finance as a credit card for its projects. The Government is not doing any of the things that they want to pretend Credit Finance is doing in order to *scare* the electorate, in order to *scare* depositors in the Savings Bank. Credit Finance is doing the things I have told him it is doing, in the amounts I have told him it is doing – full stop. Less Facebook; more facts. *(Laughter)*

Hon. D A Feetham: Mr Speaker, the only person who is looking foolish increasingly is the hon. Gentleman in his answers to my questions. He has answered my question by saying that the only two areas which have received assistance from Credit Finance are in relation to Government arrears and commuted pensions. Now, because I reminded him about the fact that assistance has also been provided to certain housing estates, and indeed, quite unparliamentary I admit, I also commented over his voice, for which I apologise, that of course we know that a loan has been provided to the Sunborn as well.

He then says, ‘Ah, but it is Government arrears, commuted pensions and loans’. Of course it is loans. Of course it is loans. I mean a schoolboy doing law at 16 years will be able to tell you it is loans. I am not interested in whether it is loans. I am interested in what is the purpose of the loans. In other words, I mean in headings he does not even have to be very specific about it. In headings, housing estates, tourism for the Sunborn, commuted pensions and Government arrears, he still refuses to answer and no amount of shifting and turning and making statements that are personalised, and saying, ‘We have answered it. You are wrong and you do not know what you are talking about’, is going to change the fact that the hon. Gentleman simply refuses to answer what are very simple questions in relation to this. All it does is just simply heightens my concern and the concern of the community in relation to the way that the Government is handling it **(Two Members: Hear, hear.)**

Hon. Chief Minister: No shifting, Mr Speaker. No turning, just hard facts. Hard facts that make it impossible for the hon. Gentleman to spin the yarns that he wants to spin in order to scare members of the public, and that is the problem that he has. He embarked on this crusade in respect of Credit Finance as the thing that would win him the election and he has found actually it has been very prudently dealt with and he cannot even scare himself.

He is asking for purpose of loans. He is asking for identity of loans in other meetings. He is asking for dates. He is asking for amounts. He is getting told none of that detail. He is getting told the total amount of the loan book. The total amount of the loan book, whether it is Sunborn, whether its housing estates, whatever it may be, he is getting the total amount of the loan book... payment of Government arrears etc.

He got a letter, Mr Speaker, from the Government explaining to him how much had been received in respect of arrears, in respect of loans paid by the Sunborn. He knows from his beloved Facebook, Mr Speaker, how much a particular housing estate has said it has received. Mr Speaker, the borrower can do what he likes, and I explained this to him *ad nauseam*.

Somebody can walk into NatWest Bank and borrow £100. The individual can go out on the street and if perhaps he had the basic understanding that he attributes to a genius 16-year-old studying law because he might have gone off to study law long before he had finished his A-levels, if he had that basic understanding *(Interjection and laughter)* he would know that the borrower can step out of the bank and say, ‘I have been lent £100’, but the bank can neither confirm nor deny that as the lender.

So he has been told the full facts by the Government as to the loan book of Credit Finance Company Limited. It has paid the commutations. It has got a loan book. Part of the loan book is to repay Government arrears. Other borrowers in respect of that loan book have said that they have borrowed from Credit Finance. Credit Finance will not give the detail. It will not give the detail as to names. It will not give the detail as to purpose. It will not give the detail as to amounts or as to dates. We think that is perfectly proper, but we want the public to know that they have got the full information as to the total amount loaned. That

1235 which they would like the public to think is not being given. Now they find themselves, Mr Speaker, in the difficult situation that having asked the Government about every single manifesto project, whether it would be funded by Credit Finance or not, they have got the clear answer: no, it will not be. And yet, they do not hesitate to try and mislead the public by saying that Government is using Credit Finance like a credit card for its projects, having been told that that is not the case.

Mr Speaker, we could not have been clearer. No shifting. No dissembling, just facts. Hard facts and less Facebook.

1240 **Mr Speaker:** It seems to me that we are going round in circles in respect of supplementary questions to Question 120. The Hon. the Leader of the Opposition is asking three specific supplementaries really and he is getting the same answer from the Chief Minister. He is asking it again and he is getting the same answer. We are really are not making any progress. I do have to draw the attention of Members to that reality. I am prepared to allow him to ask the same supplementary again yet another time, but I think there has to be an end to the matter.

Hon. D A Feetham: Mr Speaker, no, of course.

But, Mr Speaker, I do not agree with the analysis in this sense. I do not agree that he has given me the same answer. He has actually given me three different answers.

1250 He began by saying to me that the reason why he had only provided me with the totality of the loan book was because it only related to Government arrears and commuted pensions. He then gave me another answer, saying, 'and loans', because of course we said, 'Well, what about the Sunborn and the Estates?', and it is only now that he says, 'No, no, no, no it is just that as a matter of policy. We actually are not going to be providing you with the answer to the question'. That is what is happening here.

1255 Now, of course, if he is not going to provide me with the answer to the question, that is fine. But it is not that he has answered the question in exactly the same way, he has answered it differently and that is why he is shifting.

1260 **Hon. Chief Minister:** Mr Speaker, with respect, I think that is the Leader of the Opposition having another argument with you and not with me. So I will leave it at that.

Mr Speaker: Do the hon. Members of the Opposition have any supplementaries arising from Questions 109 to 119?

1265 **Hon. D A Feetham:** Yes, Mr Speaker.

In relation to Question 115, which is the rate of return on the money invested by the Gibraltar Savings Bank in Credit Finance Company Limited, the answer that the Hon. the Chief Minister gave me was 5.5% and that it has to be repaid when the underlying investments mature – that is how I understood it. Do I take it from that that what he is saying is that it has to be repaid when the Gibraltar Savings Bank debentures mature and that is when the preference shares will then have to be repaid... the money from Credit Finance Company Limited to the Gibraltar Savings Bank?

1275 **Hon. Chief Minister:** Mr Speaker, the portfolio is not just made up of Gibraltar Savings Bank debentures... they are not just one type, but they are matched against the different types of deposits and that is when they have to be repaid.

Hon. D A Feetham: Yes, I understand that there are different, for example, types of debentures. One debenture may in fact mature in four years' time, some others may mature in two years' time others may mature in five years' time. I understand that.

1280 What I am asking is, is there matching in relation to those debentures? It cannot be, for example, in relation to money that is on accounts on short-term call because there would not be much point, for example, for the payment of wages. There would not be much point in matching in relation to that when the money is needed every single month. That is what I am asking. Is it in relation to debentures, albeit that they mature at different points in time?

1285 **Hon. Chief Minister:** Mr Speaker, that is exactly what I have said. Let us just say that we call them long-term deposits, rather than just debentures.

1290 **Hon. D A Feetham:** I am grateful for that answer, but a couple of months ago we were asking questions, and in answers... the Hon. the Minister for Employment in that instance was answering. He was saying that the money that was invested in Credit Finance Company Limited – the questions were being asked by the hon. the backbencher – was taxpayers' money. Does he now accept that in the light of the

answer that he has given me today that the answer that the Hon. the Minister for Employment gave was not true... was not accurate? I am not saying it was not true, but was not accurate?

1295

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, what is not accurate is what he has quoted because that is not what I said. In fact what I said to him was that it so happens, since they then attach great importance to whether the money that had been invested in shares of Credit Finance was money that had been deposited by the individual savers or deposited by the Government, that it so happens that in terms of the amount of money, there was enough money deposited by the Government to be almost the equivalent of what was there.

1300

But since then they have made an equal criticism, irrespective of whether the money is taxpayers' money, i.e. the Government's money, or individual savers' money. So it seems to me that it is no longer a relevant consideration in their judgment of what is evil or good because they think it is equally evil whether the money comes from the taxpayer and goes into Credit Finance or it comes from savers and going into Credit Finance.

1305

What is clear is that if it were the case that the savers that have got money in short-term deposits with the Savings Bank, which go up to five years, had to be paid immediately, the Government's own deposit is more than sufficient to cover any liability from Credit Finance, so there is no risk.

1310

Hon. D A Feetham: I understand all that.

Hon. J J Bossano: That is good.

1315

Hon. D A Feetham: I understand all that. *(Interjection)* No, no. I understand you better than you think – *(Interjection and laughter)* I understand you better than you think. *(Laughter)* Better than you think.

You see, Mr Speaker, last time round, the hon. the backbencher was asking, "Does he accept that this is savers' money?" and the answer *(Interjection and laughter)* was that it was taxpayers' money, not savers' money. So I am glad now. Can the Government confirm that what we are talking about that was invested in Credit Finance Company Limited was savers' money?

1320

Hon. J J Bossano: Clearly he does not understand me enough. *(Laughter)*

Mr Speaker, the Savings Bank, as he will find out in answer to the Question that is addressed to me, has got more money than just savers' money and more money than just taxpayers' money. The share of the total amount that is invested in redeemable preference shares is not identified by the source of the depositor.

1325

What I pointed out to the hon. Members the last time was that if their concern was that the money that was invested should not be money that did not proceed from the Government, then in fact it so happened, although I said there is no correlation, in the sense that I am telling you only the money from the Government will be used and I pointed that out on several occasions in that exchange. I am just saying that it so happens that the two figures are very close.

1330

Indeed, the hon. backbencher, who seems to be playing a big part in our proceedings, notwithstanding that he is on the backbench, asked me whether it included something like the Note Security Fund. I actually pointed out to him that it did not include the Note Security Fund, but I was not saying that the pot of money that the Government has put in the bank is the pot of money that the bank has used to buy shares. What I was saying was the amount of monies happened to be of the same volume and that therefore if it was the case that the Government had at this point in time had to repay all the savers, the money that is invested, not in Credit Finance, is enough to compensate all the savers, given that they seem to think that it was very important that the savers should be protected from investing in Credit Finance.

1335

Since then their public statements now mention the two categories without distinction. So the two categories are without distinction in their mind, then it does not make any difference whether it is one or the other, then they should not be concerned anymore about whether at any point in time the amount of money that the Government has in the Savings Bank is enough to cover it, because as far as they are concerned none of it should be going into Credit Finance.

1340

Mr Speaker: May I say that I am really being very liberal and if I read out one of the Rules of the House, hon. Members will see why.

Rules governing the right to ask questions, Rule 17(v) says:

'(v) a question shall not refer to any debate that has occurred or answer that has been given within the preceding six months;'

1345

For the last ten minutes, the Hon. Mr Bossano has been brought into the fray in respect of answers that he gave within the last month or two.

1350 I am being very liberal. I have allowed it, conscious as I am of the fact that it should not be done. But I really must ask hon. Members to try to stick to the Rules and not to carry on *ad infinitum* because then I would really have to stop the matter.

Hon. D A Feetham: Yes, Mr Speaker.

1355 In relation to the 5.5% and the maturity dates for the payments, I understand what the hon. Gentleman is saying, that effectively the Gibraltar Savings Bank had enough money to have invested £344 million out of taxpayers' money. I understand that, but of course the point is you cannot use that money to really realistically invest in Credit Finance because that is money that is on short-term call and if you are going to match investment to maturity date, then effectively what you are doing is you are using the money that the bank can retain for three, four or five years, that has been invested in the bank by way of debentures.

1360 I understand all that, but am I right in saying that therefore the money from Credit Finance Company Limited has to be repaid back to, via the redemption of these preference shares, to the Gibraltar Savings Bank at the latest within five years, because I think that is the longest term in any of the debentures from the money in the Gibraltar Savings Bank...? It is the latest in five years' time. Some of it may have to be repaid earlier in three years and some of it after four years.

Hon. J J Bossano: The amount in the Savings Bank is more than the amount in the Credit Finance redeemable shares – he knows that –so therefore it is not the case that the quantities are the same. The portfolio is done in a way that, for example, if 10% of the money that is on deposit is five-year money, that 10% of them are redeemable shares, but the 10% of the redeemable shares are less than the 10% of the deposits.

1370 So what has been done in the structure of the redeemable shares is that there is a parallel distribution of maturities, but not in equal quantities. For example, it also means that as the passage of time brings us clearer to the maturity of the deposit, then equally the passage of time will bring us closer to the maturity of the redeemable shares in the same proportion, but it is in terms of percentages and not in terms of volume of money.

Hon. D A Feetham: Yes, I understand that, too. Effectively what we are talking about is, say, 80% of the amount that represented the debentures for any particular category, but that is not what I am asking. What I am asking is, as a long stop, bearing in mind that maturities have to be matched with the debentures in the Gibraltar Savings Bank, some of which mature after three years, some of which mature after four years, some of which mature after five years... I do not know. I am not a manager in the Gibraltar Savings Bank so I do not know what the longest maturity date is. The longest maturity date, in other words, when the longest amount of time that Credit Finance has to repay some of this money, not all of it, some of this money, is it five years? How long is it?

Hon. J J Bossano: Well, if 80% of the money in the Savings Bank is five years, then 80% of the redeemable shares will be five years. (*Interjection*) Well, that is the position, but of course there is also 10-year money. He will know that.

Mr Speaker: We are now returning to Questions 70 to 72, where the composite answer was given by the Hon. the Minister for Financial Services and Gaming and I am giving an opportunity to Members of the Opposition, in case they were unable to ask any supplementary that they had in mind yesterday before lunch. I am giving them an opportunity to do that.

1395 So we are at answers to Questions 70 to 75, and in reality Question 75.

**Q107/2014 continued
Government-owned companies –
Directorship details**

Hon. D A Feetham: Mr Speaker, in relation you may recall that there was a question with a very long schedule. May I ask just one supplementary in relation to that?

Mr Speaker: Yes.

1400

Hon. D A Feetham: In the schedule –

Mr Speaker: That was Question 107.

1405 **Hon. D A Feetham:** Question 107, that is right.

The third page of that schedule, three from the bottom, there is a company called Gibraltar Manchester Property Company Limited. What is that company? Is that a property holding company for a property in Manchester?

1410 **Mr Speaker:** It is the money which Manchester United is using to buy Mata. *(Laughter)*

Chief Minister (Hon. F R Picardo): Withdraw it immediately! *(Laughter)*

1415 **Hon. J J Bossano:** It is a property that was bought in Manchester to house a case of a sponsored patient where the term of the treatment would have meant that it made more sense to buy than to rent. It is just one property.

Hon. D A Feetham: Mr Speaker, if Credit Finance were to be used to buy Manchester United, I certainly would not object, I have to say, despite my objections about the use of the money.

1420 **Mr Speaker:** I would make one proviso. *(Laughter)* Some money would also have to be provided for Arsène Wenger to buy somebody before the end of the window. *(Banging on desks)*

1425 **Hon. Chief Minister:** Well, Mr Speaker, I would consider that a very risky investment indeed. If they were to buy at least somebody for Liverpool, that are clearly going to play Champions League, it would be much safer than for Manchester United this year.

FINANCIAL SERVICES AND GAMING

Q75/2014 continued Gibraltar International Bank – Plans for establishment and running

1430 **Mr Speaker:** Question 75 then. Any supplementary that Members were not able to ask yesterday before lunch? If not, we carry on with Question 76.

1435 **Hon. D A Feetham:** Mr Speaker, yes, I had a question in relation to the premises and as to why the Government... Is there a particular reason why the Government does not disclose at this stage the location of the premises? I was saying yesterday that I quite understand that there might be some commercial reasons. For example, if there was a private citizen who was housed in a Government property and there might be some negotiations going on or intended negotiations that the Government did not want to alert the fact that this was the property that was going to be used, so that it bumps up the price. I do not know.

1440 But is there a particular reason why the Government refuses to identify the location of this particular premises at which this bank is going to be housed?

1445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my position remains as the answer I had given him just before he asked that question, where I told him that the Government had competing claims on its property, not necessarily from third parties, even from within statals and parastatals and therefore the position of the Government was that we would make an announcement as to the property that has been chosen when we are ready to. He constantly wants me to give him answers to things that we are going to do and we are going to say, and he says if I do not give him the answers that I am being secretive and unaccountable.

1450 Mr Speaker, we are going to make a statement as to where the bank is going to be housed. We are going to make all sorts of statements about laws and things in the future. We are just going to make those statements when we are good and ready, for all sorts of reasons, and not when he wants us to.

1455 **Hon. D A Feetham:** Yes, but Mr Speaker, you see what he is effectively doing, it really is undermining the position of this House, the Government's accountability to it, and the ability of the Opposition to hold the Government to account. All he has really said to me, and it amounts to this, is 'No, no, we are not answering your question here in this House', where the Government is incumbent to provide information and to answer questions. 'No, no, we will make the announcement outside this House when it really is convenient to us', that is what he is really saying to me, and I do not think that that is a democratic way to behave in my respectful view.

1460

Now I will ask him a direct question: is it the Cool Blues premises at which this particular bank is going to be housed?

1465 **Hon. Chief Minister:** Mr Speaker, he does not understand what he is doing. He is pretending to the public that the Government is somehow failing in its duty of accountability to the Parliament simply because the Government is not ready to make a statement when he wants us to make it. This is very serious and very dangerous. People may actually at some stage listen to what he is saying and ask themselves the question, 'Can I ever trust this man again?' It is bad for democracy (*Interjection*) if the public cannot at least have some modicum of trust in the Leader of the Opposition. How can he say that we are undermining democracy?
1470

I am telling him that we are going to make an announcement when we are good and ready. I have not told him we are not going to make it here. It is likely we will not. It is likely that when we are good and ready we will make a statement about property, we will make a statement about directors and we will make all sorts of statements about the bank.

1475 Is he for one moment – and I told him this the other day and he does not realise – suggesting that we are going to open up the bank and not tell anybody where it is? Is he now believing that we are able to conjure the magic of Hogwarts so that people do not see where the train is and only Harry Potter can get on it? (*Laughter*)

1480 We are of course going to make a statement about where the bank is going to go when we have reached a final decision, part of which relates to ensuring that all stakeholders, not third parties, within Government have confirmed that there is no issue with using those premises. When we do that, he will not be left with an argument to say that the Government believes itself to be unaccountable. The statement is coming.

1485 The Opposition of course can ask the Government questions and the Government of course has to answer them, but we do not have to answer them in the way that the Opposition want and we do not have to answer giving information on the date that the Opposition wants and not when we are good and ready.

Q76/2014
Tax blacklists–
Position with France and Italy

Mr Speaker: Question 76.

Acting Clerk: Question 76, the Hon. D A Feetham.

1490 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state whether France and Italy have taken us off all tax blacklists and are Gibraltar companies therefore able to trade with entities and consumers in territories on a level playing field as with entities in other Member States?

1495 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the phrase 'all tax blacklists' is extremely wide; however, I assume that the question is referring to tax haven blacklists, as tax blacklists in the form, for example, of controlled foreign company legislation are the application of tax measures that are not on a list basis by named country, but rather by criteria that are applied to all countries.

1500 Hence, the position as regards to France is that Gibraltar does not appear on the French tax haven blacklist.

1505 As regards Italy, we expect to be removed from the Italian tax haven blacklist as soon as the Tax Information Exchange Agreement with Italy enters into force. We completed our procedures for entry into force immediately after the TIEA was signed in October of 2012. We have been pressing Italy to complete their procedures.

Notwithstanding the above, Mr Speaker, the Multilateral Convention enters into force for Gibraltar on 1st March of this year. At that point we will have a TIEA with Italy in force and we shall be pressing them to remove us from their tax haven blacklist.

1510 **Hon. D A Feetham:** Has there been any preliminary contact between Gibraltar? Has there been any contact between Gibraltar and Italy and any assurances from Italy as to removal of Gibraltar from the relevant blacklist once all the matters that the hon. Gentleman has outlined have been completed, or is it a question of completing that and then there will be effectively contact and you will be pursuing it with Italy after that?

1515 **Hon. A J Isola:** Mr Speaker, the position is that once the procedures for entry into force of the TIEA are completed the commitment is to remove us from the blacklist. We have completed ours. They have not completed theirs.

The point of the reference to the Multilateral Convention coming into effect on 1st March of this year is that at that time we will have a TIEA with them directly anyway by virtue of the Multilateral Convention.
1520 After that time, I would hope and expect that they would remove us from the blacklist.

We are seeking the support of HMT in respect of this and other blacklists which we are seeking removal from and we have a meeting with them in early February when we will be taking this up again.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, can I just add to that in respect of the TIEA with Italy, because I signed the TIEA with the Ambassador in London?
1525

I can confirm that I was informed by the Ambassador in London that upon all the procedures being completed and the TIEA coming into effect, Gibraltar would be removed from the blacklist.

Hon. Sir P R Caruana: Well, Mr Speaker, I think that that is a valuable confirmation, to which I hope the Government will hold them if needs be, but perhaps it will not be necessary to hold them and they will do it.
1530

If I could just ask the Hon. Minister with responsibility for Financial Services about the case of Portugal, which was very much live when I occupied his portfolio. Portugal did have us on a list, the consequences of which were considerable for Gibraltar companies. We had tried for many, many months, not to say a couple of years, and failed and we asked the British Government to assist, I wonder whether in that particular case they have managed to make any progress or not. I think Portugal were saying the right things, but then doing nothing.
1535

Hon. A J Isola: Mr Speaker, as the hon. Member has rightly said, the confirmation that we received from them at the time was that once the TIEA came into effect they would remove us from the blacklist and they have not. The situation is exactly the same for other Crown Dependencies, who are in a very similar position and are dealing with the Portuguese authorities to see when they will be removed from the blacklist.
1540

We are doing precisely the same and we are seeking the assistance of Her Majesty's Government in the United Kingdom, and that is on the Agenda for a meeting on 5th February, the same day on which I have a meeting with the Portuguese Ambassador in London to press him on precisely this point. So, yes, we are continuing to work in that direction.
1545

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q92/2014

GDC-

Grade 1 position vacancies

Mr Speaker: Question 92.

1550 **Acting Clerk:** Question 92, the Hon. D J Bossino:

Hon. D J Bossino: Can the Minister for Employment advise this House whether any vacancies have been opened for the Grade 1 position within the GDC and if so, how many of the successful applicants were FJS trainees?
1555

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, no such vacancies have been opened.
1560

Hon. D J Bossino: I am grateful for the reply and no bunching up of questions on this occasion, Mr Speaker, which obviously I welcome.

Just one supplementary in relation to that question, can he advise whether any FJS trainees have been employed without a vacancy being opened?
1565

1570 **Hon. J J Bossano:** Mr Speaker, the vacancies that are in the book are the 21 vacancies that are occupied and none of them have become vacant and been filled. If anybody was a trainee at some point in his life before getting a position in the Government it would only be because they applied in competition with other people, but if the hon. Member is saying, 'Has anybody has gone straight in from one to the other?', then the answer is no.

1575 **Hon. D J Bossino:** Mr Speaker, the hon. Member has interpreted my question correctly in the interpretation he has just given to me, and he has answered it. Thank you.

Q76/2014 continued
Tax blacklists–
Position with France and Italy

1580 **Hon. D A Feetham:** Mr Speaker, may I just return to the question about the blacklist? It is not to make any political point or anything like that, it is just that I understood the hon. Gentlemen to say that we were not on any kind of French list. I am being informed by telephone...by text, by people who are involved and know of these things, that in fact we are on a tax haven list in France that applies to withholding tax, viz Gibraltar companies. Just for the record, is that correct or is the previous answer the hon. Gentlemen gave to me correct?

1585 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the previous answer I gave to the hon. Member is entirely correct because I think what he is doing is confusing tax haven blacklist with application by the French Government of different rates of withholding tax to different countries depending on what arrangements they have reached with them. For example, if you do not have a Double Taxation Agreement the level of withholding tax is one. If you are on their tax haven blacklist, the level of
1590 withholding tax is a different one and – (*Interjection*) Well, the difficulty with that supplementary question is that what we are being told by companies dealing with France is that they seek legal advice as to what the position is and they follow it.

1595 We are not on any list with France, but the application of our tax system may give rise to different rates of withholding tax. In other words, if you do not have a DTA with them, your withholding tax is 50%. If you are on the tax haven blacklist, your withholding tax is 75% and if you are from a jurisdiction where their tax rates differ to a particular criteria with them, then withholding tax would be 33%. The question of whether it applies to Gibraltar or not is one of interpretation and legal advice and I think that is the best I can –

1600 **Hon. Sir P R Caruana:** Mr Speaker, this raises, if I may, a very interesting issue of, sort of, for want of a better phrase, indirect blacklists. In other words, if a country like France operates a system whereby if you have a Double Taxation Agreement the rate is a very high one of withholding tax, but if you do have one it is a very low one, and they will not entertain the possibility of a Double Taxation Agreement with you because they regard you as a tax haven, then in effect it is as if they had a tax haven list and you are on it
1605 and this is the practical manifestation of it.

Very often some countries do it outwardly and have lists, and those are the ones that we focus on because we are on a list. Other countries do not have a list. They do it a little bit more subtly and they just adopt administrative mechanisms that in effect treat you as if you were on a tax haven blacklist, but only because they will not deal with you in a certain other way because they regard you as a tax haven.

1610 This raises the much wider issue that the Finance Centre used to raise with me regularly, and I suspect they might have raised with him since he was appointed, about Double Taxation Agreements and whether the Government feels it worthwhile pursuing any. I would have thought that, particularly with a country like France that uses Double Taxation Agreements to the same sort of end as a list, it might be worth seeing if by the same virtue that they will not put us on their tax haven list, which is positive, they might also
1615 therefore be willing to enter into a Double Taxation Agreement and give us the practical benefit, which we do not presently enjoy of not being on their tax haven list, rather than the scatter gun approach of seeking Double Taxation Agreements with all and sundry. Better, if the Government is minded, to do DTAs at all, to limit them to those countries where they have a particular relevance, in terms of immediate reward, to particular sectors that are relevant to our Finance Centre.

1620 **Hon. A J Isola:** Mr Speaker, the hon. Member has raised a whole range of issues, which I do not quite agree take the consequence that he has referred to, but certainly during his time the drive and the push was to exchange Information Agreements, the TIEAs that he succeeded to ensure that we were removed from a

1625 large number of blacklists. Even with that, we still struggle today with countries that committed and agreed to remove us from blacklists once the Exchange of Information Agreements were effective. So, notwithstanding that, that problem still arises today.

1630 As he has identified, there is a second problem where countries appear to now be looking at your tax rates before they determine how they will treat you from a withholding tax perspective, which is indirectly putting you on some sort of list. We have sought to engage the French Government with the DTA to see if these issues can be bypassed, and indeed we are seeking to do the same with a whole list of other countries. As you will appreciate, Gibraltar is a very small country and therefore their priority is not necessarily to engage Gibraltar in signing a DTA now, but it is certainly something that is very much on our agenda and we are seeking to ensure that we do not run into that situation where the tax rates are being compared, in our view, entirely unfairly as the criteria was set many years ago and we have complied in every single respect with it.

1640 **Hon Sir P R Caruana:** In particular our tax rate is not so different to certain Member States of the European Union, who may not get the same treatment. For example, I do not know what the French attitude is on withholding tax with Ireland or even with Cyprus, but as the Hon. Minister knows, the rates are broadly similar. In other words, if we are being dealt with by France – and we are picking on France because it happens to be the one, but there may be others in similar situations – if we are being treated by France in the same way as they treat Member States of the European Union as a matter of rate of taxation, that is a different matter. But if we are being treated by France, notwithstanding that our rate is not dissimilar from other Member States, because we are not a member state and they are, so in effect what we are saying is they will not quite give us the benefit of the fact that we are no longer a tax haven, then that I think is worth pushing back on.

1645 I am very glad to hear that the Hon. Minister has on his policy agenda the whole business of Double Taxation Agreements, which I think is the way forward.

1650 **Hon. A J Isola:** Mr Speaker, the issue of Double Taxation Agreements has been on my agenda for a fair time, my colleague, the Hon. Mr Licudi, before my time was already pursuing those. We are close to actually passing the threshold of getting our first few under the belt and we are seeking a series of further DTAs.

1655 I am conscious of the things that you raised and the matters that you mentioned in respect of fair treatment of different countries irrespective of their size, which is what I think you were referring to by comparing between Gibraltar and Ireland or Luxembourg, for example, and that is something that we are very conscious of. It is one of the items that is on our agenda to discuss with the UK Government at our meeting in early February.

Q93/2014
Registered unemployed–
Figure for final quarter 2013

1660 **Mr Speaker:** Question 93.

Acting Clerk: Question 93, the Hon. D J Bossino.

1665 **Hon. D J Bossino:** Further to Question 645/2013, can the Minister for Employment provide the figures for the registered unemployed for the final quarter in 2013?

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

1670 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the number of Gibraltarians registered unemployed for the final quarter of 2013 was 381.

Q94/2014
Labour Inspectorate–
Employment details

Acting Clerk: Question 94, the Hon. D J Bossino.

1675 **Hon. D J Bossino:** Further to Question 799/2013, can the Minister for Employment provide current details to include the number of individuals, their grades and how many of them are FJS trainees, which form part of the Labour Inspectorate?

1680 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1685 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, further to the answer to Question 799/2013, there is now one additional Labour Inspector with a grade of HEO.

Hon. D J Bossino: Mr Speaker, two further supplementaries.

The first one, he said... in fact it is public knowledge because it has been the subject of a Gazetted notice that there are six graduate employees. Can he confirm that they are still employed in the Labour Inspectorate? I take it that they are from the answer he has given to this precise question.

1690 And, if that is the case, can he advise this House whether he has an indication now as to how long he intends to keep them in that position, because as I understood the position from his replies in the past, is that they will remain in that position for a temporary basis, rather than on a long-term basis?

1695 **Hon. J J Bossano:** Well, Mr Speaker, I do not know why he understood that because I never said anything about it being temporary. What I said was that they were given the power of a Labour Inspector in order to re-enable them to do the research work that is being done in relation to labour statistics, and there is a research team of six people, who are in fact the ones that have been doing all the skills survey, the checking with the accuracy of those records and all those records are now being updated, and as long as that work is needed, they will be still be done. What I am telling him in this answer is that the Labour Inspectorate consists of the information I gave him in 799, plus one more.

1700 **Hon. D J Bossino:** That is why I interpreted the temporary nature of their position. In other words, once they finish the task that he has just described, and he has described to me previously in this House, then their appointment as Labour Inspectors, as I understand that is the intention of the Government, will end. Is that a correct interpretation? In other words, once they finish their tasks, that is when they will stop being Labour Inspectors.

1710 **Hon. J J Bossano:** It is only a correct interpretation in the sense that he assumes that the task is a short term one and it is not. That is, for as long as they are doing labour research, which is assisted by their ability to require information to be provided, then they will continue to have the power to obtain it.

1715 **Hon. D J Bossino:** I assume that he has a control as to what progress is being made in relation to the task that he has just referred to. Is he now able to tell me when he expects that task to complete? Does he have an indication as to when that will happen?

Hon. J J Bossano: I do not think the hon. Member understands what I am telling him Mr Speaker.

1720 This is not a specific task. It is not the case that there is a defined job with a start date and a finish, and that it is only for one particular part of the work that they do that they were given that part of being Labour Inspector. The group exists to carry out labour research. Labour research means requiring information to be provided and checking the accuracy of information that we hold.

1725 In order to require employers to do that, they have been granted the powers of a Labour Inspector, so that when employers are asked to give information, they cannot refuse it because in fact the people who are asking it are Labour Inspectors. I do not expect that task to finish for as long as there is work for the team to do. If they were to run out of work, which would mean everything would be 100% accurate, then there might not be any need for that work to be done. It is unlikely that that is going to happen in the term of this Government.

Mr Speaker: I can see from the *Hansard* that I have here with me, that we are now covering exactly the same ground that was covered on 19th December 2013, where the Hon. the Minister gave an explanation as

1730 to the purpose of the research and so on. Almost word for word, the same ground is being covered. I do not mind if the hon. Member has a new supplementary.

Hon. D J Bossino: A new supplementary I indeed have, Mr Speaker.

1735 In relation to the number of posts, the extra Civil Service posts, if you like, that I asked, I think, in the last sitting of the House or perhaps the one before that, I think he said that the intention was to have another three or four. At the moment he has said that there is one HEO. Does he know, and when does he expect the balance, assuming that I recall the answer he gave in the previous House correctly, when does he expect that the balance to be appointed?

1740 **Hon. J J Bossano:** No, Mr Speaker. I gave him an indication. He said, 'How many more were we going to have?' and I said, 'Probably two or three'. Already, since then, it is only a month and already I have got one. There is nothing magic about the figure of two or three. We will have the people that we need to do the job that needs to be done.

1745 **Hon. D J Bossino:** Yes, but, Mr Speaker, you see one of the patterns that I am seeing here emerging is that there is a task that he said requires the appointment of graduate employees in the scheme to be appointed Labour Inspectors.

1750 From my perspective, the way I see it, if there were vacancies, I understand there were four public servants, if I can use the widest possible term because I do not know if they were all properly civil servants or if some of them were GDC employees... I think they were all civil servants. There were four which comprised the Labour Inspectorate – you had HEOs and DOs. Most of them... I think one retired, the others have all transferred Department; in fact, I think the one remaining HEO, in respect of which I asked the question, had in fact already transferred when I asked the question. So, in other words, the complement that was there before is no longer there.

1755 What is the intention? Is it the intention that... what I would like to see is for the Labour Inspectorate to be comprised entirely of public servants and then for the graduates and trainees to... and for those public servants who carry out their duties, which are currently being carried out by trainees, and then for the graduates and employees to do something else.

1760 So can I ask the Hon. Minister what his intention is, as the Minister responsible for that particular section of the Department, in relation specifically to Labour Inspectorates and employment in it?

1765 **Hon. J J Bossano:** Mr Speaker, the original question is further to Question 799, 'Can the hon. Member say what is the current...' and I have told him that the current is the answer he got in Question 799, plus one more. That is the question and all the other supplementaries have nothing to do with that question. The answer is that even in the last supplementary he has got it all wrong.

It is not the case that the trainees are doing the job of the Labour Inspectors that was being done by the Labour Inspectors before the trainees arrived on the scene. The trainees are doing the job that they are doing in doing research which is what they have been engaged to do, and the reason why they are gazetted as a Labour Inspector is so that employers cannot refuse to co-operate in obtaining that information.

1770 I explained it at great length the last time. It has nothing to do with the question that is on the order paper today, and he keeps on thinking that what is happening is not what is happening, even though I have explained it at such length. It is not the case that if tomorrow there were more Labour Inspectors, the Labour Inspectors would be doing what the graduates are doing, because that is never what Labour Inspectors used to do.

Q95/2014
Promotions within Civil Service–
Government's policy

1775 **Acting Clerk:** Question 95, the Hon. D J Bossino.

1780 **Hon. D J Bossino:** Can the Minister for Employment advise what the Government's policy is in relation to who may apply for promotions within each of the Civil Service to include those posts which are ring-fenced and the Gibraltar Development Corporation?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1785 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, promotions within the Civil Service are conducted by the advertising of positions internally in the Bulletin of Circulars and selection by the Public Service Commission as has always been the case.

The Civil Service posts that are ring-fenced are initially available to people within the ring-fence and then to the rest of the Civil Service.

1790 In the GDC they are open to candidates from the GDC and the rest of the public sector. For the avoidance of doubt, I would like to point out that the Employment Service is not involved in any way in processing applications for promotion in the public sector.

1795 **Hon. D J Bossino:** Mr Speaker, first of all dealing with the ring-fenced Civil Service contingent, he has said that initially they are to be available, the vacant posts, to those within the ring-fenced contingent and then open to other civil servants. I think I have understood his answer correctly. Is he absolutely sure that that is the case?

1800 My understanding is... and I give him another opportunity to state the position clearly or to reconsider his answer. Is he absolutely sure that that is the case, as I understand the position that the vacancies within – and that is the agreement entered into I think by the previous Government, which his Government has now maintained – the agreement is that vacancies within the ring-fenced contingent within the Civil Service is only available to those within who enjoy the ring-fenced status?

1805 **Hon. J J Bossano:** Mr Speaker, what he has said is absolutely correct except that there is no difference between what I have given him and what he has just said. I am telling him initially that they are open only to people in the ring-fence; but, of course, the people who do the selecting, who is not me or my Department, may decide that none of the candidates in the ring-fence are capable of doing the job that is vacant. So where do they go for candidates then? Outside the ring-fence? That is the original agreement.

1810 **Hon. D J Bossino:** Mr Speaker, in relation to the GDC part of my question, can he answer this: is it not the case that in fact the position previously was that vacancies within the Gibraltar Development Corporation were only available to GDC employees? I think his answer is that it is now open to other entities. Obviously, that creates – if what my interpretation of the position was is correct – is a disadvantage. In other words, if there was, for example, a Grade V vacancy made available, if it was only open to GDC employees from the Grade IV contingents, then obviously it would create a better chance for those Grade IVs to be able to obtain that position, whilst if you open it out there would be greater competition.

1815 Can he just confirm to me that my interpretation of the position as it was is correct and that what he has just told this House has been a change in policy?

1820 **Hon. J J Bossano:** The change in policy that happened on 9th December was that the GDC came back into existence, when it was actually depleted of workers. The previous policy was that there was no GDC. When it was restored, the people who came back from the Civil Service and resumed the previous GDC status were told that they would have the opportunity of applying not just within the GDC, but in all the agencies, authorities and... so clearly it is a two-way traffic.

1825 What you cannot do is say that people in the GDC can apply for vacancies in the Air Terminal Agency, but people in the Air Terminal Agency cannot apply for vacancies in the GDC. What tends to happen as the norm is that it is advertised simultaneously, but in reality and in practice if there are suitable candidates for the position in the entity that has the vacancy, then they tend to be the ones that get picked. That in practice means that effectively if you are a GDC applying, for example, in the Coastguards, then the guy in the Coastguards has got a better chance if there is somebody that is suitable in the eyes of the management. I think one of the things that needs to be taken into consideration in the particular circumstances of the GDC, which is different from the others, is that of course there is, in the case of the GDC, an input from the Department where the vacancy is actually placed.

1835 **Hon. D A Feetham:** Just arising out of an answer that he has now given or the statement that he has now made, is it the case that everybody that formed part of the GDC who have been transferred to the Civil Service, as well as those who chose to remain, everybody was offered the option of either remaining within the GDC or transferring to the Civil Service?

1840 **Hon. J J Bossano:** The position is that when we came in there were people who had not signed a piece of paper accepting going into the Civil Service. But the position of the Union on 9th December, on the advice of the backbencher, in writing, was that in fact whether they had signed that piece of paper or not signed that piece of paper, they had all been made ring-fenced civil servants the moment that the Public Service Commission had approved the recommendation of the Government.

1845 **Hon. D A Feetham:** I understand the previous policy. I am asking about *your* policy.

Hon. J J Bossano: Yes, I am trying to explain what my policy is. My policy is that I inherited 100 civil servants in the ring-fence and that therefore the option was not those outside in the Civil Service that want to go into the Civil Service may go after the 9th, the only option was for the people, who were in the ring-fence who did not want to stay there, to come back.

1850 The people who had been left out, possibly as an oversight, were not given the option of going into the Civil Service because I assumed that part of the reason why people who were reluctant to go into the ring-fence, were told that they had to go by the Union, was on the premise that there would be no GDC there for them. Given that the GDC was going to be there, I thought it was only fair to give the opportunity to those
1855 who had not gone willingly into the ring-fence to come out of it again. It was a one-way ticket – only out, never in.

Hon. D J Bossino: Mr Speaker, I give the Hon. Minister an opportunity to explain this to me.
I understand the information that I am receiving, and he can deny it in this House if he wishes to, is that
1860 one of the incentives provided to those who were within the ring-fenced Civil Service to go back to the revitalised GDC was in fact that the policy in relation to vacancies, i.e. vacancies would only be made available to those within the GDC, would be maintained. Is that correct or is it not?

Hon. J J Bossano: No, that is not correct. What is correct is that what they were told was that they
1865 would have the opportunity of applying for promotions, not just in the GDC and therefore not just in the ring-fence as it were, but also in all the other authorities and so on. Indeed, the ideal eventual development, in my view, is in fact to make the GDC the provider of labour to all the Authorities and Agencies which give people more scope.

1870 It is good from the employer's point of view that you have more choice and it is good from the point of view of the individual that individuals are not in small pockets where the opportunity for promotion may be very limited.

Mr Speaker: Any other supplementary?
Next question.

Q96/2014
Civil Service and GDC–
Current vacancies

1875 **Acting Clerk:** Question 96, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide full details of the vacancies which require to be filled within the Civil Service and the GDC?

1880 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the vacancies currently in the Civil Service are as follows: 1 Marine Surveyor; 2 SNLSA's; 6
1885 AA/Word Processors; 20 AO's; 1 HEO; 5 SEO's; 4 Youth Workers and 1 Law Drafter.

The GDC does not have a fixed complement and therefore vacancies depend on demand from Departments.

Hon. D J Bossino: Mr Speaker, in relation to the last bit of his answer where he says that there is no
1890 fixed complement and he has explained that before in this House some time ago, can he advise this House whether there is such a demand? I understand that, for example, within the Gibraltar Tourist Board there are a number of GDC vacancies, if I can put it in those terms, which still require to be filled.

1895 The concern that is reaching me, and certainly that we would have, is that in fact these vacancies, the duties which would have been carried out by those people who would have filled those vacancies, are in fact being carried out by trainees. Can he give some assistance and some information in relation to the points I have just raised?

1900 **Hon. J J Bossano:** Mr Speaker, the position is that if a particular Department has got a GDC employee seconded to them, for which they pay the GDC, and that person goes, then that job cannot be filled because somebody else can be moved there from somewhere else in another placement or the host Department can decide that they want, instead of a GDC, a civil servant.

There are frequently occasions where – and I think it is a good thing to move in that direction – where Departments are looking at areas where there is a mixture and trying to move in a direction where in a particular facility everybody is either GDC or everybody is Civil Service, and that is the trend.

1905 Where there have been trainees in the past, the trainees are not there on a long-term basis as employees of the Department; if anything, they are there as part of the training of people in the public sector where it is the training company that is paying their salary and therefore they can be removed and sent at any other time to do training somewhere else. There has been, on more than one occasion, and there is again on this occasion a question from the hon. Member as to what it is that this training consists of.

1910 **Hon. D J Bossino:** Yes, Mr Speaker, he did say that in relation to GDC vacancies it would be subject to demands from Departments. I understand that he in effect is the GDC Chairman and so he is the one who is the mind and soul of that particular Corporation. Can he tell me whether he is on notice of any demands for vacancies to be filled, and in respect of which Departments?

1915 **Hon. J J Bossano:** I do not have so much leisure time that I can devote some of my time to looking at the demand, but the demands are made from the Department to the staff, primarily to the Secretary, Dr. Coram who is the Secretary of the GDC, and since we have got a feedback from people who sometimes need short-term help because people are away or because there has been disciplinary problems and they have a shortage of staff.

1920 Then there are people who come in. There are people that come into the GDC, not from outside the service, but from within other parts of the service and they come in as Grade 1's and those people are redeployed. There are, just like there is in the Civil Service, people move from Department to Department all the time and this is not something that requires political decisions or policy decisions, because they do not alter the funding provisions that have been approved by Parliament.

1925 The Parliament approves the payment of five bodies, not five individuals with names, faces and ID cards. The five bodies that are there are not necessarily the five bodies all the time; the posts are there. So it is the posts that are funded in the Departments and the GDC effectively acts as if it were a state-owned employment agency that provides staff to the Departments that require it, when they require it, on a permanent basis all the time.

1930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think that might be a convenient moment to – (*Interjection*) Well, if there are supplementaries, I do not want to – (*Interjection*) Are there?

1935 If the hon. Gentleman gives an indication that – (*Interjections*) Is there? Yes well, that's right.

Mr Speaker, I think this may be a convenient moment, given you indicated to the House yesterday you had a matter you needed to attend to, for me to ask the House to recess and for us to return at 7.00 p.m.

Mr Speaker: The House will now recess until 7.00 p.m.

The House recessed at 5.55 p.m. and resumed its sitting at 7.00 p.m.

**Q96/2014 continued
Civil Service and GDC–
Current vacancies**

1940 **Acting Clerk:** Question 97 –

Hon. D J Bossino: No, I have a supplementary on...

1945 Yes, Mr Speaker, in relation to Question 96, which for the benefit of the rest of the Members of Parliament, who may not have been here, it related to the number of vacancies which still require to be filled within the Civil Service and the GDC, in relation to the civil servants, the Hon. the Minister for Employment gave me a list of the vacancies... well, a list of the vacancies. Is he able to tell me when he expects that those vacancies will be made available for application, I suppose, is the way to put it?

Hon. J J Bossano: I can tell him that what I expect is that the steps to fill them will be much quicker than they were before 9th December because they had been there. There are vacancies that have been there

1950 for years. Some of them are arising out of promotions... most of them are arising out of promotions. So normally what happens is that the system cascades down obviously. The fact that you have got five SEO's at a stage where the five SEO's are picked and the applicants have to be an HEO that has been in the post for at least two years. So in all probability the HEO would not come out until the stage of the SEO's has been gone through. So it tends to come down, because then people who are applying have got a wider
1955 choice of things to apply for.

Sometimes people will not apply if it is in a particular Department, even though theoretically HEO's can be drafted anywhere. There tends to be in the Treasury, for example, the work tends to be more specialised than almost anywhere else because it is not just administrative, there is a lot of working with figures and not everybody is comfortable with figures.

1960 **Hon. D J Bossino:** Mr Speaker, is the Hon. the Minister able to tell this House if some of those, presumably not those in the higher posts, but the lower posts, for example, he said that there were six AA's and 20 AO's. Would those positions be currently filled by FJS trainees? *(Interjection)* Yes, the posts. Is he able to give me some information in relation to that?

1965 **Hon. J J Bossano:** The posts are not filled by trainees. The trainees go in those Departments whether the posts are filled or empty. So it is not a case that these are jobs that are not... there may be somebody doing the work even though the post is empty or there may be somebody working in that area over and above the complement because the complement is full – that is to say there is no relationship between one thing and the other.
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Q97/2014
Public sector–
Training details

Acting Clerk: Question 97, the Hon. D J Bossino.

1975 **Hon. D J Bossino:** Can the Minister for Employment provide details of the nature of the training which the trainees are receiving in each of the public sector areas?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1980 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there has been no change in the nature of the training in each of the public areas from the answers previously given to Questions 64 and 640/2013.

Q98/2014
Leisure Construction and Maintenance Company Limited–
Details of employees

Acting Clerk: Question 98, the Hon. E J Reyes.

1985 **Hon. E J Reyes:** Mr Speaker sir, can Government provide details in respect of the number of employees who may have been employed since the answer provided to Question 808/2013, by Leisure Construction and Maintenance Company Limited, broken down by grade, age, gender and nationality?

1990 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, there has been no change since the answer to Question 808.

1995 **Hon. E J Reyes:** Mr Speaker, may I... I do not know, I put myself in your mercy whether it is compatible with this question or not, but in a previous answer where we were given, in answer to Question 107, the list of companies where the directors were public service employees and so on. I see that this

2000 company does not appear on this list, and yet I had an indication from last time round when we were talking about this same company, the Leisure Construction and Maintenance Company, the Minister for Employment explained that although they had applied for a trade licence, there still had been no specific need to have any employees. In fact the number of employees would be dependent on their obtaining the trade licence or not, which I understand makes sense.

So I do not know if the Minister is aware, upon a successful application of a trade licence, that something happened and why there are still no directors appointed for this company?

2005 **Hon. J J Bossano:** I am monitoring this from the fact that when the question was originally asked, what the profile record of the company showed was that it had no employees and the Department is on notice from me because I expect to be asked. If anybody gets employed they tell me, and it has not happened.

2010 So the answer is to what the number of employees is since the answer to Question 808, there is only one answer that I can give, that since Question 808 there has been no change. So they have not opened any vacancies and they have not employed anybody to date.

Q99/2014

**Employment Office in New Harbours–
Fire evacuation drills**

Acting Clerk: Question 99, the Hon. J J Netto.

2015 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Health & Safety state if there has been any fire evacuation drills carried out at the Employment Office in New Harbours in 2012 and 2013?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2020 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker.

2025 **Hon. J J Netto:** Mr Speaker, will the Minister for Employment at least tell the House whether it is the intention to review this aspect, perhaps in 2014, and whether perhaps under the leadership or the employment of the factory inspectors they will put in place a plan in order to provide this particular training for the staff at the Employment Office?

2030 **Hon. J J Bossano:** I am told that there has been something like four fire drills in the last 20 years, none of which happened in the time that he was Minister for Employment and there has been no fire. I would not expect that it would require a ministerial decision to hold a fire drill. I expect that if the Head of Department feels there is a need for one he will do one.

2035 **Hon. J J Netto:** Mr Speaker, this is not an issue whether there was any fire drill when I was the Minister for Employment between 1996 and 2000 or whether there was a fire drill when he was the Chief Minister between 1988 and 1996.

2040 What I am trying to say to the hon. Gentleman is that given that he seems to be giving the impression that when it comes to Employment and Health and Safety matters, he is very keen to abide by the best practices that there are, and given that it appears that there have been no fire evacuation drills between 2012 and 2013, could I appeal to him that at least he raises this issue, particularly with the factory inspectors and that they put in place a fire evacuation drill for the benefit of the staff therein?

2045 **Hon. J J Bossano:** I cannot stop him appealing, so the answer is, yes, he can appeal; but the answer to the appeal is going to be... well look, in this particular meeting of the House Mr Speaker, the hon. Member has decided that he wants every Department in the Government to have fire drills. Just because that is what he has chosen to do this time round, it does not mean that all of a sudden we are going to give this the priority that he did not have as Minister in the four years when he had the choice and which he wants me now to give because he is there and I am here.

2050 Well, look, if it is so important, I would have expected to be told that he was doing it very regularly when he was there. If he felt there was no need to... but, in any event, I do not really think that it requires a policy decision at a political level to have a fire drill or not. I think it is the responsibility of the Head of the Department if he feels that there is a need, or of the union representative if he feels there is a need.

2055 The only reason why we should suddenly concentrate on fire drills in January is not because there is a greater risk when it is raining than when it is dry, but because he has taken it into his head to make that the topic of this meeting of the House and he has asked every Minister in every Department to have fire drills. (Laughter) Tomorrow he may decide that we should all put in air conditioning and therefore we all have to do air conditioning.

The answer is no. He can ask me and he can suggest it. He can put it forward and I will make sure that people know his feelings in the Department.

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Q100/2014
Factory inspectors–
Increase in monitoring activities

Acting Clerk: Question 100, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety explain why the figures for monitoring activities as shown in the Government website by the factory inspectors were three times more in November 2013 than in December 2013?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

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Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I am informed that the reason why the monitoring activities by the Health and Safety Inspectors were three times more in November 2013 than in December 2013 was because there were less activities to monitor in December than in November.

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In construction, for example, there were two site visits in December compared to 12 – that is six times as many in November. There was a similar seasonal pattern in the previous year.

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Hon. J J Netto: Yes, Mr Speaker, I am aware that that seems to be the pattern and it is also true to say that there are less activities in the construction industry because a lot of the private sector companies in particular tend to close down during that particular period. But just in the same way as that is true, that the construction industry *per se* seems to be closing down, that does not mean that there are industry groups that may happen to have even more activity, perhaps in other areas within the labour market.

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So I just would like to understand whether an assessment has been done that while it is true in the construction industry there may be further movement that would need to be monitored by the factory inspectors in other industry groups.

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Hon. J J Bossano: What I am telling the hon. Member is that this is just like there are cyclical patterns in many other things. In the case of the activities related to work, it seems to me that without being a Health and Safety Inspector it is fairly evident that excessive alcohol is the most likely cause of a danger to Health and Safety in December, but not necessarily in November.

Therefore, the answer is that in December there are less places of work, other than bars that are functioning and in December in every year the activity is less than in November primarily for that reason, and quite apart from the fact of course that the public service itself shuts for a longer period.

Q101/2014
Government debentures and other debt securities–
Value as at 31st December 2013

Acting Clerk: Question 101, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please state the value of Government debentures or other debt security as at 31st December 2013?

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Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the value of all Government debentures and other debt securities as at 31st December 2013 was £457.79 million.

2105 **Hon. D A Feetham:** Mr Speaker, we have heard two different figures here from this side of the House. Is it £457 million or £477 million?

Hon. J J Bossano: £457.79 million.

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Q102/2014

**Gibraltar Savings Bank debentures/other debt security –
Value as at 31st December 2013**

Acting Clerk: Question 102, the Hon. D A Feetham.

2115 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide the value of Gibraltar Savings Bank debentures or other debt security as at 31st December 2013?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2120 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the value of all Gibraltar Savings Bank deposits as at 31st December 2013 was £840.67 million.

2125 **Hon. D A Feetham:** Yes, the hon. Gentleman has spoken about deposits. I have asked about Gibraltar Savings Bank debentures and other debt securities and I suppose that technically perhaps deposits could at a stretch rank as debt securities, but does he have the figure for Gibraltar Savings Bank debentures, as opposed to other types of deposits with him there?

Hon. J J Bossano: I do not have the figure with me, but I would say it is likely to be of the order of £480 million from what I know of the portfolio distribution.

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

Q77/2014

**Prison inmates –
Rehabilitation programme**

2130 **Acting Clerk:** Question 77, the Hon. Mrs I M Ellul-Hammond.

2135 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice advise what the rehabilitation programme for prison inmates is, in order for them to reintegrate back into society after serving their sentence?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 78.

Q78/2014

**Prison inmates –
Rehabilitation assistance offered**

2140 **Acting Clerk:** Question 78, the Hon. Mrs I M Ellul-Hammond.

2145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice say how many and how often, on a weekly basis, do social workers, educators, care workers, counsellors or psychologists, visit the prison in order to work with the inmates and to help them rehabilitate and/or acquire jobs and/or housing after leaving prison?

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

2150 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, rehabilitation of prisoners is a multi-pronged programme that encompasses a wide range of offences and/or behaviours.

From the Prison side, the first and foremost issue is health. For this reason prisoners are subjected to a Medical Reception by the Hospital Officer upon arrival and are subsequently seen on Sick-Parade by the Prison Medical Officer.

2155 At this stage, firstly, any alcohol or drug dependency is identified and suitable steps are put in place. Prisoners on alcohol withdrawal are commenced on a 30-day programme of medication that treats the physical effects of the withdrawal. Those prisoners who are seen by the Medical Officer to require psychological support may be referred to the Community Mental Welfare Team, who would work in tandem with the Prison.

2160 Drug dependency is dealt in the same manner, offering the required medication/psychological support. In addition, prisoners may attend the weekly visits of Narcotics Anonymous, who offer specialised support via group sessions.

2165 The Prison also receives a number of prisoners suffering from psychological and mental disorders, some of which have been long-term sufferers. From the moment they arrive they are seen by the Medical Officer and referred to the Community Mental Welfare Team for continuation of their treatment. This involves a psychologist, psychiatrist and/or the team of support nurses. In addition, these prisoners are risk assessed by the Prison, and if there is a need, they may be housed in the Vulnerable Prisoner Unit to avoid issues, such as bullying, and assist with their monitoring.

2170 Working very closely with these medical professionals is the counsellor, who visits the Prison two or three times a week. He has created an effective base from which he now has a number of prisoners, who he supports with their problems and acts as a link with the Employment Service and/or the Housing Department, depending on the issue.

Another aspect to rehabilitation is the educational classes, light workshop, and vocational training, which will be commencing during the next month.

2175 Educational classes are held for prisoners every week – on average 4½ hours a week. This comprises of Mathematics, English and Spanish. These are very popular and have been very successful, having already resulted in a number of prisoners gaining a qualification. In addition, we also have Archimedes Training Centre, which is imparting lessons to one of our prisoners on business studies.

2180 The Light Workshop is run by a retired Senior Trades Prison Officer, who was taken on as a vocational tutor and imparts lessons to approximately 8 to 10 prisoners a day, from Monday to Friday, on basic carpentry, to build simple objects, such as jewel boxes, cars and boats. These lessons provide a platform, as an alternative to educational classes, for those who want to try out a trade.

2185 Vocational training, which commences next month at the Prison, has arisen from an initiative of the Employment Service to impart training to those serving a sentence in order to assist them in finding employment upon release.

The Employment Service in addition visit prisoners identified by our counsellor as requiring support. They assist prisoners in compiling their CVs and identifying what area they might best be suited for when applying for a job.

2190 The Prison also runs gym and outdoor sports in order to instil positive changes in prisoners.

Gym classes are held three times a day, seven days a week. They are monitored by Sports and Games Officers, who encourage and assist with their programmes. To many, it is the first time that they have participated in this kind of activity and with a number of prisoners the ‘feel good’ effect, along with the positive changes to their bodies sees them continue their training throughout their incarceration and then on to their private lives.

2195 As in schools, we promote sport over drugs. This is also true of outside sports activities, such as football and basketball. Prisoners find – and when I say outside sports activities, I mean within the Prison (*Laughter*) but outside in the patio, rather than outside the Prison. (*Laughter*) I thought I would just make that absolutely clear. (**A Member:** Outdoors.) So it is outdoor activities within the Prison, such as football and basketball. Prisoners find, on occasion for the first time, how they need to be part of a team to succeed.

2200 Voluntary Drug Testing Compact Scheme: in our efforts to encourage prisoners away from drugs, a system of voluntary drug testing was commenced, with a view to reward, for those who have been in Prison for at least four months, negative results with privileges. Those prisoners that sign on to the Voluntary Drug

2205 Testing Compact Scheme will be tested at random. In return they may have a TV, DVD player, Playstation2, at their expense, in their cells, extended visits and Pin-Phone calls. This has had a very positive effect on numerous prisoners, especially those serving a longer sentence, who have come to realise that life without drugs enhances their relationships with their family, and put themselves in a position where they can receive proper help to succeed on the outside.

With regard to Question 78, the visits to the Prison are as follows:

2210 Educators: Prison Tutor, 4 times a week; Archimedes Training Centre, once a week.
Care Workers: These visits are not carried out at regular intervals, but more on a basis of the need to interview prisoners.
Counsellor: two to three visits a week.
Employment Service: once a week.
Psychologist: once a month.
2215 Psychiatrist: three visits a month.
Narcotics Anonymous: once a week.
Community Mental Welfare Team: once a month.
Gibraltar Catholic Prison Ministry: once a week.

2220 A minister of religion of other denominations will attend whenever this is requested by a particular inmate.

Social workers are not generally involved in prison visits. (*Banging on desks*)

Q79/2014

Potential child victims of sexual abuse/exploitation – Education programmes to combat

Acting Clerk: Question 79, the Hon. Mrs I M Ellul-Hammond.

2225 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice and Education explain what the education programmes will be, aimed at enabling the identification and ability to deal with child victims, and potential child victims of sexual abuse, or exploitation, in line with the new EU laws designed to fight online child pornography?

2230 **Acting Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2235 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Child Victims of Sexual Abuse and Exploitation Regulations 2013 came into operation on 18th December 2013, for the purpose of transposing Directive 2011/92/EU of the European Parliament and of the Council of 13th December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography.

The Gibraltar Area Child Protection Committee has been asked to advise Government on the preventative measures, including education programmes, which are required to be put in place under the Regulations. The Government will consider the recommendations made by the Committee, as soon as it receives them.

Q80/2014

Bayside School – Sixth Form Common Room refurbishment

2240 **Acting Clerk:** Question 80, the Hon. Mrs I M Ellul-Hammond.

2245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say what has been the delay in opening the newly refurbished Sixth Form Common Room at Bayside School and when it will be opened?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Study Room for Years 12 and 13, which is what is commonly referred to as the ‘Sixth Form Common Room’ has

2250 an historical problem with water ingress. There was a need to identify the cause of the problem so that this was addressed at the same time as the internal refurbishment of the room. It appears that the likely cause has now been identified. Works have already started, and both the external and internal works are expected to be finished by next week, after which the Study Room will be available for use.

2255 In the meantime students from Years 12 and 13 have had the use of another study area, which is supervised by a teacher.

Q81/2014
St Joseph's School –
New annex; snagging issues

Acting Clerk: Question 81, the Hon. Mrs I M Ellul-Hammond.

2260 **Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise whether any Health and Safety issues or snagging issues have been resolved at the new annex to St Joseph's School and when it will be used for academic teaching?

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

2265 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as stated in Government press release 761/2013, all Health and Safety requirements in relation to the new annex at St Joseph's School were met during construction and the facilities were certified as fit by the relevant authorities. All snagging has now been completed.

2270 There has been a delay in the delivery of equipment and furniture which was ordered for the annex. The furniture and equipment has now been delivered. The full use of the annex will now be determined by the head teachers of both schools.

2275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so if the Minister could confirm that it is not being used for teaching at the moment, but the head teachers will soon be deciding when they will be opening the annex?

Hon. G H Licudi: It has been used for some purpose. What I have said is that the full use will be determined by the head teachers.

2280 There are some big classrooms, which have been used for something like movement classes, and that sort of thing, but there was a problem at delivery, not with the order. At delivery there was a problem and the delay in the delivery of the equipment, which is now here, as I have said, and it is clearly a matter for the management of the two schools, who will share these facilities, to decide how and when they use it.

Q82/2014
National Institute for Adult Continuing Education –
Establishment of an institute

Acting Clerk: Question 82, the Hon. Mrs I M Ellul-Hammond.

2285 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say when the Government will be establishing a National Institute of Adult Continuing Education, as outlined in their manifesto?

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

2290 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as I believe we have stated on previous occasions, the Gibraltar College continues to develop education provision for adults. The establishment of an Institute will be carried out during the course of this parliamentary term.

Q83/2014
Transport to schools –
Increase in fleet of vehicles and drivers

Acting Clerk: Question 83, the Hon. Mrs I M Ellul-Hammond.

2295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say when the Department of Education will be increasing its fleet of vehicles and drivers in order to fulfil its manifesto commitment to provide transport to schools for educational and sporting needs?

2300 **Acting Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 84.

Q84/2014
Bus driver vacancy–
Update

Acting Clerk: Question 84, the Hon. Mrs I M Ellul-Hammond.

2305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 76/2013 can the Minister for Education update this House on the filling of the bus driver vacancy?

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

2310 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the bus driver vacancy was filled on 1st July 2013. A new 17-seater bus was recently purchased by the Department of Education and has been in operation since September 2013. This bus does not replace, but is in addition to the 22-seater bus which the Department of Education already had.

2315 In addition, the Gibraltar Bus Company works very closely with the Department of Education to ensure that transport is available when it is required. The Government's manifesto commitment was to ensure that provision is made for schools to have transport available for educational and sporting needs. The arrangements currently in place achieve precisely that. The manifesto commitment has therefore been given full effect. (*Banging on desks*)

2320

Q85/2014
'Homework Support Group' policy –
Update

Acting Clerk: Question 85, the Hon. Mrs I M Ellul-Hammond.

2325 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 75/2013, can the Minister for Education advise as to the progress in the 'Homework Support Group' policy and the details of when, where and for which age group these sessions are being held?

2330 **Acting Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, students across all sectors, who require additional help, are being supported with their extended work, or homework, during the lunch break and after school. These sessions are happening in schools on a weekly basis, as and when needed.

2335 Furthermore, within the secondary sector, additional classes for GCSE and A-level students are systematically happening on a weekly basis in our schools. The Department of Education continues to afford support classes for GCSE and A-level mathematics at the Department on a weekly basis.

2340 **Mrs I M Ellul-Hammond:** Mr Speaker, how can the parents formally learn of how to enrol their children in these homework support groups, or is this a continuation of relying on the goodwill of teachers, as they always have done, in fact, before this Administration, that they ought to support further some of their students during the lunchtime or slightly or after hours?

2345 **Hon. G H Licudi:** Mr Speaker, if any particular parent considers that there is a need for their particular child to have additional support, I would urge them to contact their head teacher in the first place and try and put in place a system for that particular child.

As I have said in the answer, the support for particular children is available, as and when required, either during lunchtime or after school. So I would certainly urge parents to contact the head teachers in the first place and, if need be, they can certainly contact the Department of Education as well.

2350

Hon. Mrs I M Ellul-Hammond: Mr Speaker, these homework support groups, are they run by the teachers from the schools themselves? Do they stay on afterwards or are supply teachers brought in to supervise? How does the system work exactly?

2355

Hon. G H Licudi: Mr Speaker, the necessary support that I have described is being provided by the teachers from the schools themselves.

**Q86/2014
TLR review –
Update**

Acting Clerk: Question 86, the Hon. Mrs I M Ellul-Hammond.

2360 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 71/2013, can the Minister for Education advise what progress has been made with the TLR review?

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

2365 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education is now in possession of the survey results conducted by the GTA/NASUWT and is analysing and considering the data. I would reiterate that this does not necessarily imply that there has been or that there is anything inherently wrong with the present structure.

2370 **Hon. Mrs I M Ellul-Hammond:** Is there any timescale as to when the review will be fully analysed, and a report or an implementation of that of the recommendations in conjunction with the union?

2375 **Hon. G H Licudi:** Mr Speaker, as I have said in the answer, the fact that a survey has been conducted by the union and data has been provided by the Government, which the Government is now considering, does not necessarily imply that there is anything inherently wrong, or wrong at all with the system. So it does not necessarily follow that there will be recommendations which will have to be implemented.

The matter is now at a stage that it is being considered by the professionals at the Department and I am currently awaiting a brief following that analysis, so I am not able to say at this stage how long the professionals will take in analysing all the data that they have received.

**Q87/2014
Supply teachers from outside Gibraltar –
Recruitment and costs incurred**

2380 **Acting Clerk:** Question 87, the Hon. Mrs I M Ellul-Hammond.

2385 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, since the 47 new teachers were employed, can the Minister for Education say whether any supply teachers from outside of Gibraltar, over and above those already on the 'supply list', have been recruited to cover absences, and if so, how much has this cost the Government so far?

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

2390 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, no supply teachers have been recruited from outside Gibraltar, over and above those on the Department of Education's supply list for teachers.

Q88/2014
Safeguarding Children Policy for Schools and the Gibraltar College –
Final version

Acting Clerk: Question 88, the Hon. Mrs I M Ellul-Hammond.

2395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 73/2013, is the Minister for Education now in a position to provide this House with a copy of the final version of the Safeguarding Children Policy for Schools and the Gibraltar College?

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

2400 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education's document on Safeguarding Children Policy for Schools and the Gibraltar College is almost complete. Once ready, it will be disseminated directly to schools and we intend to post it within the appropriate section of the Government's website.

2405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, about a year ago the policy was in draft form. Why has it taken so long for it not to be completed?

2410 **Hon. G H Licudi:** Mr Speaker, what I would reiterate is that what is awaited is not a policy; it is a document. I have confirmed in my answer that what is almost complete is the document, but certainly schools have the necessary policy on safeguarding children and they implement it.

What has happened is that we have compiled it altogether and put it all in a document, which is now in the final stages of preparation. So that it is in one document, which can be spread evenly across all schools so that they all have the same document from which to work on, and that is what is almost complete and will be made public as soon as it is available.

Q89/2014
Gibraltar College of Further Education –
Plans to relocate

2415 **Acting Clerk:** Question 89, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education say what the plans are, if any, for the relocation of the Gibraltar College of Further Education?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, Government has no plans to relocate the Gibraltar College.

Q90/2014
University of Gibraltar –
Plans for establishment

Acting Clerk: Question 90, the Hon. Mrs I M Ellul-Hammond.

2425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say what the recommendations are and what progress has been made from Dr Daniella Tilbury's Report, on the setting up of a University of Gibraltar?

2430 **Acting Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, Government continues to work on plans for the establishment of a University of Gibraltar. The establishment of the University is a firm commitment by the Government, which will be achieved within this parliamentary term. Full details of the University will be given, when the plans which Government is working on, have been finalised.

Q91/2014
Autism Spectrum Disorder –
Types of therapies given to children

Acting Clerk: Question 91, the Hon. Mrs I M Ellul-Hammond.

2440 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education outline the types of therapies given to children within the Autism Spectrum Disorder and other acute special needs, and say whether he is satisfied with the level of frequency and the intensity of therapies they are receiving?

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

2445 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, Speech and Language Therapists, Occupational Therapists, Physiotherapists and the Rehabilitation Officer for the Visually Impaired currently support children with Autism Spectrum Disorder and other acute special needs in our schools.

Referrals are made by schools and prioritised by the different therapists.

2450 Decisions on the frequency and intensity of the therapies would be made by the therapists involved, based on the individual needs of the pupils. Pupils might receive the support from more than one therapist.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister said that the decisions of frequency and intensity were made by the therapists. I presume this is in conjunction with the teachers.

2455 **Hon. G H Licudi:** Yes, Mr Speaker, as I indicated, referrals are made by the schools and the schools regularly discuss these matters with the therapists, in relation to the visits and the frequency and support needed by the therapists, but these are professional decisions. These are not decisions either for me, as a politician, or for the management of the Department of Education. These are professional decisions because we are dealing with acute needs of children.

2460 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, has there been any indication from the specialist school certainly to perhaps increase the number of therapists and therapies made available to some of the children there?

2465 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may assist there, because there is a certain overlap between the Education Department and the Health Authority. I have been holding meetings with parents of children to look at how we can improve certain aspects of what really is a bottomless pit. How do you limit what one would like to do for these children?

2470 So it might not directly answer the question, but what I can say is that I am involved with parents, and with therapists, to look at how we are delivering this service and whether there is anything we can do to improve this further.

DEPUTY CHIEF MINISTER

Q103/2014

**Provision of flights to Marrakesh –
Financial/other assistance from Government**

Acting Clerk: Question 103, the Hon. D J Bossino.

2475 **Hon. D J Bossino:** Can the Minister for Aviation advise this House if the recent initiative to provide flights to Casablanca... actually that is a mistake, I meant to Marrakesh, has received or will in the future receive financial or any other form of assistance from the Government, or either directly or indirectly by Credit Finance Company Limited or the proceeds of monies deposited in the Gibraltar Savings Bank? (Interjections and laughter)

2480

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, the answer was not going to be there are no flights to Casablanca.

2485

No application for financial assistance has been received by Credit Finance Company Limited for this venture.

Hon. D J Bossino: If the Hon. the Deputy Chief Minister could expand his reply in relation to the Government and the other entities I mentioned, in other words the Government and the Gibraltar Savings Bank. I think he only specifically referred to the limited company, as opposed to the other two entities.

2490

Deputy Chief Minister: Mr Speaker, there are discussions ongoing in relation to the normal incentives given to all airlines that fly in and out of Gibraltar. Those are the Airline Assistance Scheme, the passenger tax, the landing tax, the ad marketing... the usual incentives.

2495

Hon. D J Bossino: Yes, and the provenance of those incentives would be the other two entities I mentioned perhaps – the Government and the Gibraltar Savings Bank?

Deputy Chief Minister: Mr Speaker, these issues are handled through Tourism, and my colleague is responsible for the discussions with the airlines.

2500

But in terms of funding, which is, I think, what the question is asking, the financial assistance, there is none, except the usual incentives which are given to airlines.

Questions for Written Answer

Acting Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2505

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W1/2014 to W24/2014 inclusive.

ADJOURNMENT

Acting Clerk: Adjournment.

2510

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn *sine die*.

I will, because I told him I would, note that the hon. the backbencher is not in the House, even now. I agreed with him when he left that I would point it out when I got back on my feet, but just adjourn the House now *sine die* until next month.

2515

Mr Speaker: 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 7.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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Gibraltar, Thursday, 20th February 2014

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The Gibraltar Parliament

The Parliament met at 9.25 am.

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

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

PRAYER
Mr Speaker

Order Of The Day

5

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

CONFIRMATION OF MINUTES

10

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

15

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

Mr Speaker signed the Minutes.

20

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

Questions for Oral Answer

25

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q121/2014
London Boat Show –
Attendance and cost

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

30

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

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

35

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To answer the second supplementary, it was a process of negotiation and discussion and not a tender process.
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Hon. D J Bossino: Was that process of negotiation and discussion conducted by him and his Ministry; and, if so, can he tell me why it is that Mr Ellul was chosen, as opposed to other potential entities? Can he provide us with that information?

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

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

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

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

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

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

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

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

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

Hon. D J Bossino: Yes, Mr Speaker.

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

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

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

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

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

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

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

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

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

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

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

180 **Mr Speaker:** Next question.

Q123/2014
Hospitality industry –
Training and education

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

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

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

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

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

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

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

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

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

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

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

220

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Q125/2014
Bus fleet –
Replacement vehicles

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

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

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

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

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

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

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

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

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

310

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

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

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Hon. N F Costa: No, Mr Speaker.

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

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

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

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

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

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

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

Q126/2014
Urban bicycle rental scheme –
Update

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q127/2014
Black cabs –
Environmentally friendly engines

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

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

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

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

Clerk: Question 128 –

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

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

Q128/2014
Transport Inspectors –
Activities performed

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

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

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

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

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

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

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

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

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

490 The above company has no trade licence.

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

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

495 So can the Minister then say,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. N F Costa: No it is not.

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

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

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

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

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

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

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

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

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

The original question here is:

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

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

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

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

Hon. D A Feetham: He has.

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

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

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

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

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

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

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

675

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

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

Mr Speaker: Let's... May I –

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

Mr Speaker: Will the Minister –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

745 **Mr Speaker:** Next question.

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

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

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

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

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

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

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

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

Q133/2014

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

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

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

775

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

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

780

SPORTS, CULTURE, HERITAGE AND YOUTH

Q134/2014

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

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

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

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

790

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

795

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

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

800

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

805

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

Q135/2014
John Mackintosh Hall –
Vacancy for caretaker

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

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

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

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

Q136/2014
John Mackintosh Hall –
Vacancy for night receptionist

Clerk: Question 136.

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

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

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

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

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

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

840

Q137/2014
Facilities for cricket and rugby –
Update

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

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

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

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

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

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

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

Q138/2014
Heritage sites –
Details of works carried out

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

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

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

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

Schedule to Question No. 138/2014

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

a) Site: Charles V Wall

Works: Conservation and restoration works.

Contractor: Knightsfield Holdings Ltd.

Total Amount: £ 13,038.27

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

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

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

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

890

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

895

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

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905

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

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

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

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

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

915

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

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

920

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

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

925

930

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

935

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

HEALTH AND THE ENVIRONMENT

Q140-142/2014

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

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

940

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

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

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

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

Clerk: Question 141.

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

Clerk: Question 142.

960

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

965

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1035

Q144/2014
New ambulances –
Manual handling of patients

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

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

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

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

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

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

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

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

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

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

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

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

1080 **Clerk:** Question 152.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 5/2014, can the Minister for Health say what the reason or reasons for the long waiting list and long waiting times are for physiotherapy treatment?
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Clerk: Question 153.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 5/2014 can the Minister for Health say how he will be addressing the growing trend and three-fold increase in the last two years of those on the physiotherapy waiting list and the length of time to wait before physiotherapy treatment?
1090

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the reason for the increase in the waiting list has been an unfortunate series of events in relation to staffing. The increase has been in the waiting list for adult chronic muscular related conditions. This is because as these are
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considered by the professionals to be the least vulnerable of patient groups, any shortfall in other physiotherapy disciplines tend to be filled by redeployment of staff from this area.

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

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

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

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

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

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

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

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

1120 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health give this House a progress report on the drafting of the new Mental Health Act and when it will be ready?

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

1125 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a preliminary draft Bill for a new Mental Health Act is ready and is being scrutinised by the Mental Health Working Group, which consists of mental health professionals and practitioners to ensure that it reflects the Government’s priorities – that is to say that it puts patients first, that it reflects best practice in the field of mental health treatment and that it is feasible to implement.

1130 Given the importance we attach to the process of scrutiny and analysis in this sensitive area, I would not want to rush it; however, I am reasonably confident that a Bill can be introduced into this Parliament by the end of this year.

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

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

1135 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per his Budget Speech, can the Minister for Health give this House a progress report on the review of GHA neurology services and what additional services will be offered under the umbrella of neurological conditions?

1140 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q149/2014
GHA GPs –
Issuing of prescriptions

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

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

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

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

Q150-151/2014
Colorectal cancer –
Screening

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

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

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

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

1210 **Clerk:** Question 151.

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

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

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

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

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

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

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

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

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

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

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

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

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

Q154-156/2014
GHA management structure –
Update

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

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

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

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

1270 **Clerk:** Question 155.

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

1275 **Clerk:** Question 156.

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

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

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

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

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

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

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

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

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

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q157-161/2014

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

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

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

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

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

Clerk: Question 158.

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

Clerk: Question 159.

1320 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what is the admissions criteria for elderly to the Elderly Day Centre at Waterport Terraces, how they are assessed and how those elderly, who are not mobile, are transported to and from the centre and by whom?

1325 **Clerk:** Question 160.

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

1330

Clerk: Question 161.

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

1335

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

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

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

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

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

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

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

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

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

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

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

1370

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

Clerk: Question –

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

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

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

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

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

TRAFFIC, HOUSING AND TECHNICAL SERVICES

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

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

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

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

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

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

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

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

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

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

Hon. P J Balban: Yes.

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

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

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

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

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

Clerk: Question 164.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q165/2014

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

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

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

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

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

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

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

Clerk: Question –

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

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

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

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

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

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

1510

Q166/2014
Official cars –
Current mileage

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

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

Mr Speaker: Question 166.

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

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

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

Answer to Question 166 of 2014

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

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

Q167/2014
Personalised registration numbers –
Revenue generated

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

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

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

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

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

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

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

Q168/2014
Directive transposition –
Compliance with European law

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1605 esoteric debate at the moment without notice of particular issues like that, other than to say that we are very confident that the transposition complies with the requirements of EU law.

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

1610 The first is that I have dealt with this matter previously to raising this oral question in the House. In fact there was a written question at the last session, which formed the basis of my oral question, and there has been correspondence between myself and the Hon. Minister with the relevant responsibility in this respect because this line of questioning, and indeed my pursuit of this issue, arises from concerns that have been raised with me in relation to the effect of the transposition.

1615 The Hon. the Chief Minister says that I should give notice of the question and the question really quite clearly sets out the basis of the issue that I am alluding to and that is that in answer to the written question. In relation to the written question, the Minister said that the Directive, at Article 4... I think it was 4(6)(c) (A Member: Yes.) Article 4(6)(c) allowed the Member State to increase the minimum age for any of the categories for reasons of road safety. I will happily concede that that is very valid and indeed, at first glance, raising it to the age of 18 for A1 is very good indeed; but what it does do, as almost a side effect, is do away with the staged access to motorcycles. That is a key part of the Directive itself.

1620 During discussions for the creation of this Directive, the British participation in it was dissatisfied with staged access because it had been a source of discussion in the UK that staged access did not actually benefit road safety. But despite that, when the Directive was in fact created and the British Government had abstained from it by virtue of its resistance to the staged access, the implementation in the UK does indeed have staged access.

1625 I know, Mr Speaker, that it is a long preamble, but I think it is very relevant to the supplementary that I will ask, which is that in the UK you can get on an A1 motorcycle at the age of 16 and then at the age of 18 on an A2. The point being that the Directive requires a two-year gap and an additional test in order to progress from one category to the other, because it is growing in terms of the power output too.

1630 The whole purpose in my view, Mr Speaker, of the Directive is the staged access, and you see the difficulty I suspect the Government has run into in relation to the implementation of this Directive, was that they were faced with one of two choices, and that was Mr Speaker –

Mr Speaker: Ask the question –

1635 **Hon. S M Figueras:** I will ask the question, Mr Speaker.

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

1640 **Hon. Chief Minister:** Mr Speaker, I think the position is very clear, but if the hon. Gentleman wants to labour it, let us do so.

1645 First of all, his question, to which this is a supplementary, simply asks whether our Directive transposition is in compliance with European law – yes or no. That is the question. Now this supplementary is a detailed analysis of parts of how the Directive has been transposed into law. I do not think it is something that we can be expected to deal with on the hoof like this.

1650 But there is an aspect of what the hon. Gentleman is saying which is obvious and which we are happy to deal with, and it is that you have got to have the gap. Now, you either have the gap by allowing people to start even earlier at 16 and then you have a gap of two years, or at 18 they can take any type of licence – that is the advice that we have. It is advice that puts us in compliance with EU law, which is the first question that he is asking.

1655 If he has a serious concern, Mr Speaker, about road safety, he can be assured that the Government would have the same concerns and if we thought that there was a way of dealing with it, we would. If he wants to make a proposal in writing – which I certainly have not seen in any of the exchanges – which he thinks is in keeping with European law and in keeping with the leeway that we are given under European law and he wants to write to the Minister for Justice and the Minister for Traffic on it, that will always be received in a welcoming way, as long as we are able to agree the parameters and we are able to get the legal advice confirmed. But his question was really one just of compatibility with European law.

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

1660 **Mr Speaker:** The hon. Member asked a written question some time ago. I have got a copy of the question and it was a very, very detailed answer and in a way it is a pity that it was not an oral question (*Interjection*) because then today I think the proceedings now, the exchanges, would be more clear cut if all

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

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

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

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

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

Q169/2014
Government rental homes –
Rent arrears

1685 **Mr Speaker:** Next question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1745 **A Member:** Mid Harbours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. Chief Minister: Fair enough.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

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

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

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

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

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Clerk: Question 171.

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

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

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

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

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

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

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

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

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

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

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

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

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

Q172/2014

Reallocation of empty homes – Details of contracted services and costs

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

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

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

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

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

Answer to Question 172

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

ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

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

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

Q173/2014
Assignment of Government rental homes –
Update

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

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

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

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

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

Q174/2014
Government rental homes –
Urgent decanting of tenants

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

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

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

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

Q175/2014

**Government rental homes –
Allocations and assignments**

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

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

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

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

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

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

Q176/2014

**Housing Works Agency employees –
Numbers retired transferred and seconded**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Twenty minutes on one question.

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

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

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

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

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

Q177/2014

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

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

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

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

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

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

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

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

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

Go on.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q179/2014
Repulse House and Victoria House –
Lift repairs

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

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

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

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

Q180/2014
Laguna Estate –
Water ingress through windows

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2370 **Mr Speaker:** Next question.

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

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

Hon. J J Netto: Yes.

2380 **Mr Speaker:** Right.

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

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

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

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

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

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. S M Figueras: Inherited.

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Next question.

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

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

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

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

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

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

Q184/2014

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: I am not going –

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

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

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

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

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

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

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

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



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Thursday, 20th February 2014

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The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q205/2014

Borders and Coastguard Agency – Employment structure

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

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

Clerk: Answer the Hon. the Chief Minister.

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

Answer to Question 205

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

Contd...

Contd Answer to Question 205

Training Manager cont;		Resolve and respond to training issues on the application and interpretation of processes and legislation. Manage the learning and Professional Development of the workforce and identify training needs through consultation with management, Regulators and other official bodies. Responsible for the operational worthiness of the training equipment. Custodian of all BCA Post Instructions, their amendments and promulgation.
Training Officer	1	Assisting the Training Manager in his duties. Build, plan and deliver dynamic training. Develop training programmes within the Agency. Continuously see and support new approaches, practices and processes to improve the efficiency of the training provided. Establish and maintain effective working relationships with employees, management, customers and Regulators. Deputise for the Training Manager as required.
Senior Borders and Coastguard Officer	16	Supervise the Border and Coast Guard Officers in the carrying out of their duties and ensuring that those duties are carried out in compliance with all applicable legislation, rules, codes and directions of the Agency. Ensure that all equipment is properly maintained and operational. Ensuring that all operating protocols and procedures are up to date. To embark on vessels and aircraft on which Border and Coastguard Officers are required to embark. To exercise disciplinary control and report breaches of discipline to a superior officer.
Borders and Coastguard Officer	62	To carry out and discharge all manner of security duties and functions. Perform all Immigration Control and duties at all entry points and collecting any statistical information and other data as required by the Agency. Controlling and directing vehicular and pedestrian traffic flow at immigration points.
Security and Immigration Officer	15	To carry out and discharge all manner of security duties and functions. Perform all Immigration Control and duties at all entry points and collecting any statistical information and other data as required by the Agency. Controlling and directing vehicular and pedestrian traffic flow at immigration points.
Administrative Officer	1	Preparation of Salaries, keeping records of Annual Leave and Sick Leave entitlement.

Mr Speaker: The schedule is fairly long. It is two pages of rather small print. If he wishes, we can go on to other questions and then come back. It is up to you.

15 Since it is Mr Feetham who is asking the next question then, the Hon. Mr Bossino, you can have a look at the schedule and we will return to it. Okay?

Hon. D J Bossino: Yes.

Q206/2014

GBC –

Plans to make entirely self-sufficient

Mr Speaker: So call the question for the Hon. Mr Feetham.

20 **Clerk:** Question, 206, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether GBC is on track to become 'entirely self-sufficient', which is the expectation the Government expressed in 2012?

25 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this remains the Government's aim and it is one which the current CEO shares and is working towards. We are very much on track on the planning for this.

30 **Hon. D A Feetham:** Mr Speaker, do the plans for making GBC entirely self-sufficient, are they still the plans that existed in 2012 or have they moved on from 2012? Has the Government changed its policy or is it just simply a continuation of what it was aiming to do in 2012?

35 **Hon. Chief Minister:** A continuation of what was aimed for in 2012, Mr Speaker.

Hon. D A Feetham: Yes, Mr Speaker, no doubt the hon. Gentleman will recall that this question was last asked in November of 2012. At the time the Hon. the Chief Minister said, when he was asked how does he intend to make GBC entirely self-sufficient, he said, 'Mr Speaker, by the profits of the joint venture it has created, namely Gibraltar Entertainment Networks Limited'. Is he saying to this House that that project is still on course to become successful and therefore underpin GBC's entire self-sufficiency?

Hon. Chief Minister: Yes, Mr Speaker.

**Q205/2014 continued –
Borders and Coastguard Agency –
Employment structure**

Clerk: Question –

45 **Hon. D J Bossino:** I am grateful –

Mr Speaker: Go back to Question 205.

50 **Hon. D J Bossino:** I am grateful, Mr Speaker, and I am also grateful to the Hon. the Chief Minister for the very full information he has kindly provided me in his answer – it is very much appreciated.

In fact, Mr Speaker, one of the concerns that I have that has been reported to me, and it has kind of been confirmed as a result of the information that the Hon. Chief Minister has given me, is that those who are employed as security and immigration officers are carrying out, in effect, the same duties – let me get this right – as the Borders and Coastguard officers, of which there are 62 and of the former there are 15.

55 As I understand it the security and immigration officers get paid less than the Borders and Coastguard officers. Maybe he can confirm whether that understanding is correct and if it is, why is it that the security and immigration officers are doing exactly the same duties for less money than the Borders and Coastguard officers? But as I am not sure about the information I have received, it may be that the premise of the question is wrong, but maybe he can confirm that.

60 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I do not have the information as to salaries here. Now that he has put that question I am quite happy to look into it and speak to him after the meeting at some stage in the next week or so.

65 **Hon. D J Bossino:** Mr Speaker, maybe I can obtain the information myself, but obviously he will have the information more readily available than I, and if I find any information in relation to that I will tell the Hon. the Chief Minister, but I would encourage him to look into it.

70 The other point I would raise, Mr Speaker, is that in the estimate book, which was approved at the time of the last budget, there was a provision for 2013-2014 of 14 security and immigration officers, yet we have one more. Can he explain why that is?

Hon. Chief Minister: No, Mr Speaker, and I do not have the estimates book with me, but I am quite happy to check that, in the same way I am going to check the other point he has raised and have a conversation with him, probably not today, but maybe tomorrow or next week.

Q207/2014
Previous Speaker's tax affairs –
Report into leak of information

75 **Clerk:** Question 207, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to Question 839/2013, can the Chief Minister please state whether the report into the leak of the tax affairs of the previous Speaker has now been finalised?

80 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I understand that the report has not yet been finalised.

Q208/2014
Affordable homes available for sale –
Ownership terms

85 **Clerk:** Question 208, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of how many flats may be sold to the public on co-ownership and 100% ownership terms, broken down by reference to ongoing developments announced by the Government?

90 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, all buyers in respect of the affordable homes available for sale will be given the choice to purchase between 50% and 100% share of those homes, so there is no predetermined co-ownership percentage.

95 **Hon. D A Feetham:** Mr Speaker, and on that basis, effectively what he is saying to me is that the Government will not impose, say, for example, a 20% margin of those that will be on 100% terms, 80% say, co-ownership. So given that that is the case, how will the Government allocate these flats to various applicants, bearing in mind that it is likely to be that the projects are likely to be oversubscribed? These projects are the same as Waterport Terraces and Nelson's View. They are all over-subscribed. Can the Government perhaps give me some information in relation to that?

100

Hon. Chief Minister: Mr Speaker, as I have said publicly in relation to all of these issues, how much one can buy is not going to determine what choice a person has of which of these homes are going to be available to them.

105

The priority, as I have said publicly at the launch of these projects, will be based on people's places on the housing waiting list. I specifically said that we did not think it was proper...well it is not a question of proprietary. We did not think it was appropriate that under the last Administration the affordable homes were sold to those first who could afford to buy the largest share. We have taken a completely different attitude, as he will now know, and your place on the housing waiting list will be what grants you the priority of choice.

110

Hon. D A Feetham: Yes, Mr Speaker, I understand that, and of course he is entitled to have a different policy and I do not criticise it. I do not criticise the policy for one moment, but bearing in mind that people

115 that are on the housing waiting list and a lot of those people may be on the housing waiting list because they cannot afford to buy, has he factored that in to the equation? What are the criteria for allocation if, for example, there is not sufficient take-up from people on the housing waiting list?

120 **Hon. Chief Minister:** Well, Mr Speaker, that is not the indication that we have from the people on the housing waiting list. At the moment it appears that we may be oversubscribed from people on the housing waiting list. If we are not, then there will be different classes and categories of people who may be entitled to buy those flats that are left and we will cross that bridge if we come to it. We have ideas as to how we will deal with it, but at the moment it seems very clear to us that the people on the housing waiting list are the ones looking to buy. Now, obviously, if somebody has not got the means to buy, they will not buy.

125 **Hon. D A Feetham:** Mr Speaker, is the Government satisfied that there is sufficient lending capacity in Gibraltar in order to ensure that people have the funding to fund their purchases for these projects?

130 **Hon. Chief Minister:** Mr Speaker, yes, we are, and in fact it may be that in some instances people do not even need to borrow. I mean with a 2RKB starting at £27,600, which is less than the hon. Gentleman's car is worth, they may be able to buy them with one cheque. *(Laughter)*

Hon. D A Feetham: Mr Speaker –

135 **A Member:** Is it?

Hon. D A Feetham: Actually, no, it is not. I know what my car cost second hand and he does not. But, of course, it is all irrelevant.

140 But, Mr Speaker, surely the Government *(Interjections)* has taken into account in its policy in respect of these developments that there have been difficulties in the lending sector. Barclays has gone. Now we know that Norwich and Peterborough will also be going by the end of the year.

Does the Government, for example, expect to be taking some of the demand through the Gibraltar International Bank? Can he give us some information in relation to that, for example?

145 **Hon. Chief Minister:** Mr Speaker, of course the Government is satisfied that there is sufficient lending capacity. There is more lending capacity in Gibraltar at the moment than there was when the original co-ownership estates were put up for sale and in the marvellous job that was done by the GSLP Administration between 1988 and 1996, where 2,000 homes were developed. There were less building societies in Gibraltar and mortgages were available to all of those people who purchased then.

150 And Barclays has not gone, Mr Speaker, and is not going. Barclays is going to remain in Gibraltar with a much reduced capacity; but they have already said, and the hon. Gentleman should recall, that they are going to continue offering mortgages until 2016, which is beyond the date when mortgages are going to be required for these properties. So we are entirely satisfied that there is going to be sufficient lending capacity in the market.

155 The position of Gibraltar International Bank will be made clear by Gibraltar International Bank.

Q209/2014

Foreign investors – Government plans

Clerk: Question 209, the Hon. D A Feetham.

160 **Hon D A Feetham:** Mr Speaker, is the Chief Minister in a position to make an announcement in relation to those foreign investors which he said he had up his sleeve as far back as May 2011, and which in answer to Question 846/2013 he said he would be announcing towards the end of January 2014?

Clerk: Answer the Hon. the Chief Minister.

165 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

The recent visit to the Berlin Money Show, which was the subject of a Government Press Release, was in connection with the launch of the Gibraltar International Mint as the joint venture marketing company that will be seeking to place a new Gibraltar silver coin in the market for investment silver coins. The joint venture is with one of the numerous potential investors who have been working with the Government since

170 before our election. A specific statement on this has been agreed with the said investor, but agreeing it is slightly delayed. The launch of the new coin was timed to coincide with the 25th anniversary celebrated at the Berlin Show of the Vienna Philharmonic, one the most successful investments of the coins. The Austrian Mint is responsible for the minting of the Philharmonic and will mint the new Gibraltar coins and a distribution agreement has been entered into with one of the major German companies in this market.

175 Whilst it is early days to estimate what the revenue potential is, what is clear is that there is a huge market and that even a small share of this market will provide Gibraltar with a new source of income.

Other potential investors who were working with us before our elections are still in the process of finalising their investments in Gibraltar. Further statements will be made when relevant.

180 **Hon. D A Feetham:** Mr Speaker, I rise... I feel slightly deflated. I thought when he as far back as May 2011 made a little bit of a song and dance about these investors he had up his sleeve to... just over... well, in fact it is longer than two and a half years, to come back and to say 'Gibraltar International Mint' is slightly disappointing I have to say.

185 But, Mr Speaker, can he perhaps give an indication of what kind of contribution does he expect this will make to the economy in terms of growth of the economy? What are we talking about in terms of income to the Government, or is he not in a position to provide that kind of information so we can assess the overall contribution to the economy and whether that is going to be significant or it is not going to be significant?

190 **Hon. Chief Minister:** Well, Mr Speaker, the fact is that I am not answerable, as Chief Minister of Gibraltar, for anything I said in May 2011, but I am entertaining the hon. Gentleman's questions. I am not going to give him an estimate today of what this business is going to be worth in the future.

He will recall that at election time he was the one that ventured into making estimates of what results were going to be and what turnouts were going to be, and making those sorts of estimates in my view is a little bit foolish so I am not going to do that.

195 But, Mr Speaker, new homes, a new hotel, new office developments, that is real investment, Mr Speaker, and that is what we are seeing in our economy, together with a new Bank. So I am not surprised that the hon. Gentlemen is deflated, furious and frustrated.

200 **Hon. D A Feetham:** Mr Speaker, I have to say that if you compare the hon. Gentleman's... the Government's achievements in this area and the areas that he has mentioned over the last just over two years and compare it, for example, to the achievements of the first GSLP Government during the same period, and there is absolutely no comparison. He is way, way behind in the achievement stakes, if I may say so myself.

205 But, Mr Speaker, just so I understand it, this is the only investment that he had in mind when he made these statements in 2011 and has made several statements to me in this House when I have asked this question over the last two and a half years. This is the extent of the investments that he had in mind when I was asking the questions and he was answering them across the floor of this House and also when he was making these statements two and a half years ago.

210 **Hon. Chief Minister:** Mr Speaker, I consider the GSLP Government's achievements from 1988 to 1996 to have set the standard that I would hope one day to be able to be in the shadow of. That was one of the most exciting governments that Gibraltar has ever seen. Involving as it did Joe Bossano leading Gibraltar's economy from a place where we were having to borrow to pay recurrent expenditure, to standing on our own two feet and putting us in the position where we could utter the words, 'self-determination' in the context of self-sufficiency at last.

215 I know that he had family links to that Government and he is justly proud of what happened then, as I am to lead the party today that delivered in those days what I think is, without doubt, a lesson in good and appropriate Government and how to turn an economy around. So if I am failing to achieve what Joe Bossano achieved in 1988 to 1996, I will always continue to try and emulate it.

220 I will never, Mr Speaker, say that I turned my back on what my party did then or what it did in Opposition – something which I note is not the case in respect of Members opposite, given that they already trying to forget much of what they did when they were in Government and already denying it vide the interviews given by him and his new Party Chairman as to the way they do things now compared as to the way they used to do things before.

225 But, Mr Speaker, if the economy grows from £1.1 billion to £1.65 billion by the time I call the next General Election, even Joe Bossano will say that that was not bad.

Mr Speaker, if I started the process of building 1,000 homes, half of what the GSLP built between 1988 and 1992, because by then already 2,000 were to be started, that is at least half of what the GSLP achieved. It may not be enough and I will always be in awe of that Government, but it is so much more than the GSD did between 1996 and 2000. (*Banging on desks*)

230 **Hon. D A Feetham:** Well, Mr Speaker, I am glad that he thinks so because of course he actively campaigned against the GSP in 1992. (*Laughter and banging on desks*) So I am afraid that there is role reversal here. The point that he always makes against me that he has left himself open that I make against him. (*Laughter and interjections*)

235 But I have to say, Mr Speaker, because of course, he is going to come back to me, that although I was not supportive of the GSD prior to 2004, I hope that in the same way as he lambasts me about the 16 years abysmal record of the GSD here and there, that when we talk about the positives, of which there were many in relation to the GSD, that he also gives me credit for that too (*Banging on desks*) because I will accept the credit because the net balance is heavily weighted in terms of achievement to the burdens or the ‘unachievements’ of the last 16 years.

240 But, Mr Speaker, in relation to this particular investment, is Credit Finance involved in any way, shape or form – and I ask this question in the widest possible terms – in terms of any guarantees that have been provided for the investors, any assurances that have been provided by Credit Finance, as well as any direct or indirect financial assistance of whatever form – I am trying to sort of keep it as wide as possible for the hon. Gentleman... of whatever form in relation to this investment and these investors?

245 **Hon. Chief Minister:** Mr Speaker, in 1992 I was a student at University (**A Member:** Ah.) and I have learnt many things since then.

250 But it is very clear, if the hon. Gentleman goes back and looks at everything I said, that none of the criticisms I made in 1992 refer to any of the things that I have praised today, which is the economic performance of that Government – something which even Joe Bossano’s greatest detractors always speak highly of. So, Mr Speaker, I do not think there is any contradiction whatsoever. But I think history will speak for itself and will demonstrate what it was that each of the Governments that have led Gibraltar has delivered. There does not need to be a debate about it between us today; but he wanted to make the comparison, so I dealt with the comparison.

255 I am quite happy to deal with the question as widely as he has put it in relation to Credit Finance, Mr Speaker. There is absolutely no involvement in respect of Credit Finance in the way that he has described it or otherwise howsoever arising in respect of this investment. But I just do not know if the directors of Credit Finance might have bought one of these coins already, but that would be a matter entirely for them.

Q210-223/2014

Sunborn floating hotel project – Works at Ocean Village Marina; details and costs

260 **Clerk:** Question 210, the Hon S M Figueras.

Hon. S M Figueras: Can the Chief Minister provide details to this House of all costs incurred directly or indirectly by the Government or Government-owned companies, owned directly or indirectly, in whole or in part, as a result of the enabling works at the site where the Sunborn floating hotel is now located at the Ocean Village Marina?

265 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Questions 211 to 223.

270 **Clerk:** Question 211, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state who is paying or who has paid for the cost of the infrastructural works to accommodate the Sunborn floating hotel in Ocean Village and how?

275 **Clerk:** Question 212.

Hon. J J Netto: Mr Speaker, can Parliament have a copy of the agreement between the Government, the owners of the Sunborn and the proprietors of Ocean Village with regard to the Sunborn floating hotel project and provide the total cost of this project broken down by each entity involved?

280 **Clerk:** Question 213.

285 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if the infrastructural works to dock the Sunborn floating hotel in Ocean Village was a Government project or a private one?

Clerk: Question 214.

290 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state who is project managing the infrastructural and dredging works in order to accommodate the Sunborn floating hotel in Ocean Village?

Clerk: Question 215.

295 **Hon. J J Netto:** Mr Speaker, further to the letter sent to me by the Hon. Neil Costa MP on 14th January 2014, can the Minister for the Port provide Parliament with the names of all the companies, including Steel Mac Ltd that submitted a bid for the dredging works in order to store the contaminated material in the *MV Nord Star* and state what were their respective bids?

Clerk: Question 216.

300 **Hon. J J Netto:** Mr Speaker, further to the letter dated 14th January 2014, from the Hon. Neil Costa MP to me, could the hon. Member confirm that Burando Maritime Services is still contracted by the Government to remove the dredged material from Ocean Village, and if not, why not?

305 **Clerk:** Question 217.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state if Steelmac Ltd had been contracted by Burando Maritime Services or by the Gibraltar Government, in order to dredge the contaminated material in Ocean Village and place the said material in the *MV Nord Star*?

310 **Clerk:** Question 218.

315 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if some of the contaminated waste material arising from the dredging of the Ocean Village to accommodate the Sunborn has been transferred and deposited at the Nerva (Huelva) rubbish dump?

Clerk: Question 219.

320 **Hon. J J Netto:** Mr Speaker, if contaminated waste material from the dredging of the Ocean Village has been transferred to the Nerva (Huelva) rubbish dump, can the Minister for the Port state what tonnage has been deposited there and whether such material has emanated from the waste material deposited in the *MV Nord Star*, the *MV Meridian*, or from subsequent dredging and delivered by lorries to Nerva?

Clerk: Question 220.

325 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state how much tonnage of contaminated waste material from the dredging of Ocean Village has been removed to the Netherlands by using the *MV Meridian* and if this ship will be further engaged for the transportation of further contaminated waste, and if not, why not?

330 **Clerk:** Question 221.

335 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if the 4,000 tonnes of contaminated waste material from the dredging of the Ocean Village still remains inside the *MV Nord Star*, and if so, what is the Government going to do to safely dispose of such material?

Clerk: Question 222.

340 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if in the issuing of the export licence to the various companies involved in the removal of the contaminated waste material from the dredging of the Ocean Village, there is an Environmental Audit trail included to ascertain that all the contaminated waste material will be either properly treated or safely deposited and made inert, and if so, who is the competent Authority to conduct the Audit trail?

345 **Clerk:** Question 223.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state who is paying for the removal of the contaminated material to the various final destinations, and how?

350 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government notes and welcomes that the Sunborn five star floating hotel is now permanently docked in the area between Ocean Village and Marina Bay. This is the first new hotel established in Gibraltar in many years. A number of further hotel projects have since been announced as well as the refurbishment of existing hotels.

355 The total cost of the infrastructure required to berth the Sunborn vessel at the said location is in the process of being calculated. This cost will not be borne by the Government. The benefits of the infrastructure works have accrued to Ocean Village and Sunborn and although Government has undertaken the works as an urgent Government project in order to enable this hotel project to progress, the costs will be shared by those who have taken the benefit of the said works. Government is in the process of agreeing with both Ocean Village and Sunborn what proportion of the works each is liable for and how they will respectively reimburse the Government. The Government is not privy to any agreement between Ocean Village and Sunborn and cannot therefore provide details or a copy of it. There is no agreement between Sunborn and the Gibraltar Government.

360 A Government of Gibraltar Project Manager was instructed to manage both infrastructural and dredging works appertaining to this project.

365 A total of four companies submitted bids for the dredging works with these being awarded to Steel Mac in the sum of £680,000.

Burando Maritime Services are still contracted to remove all dredged material from Ocean Village.

370 As far as the Government is aware no contaminated material has been transported to a rubbish dump in Nerva in Huelva.

Approximately 6,300 tonnes of dredged material was removed by the *MV Meridian*. It is up to the company contracted with the removal of the material to decide whether or not to engage this vessel for any further works in relation to this project.

375 As far as the Government is aware, approximately 1,300 tonnes still remain inside the *MV Nord Star* out of the original quantity deposited there. This material will be disposed of by Burando Maritime Services.

The companies involved respectively with the collection, transportation, exportation and disposal of the contaminated waste material arising from the Ocean Village dredging are all licenced to undertake these operations. The Environmental Agency is the competent Authority in all matters relating to the collection, storage, transportation and disposal or recovery of waste under Part VA of the Public Health Act.

380 The removal of the contaminated material is being paid by Burando Maritime Services as the company contracted by Her Majesty's Government of Gibraltar to do so. The material is being transported by land.

Q224-228/2014
Credit Finance Company Limited –
Commutated pensions; loans

Clerk: Question 224, the Hon. D A Feetham.

385 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state what is the value of commuted pensions of Civil Servants paid out by Credit Finance Company Limited as at 31st January 2014?

Clerk: Answer the Hon. the Chief Minister.

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 225 to 228.

Clerk: Question 225, the Hon. D A Feetham.

395 **Hon. D A Feetham:** Can the Chief Minister please state what is the amount lent by Credit Finance Company Limited to the owners of the Sunborn as at 31st January 2014?

Clerk: Question 226.

400 **Hon. D A Feetham:** Can the Chief Minister please provide details of the amount lent to the management companies of housing estates by Credit Finance Company Limited as at 31st January 2014?

Clerk: Question 227.

405 **Hon. D A Feetham:** Can the Chief Minister please state as at the 31st January 2014, how much has been lent by Credit Finance Company Limited in relation to Government arrears, broken down by the type of arrears?

Clerk: Question 228.

410 **Hon. D A Feetham:** Can the Chief Minister please state as at 31st January 2014, what is the total amount loaned by Credit Finance Company Limited?

Clerk: Answer the Hon. the Chief Minister.

415 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the value of the commutations paid out to Government pensioners for Credit Finance Company Limited, as at 31st January 2014, was £20,707,012.

The total amount of the loan book of Credit Finance Company Limited as at 31st January 2014 was £46,646,565.

As has already been explained in the House previously, details of individual loans issued by Credit Finance Company Limited will not be given.

420 The details requested in Question 227 remain the same as those provided in answer to Question 758/2013 by letter of 23rd November 2013. I note, Mr Speaker, that that letter was also copied to you.

425 **Hon. D A Feetham:** Mr Speaker, in relation to Question 225, which is the loan that has been provided to the Sunborn, the hon. Gentleman has publicly stated in an interview in the *Chronicle*, he said that the loan as at... I think it was July of last year, was just under £30 million. Now, if he can provide that information publicly in an interview to the *Chronicle*. Why can he not provide it in this House when he has provided the information publicly to the *Chronicle*? We know because he has done that, that it is just under £30 million. All I am asking is for an update of that position to be provided to this House as at 31st January 2014. I think it is not an unreasonable question given the information that he has already provided publicly.

430 **Hon. Chief Minister:** Mr Speaker, it is becoming a bit tiresome to have the same debate in every meeting of the House. The hon. Gentleman will get from me the total amount of the loan book of Credit Finance Company Limited. He will get no further breakdown. That is the position of the Government. We are perfectly comfortable with giving that information. We are not comfortable giving more information because of the way that we read our obligations as lenders.

435 Mr Speaker, Sunborn has said certain things about its borrowing. At the time that I gave the interview to the *Chronicle*, I reflected what the position was at the time. I think if the hon. Gentleman looks at exactly what I said, I do not think he is reflecting it in the way that I said it. The Government's position remains as it has been for the past six meetings of the House.

440 **Hon. D A Feetham:** Well, Mr Speaker, I am afraid that I still take the view, as we do on this side of the House, that it is totally unacceptable behaviour on the part of the Government. But what about in relation to Question 226?

445 The Hon. the Chief Minister has accepted in answer to past questions that there have been loans to the management companies, of at least one management company of at least one housing estate. I am not asking for the identity of... those housing estates – I am not – which is the concern that he has publicly expressed, which is, 'I am not going to breach confidentiality. We do not agree that it applies, 'but I am not going to breach confidentiality in revealing the identity of the people on this loan book'. But I am not even asking that. I am asking to provide details of the total amount, the *total amount*, not in relation to one, the total amount owed... sorry, lent to management companies of housing estates. Surely that is information that the Opposition is entitled to ask and it is information that the Government should not be reticent in providing.

450 **Hon. Chief Minister:** Mr Speaker, the Government has not lent any money to any housing estate that it is refusing to talk about. What we are talking about is loans by Credit Finance Company Limited and it really is becoming tiresome, Mr Speaker.

I know that the Hon. Gentleman might have felt that he was on to a winner when he started to criticise Credit Finance and he thought that he might finally be able to bring down economic hell and brimstone on

460 the Government and this might help him to achieve his aim of becoming Chief Minister, even if it involved rack and ruin for the people of Gibraltar.

We have said what we are going to say about the loan book of Credit Finance. We are not going to give any breakdown of it. If the hon. Gentleman wants to know what a particular estate has borrowed from Credit Finance, why does he not call the Chairman of the management company of the estate that he believes has been loaned money by Credit Finance and ask him? That person is likely to tell him because he is likely to have written to all the people who reside in that Estate and it is not confidential information in the hands of those individuals, but it is in our view confidential information in the hands of the Government. That is the position. We have made it clear. It is becoming tiresome to have to repeat it. He may not like the answer, Mr Speaker, but it is the one he is going to get.

470 I am just tempted to tell him to go back and read the *Hansards* of what I have already told him. Repeating the question is not going to change the answer.

Hon. D A Feetham: Mr Speaker, this is a different question. It has been allowed onto the Order Paper. It is a different question.

475 Mr Speaker, the hon. Gentleman is a master of attempting to confuse the issue. There is no confidentiality issue in relation to this. I am not asking him to reveal the identity of the housing estates which have been lent money. I am not asking him that. I am asking: what is the total amount that has been lent to housing estates in Gibraltar? There cannot be any confidentiality in that at all and I do not understand what the Government's reticence is.

480 Can he explain how he justifies the extension of the Government's policy which I do not agree with, but I understand, which is, Confidentiality bites here. I cannot reveal the identity of the people that have received loans', to the position he is taking now during the course of today, which is, but 'I am not even going to tell you the totality of what has been lent to housing estates'? It is a remarkable lack of transparency and accountability (*Banging on desks*) where they ought to be accountability and transparency in this House.

485 **Hon. Chief Minister:** That is nonsense, Mr Speaker. It is an attempt to grab a headline which he thinks will benefit him in some way, and it really is something that the people have seen through.

I have said before, this is not my position now. This is the position that we have been putting since we started debating in this House, that we will not give any details of individual loans. I have said we would not give names. We will not give areas etc. I have said that on a number of occasions.

490 He has got a problem with his memory, Mr Speaker. He needs to go back and check *Hansard*. We had this problem in the Select Committee, where he thought I had said one thing, when actually I had said another. When he goes back and checks the *Hansards*, he will hopefully come back and confirm that he got that wrong. When he goes back and checks this, he will also see that he got that wrong.

495 The Government is being *completely transparent*. We are *totally* see through on this issue, but what we are not going to do is give him the details that he wants because we believe that that is confidential. I have given him, Mr Speaker, a moment ago, the total amount of the loan book. The total, he has got it. The amount loaned by Credit Finance: £46,646,565. Totally transparent. Totally see through. But he is not going to get the details of every single loan or what it is for, or who it is to. It is not going to happen and that has been our position from the beginning.

500 What he cannot deal with, Mr Speaker, is that we are transparent, that we are accountable, that we come here every month to answer their questions, *and* we answer them; but they do not like the answer, Mr Speaker. They do not like the answer because they accumulated rent arrears and failed to recover them. They promised new hotels and they failed to deliver them. They got booted up and now we are having to clear up after them, Mr Speaker. They just cannot deal with it. (*Banging on desks*)

510 **Mr Speaker:** All these exchanges about the loan book of Credit Finance Company Limited were all rehearsed at the previous meeting of the House. The only difference is that the total amount is different as at 31st January to what it was previously, but we are going through the same arguments again.

Hon. D A Feetham: No, Mr Speaker, that is not right. That is not right and perhaps the Hon. the chief Minister –

515 **Mr Speaker:** In respect of lack of transparency –

Hon. D A Feetham: No, no, well of course.

Mr Speaker: – and all these other accusations, is not the same thing?

520 **Hon. D A Feetham:** No, no. Of course. Of course. The underlying criticism is of course the same
(*Laughter*) and will continue to be the same... the lack of transparency and accountability, which rightly we
have criticised. But it is not the same (*Interjection*) and this is the problem here, Mr Speaker, that Mr
Speaker has been persuaded by the very skilful way in which the Hon. the Chief Minister really tries to
confuse the issue.

525 I am not asking about any individual loans. I am asking the totality of the amounts that have been lent to
a particular sector. It is not even individual loans. It is in relation to the housing sector. (*Interjection*)

There may be two, three, four, five housing estates that may have benefited. Well, what is the totality? I
am actually making it easier for the Hon. the Chief Minister to at least provide me with some information
that is different, because of course every time that I ask a question about Credit Finance and the Chief
530 Minister refuses to provide me an answer. Well I go back, I read *Hansard*. I say let me see whether I can
get some information out of him that does not breach his self-imposed red lines, because at the end of the
day I am interested in receiving as much information as possible. This is one of them. This is different.

Does the Hon. Chief Minister not recognise that it is wrong for him to suggest that he is not providing
me with the information because he will not provide me information about individual loans? I am not
535 asking him about individual loans; it is about the totality of what has been lent to housing estates in
Gibraltar. It is a particular issue in relation to a particular sector. If he will not provide me with the answer,
I am not going to push it.

Hon. Chief Minister: Mr Speaker, as I have said before, and he perhaps needs to go and read *Hansard*
540 once again if he actually does bother to read it, because I think sometimes he does not, I am giving him the
totality of the loan book – the totality of the loan book. Every month he asks for it, he will get it, Mr
Speaker, but he will get no *breakdown* of the loan book. That is the Government's position. We have made
our position explicit on a number of occasions and our position has not changed. He is just trying to see
how he can perhaps get more information. Well, look, if he wants to continue trying to get more
545 information he can do what he likes, but our position is clear, transparent and see through. The total amount
of the loan book every month set out in answers to questions. Absolutely nothing wrong with that, Mr
Speaker. It is the appropriate way to act. It is the way that the Government is advised is the appropriate way
to act.

But, Mr Speaker, I will at least take from him that he considers me very skilful and masterful. He does
550 not often call me things that I might like to remember, Mr Speaker. I will take at least that from today's
session of the House.

ENTERPRISE, TRAINING, EMPLOYMENT, AND HEALTH & SAFETY

Q185 and Q188/2014

Business start-ups and nurture schemes – Benefit to new companies

555 **Clerk:** Question 185, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 676/2013, can the Minister for Employment state whether any
new companies are benefitting from the Government's policy on business start-ups and nurture schemes?

560 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr
Speaker, I will answer this question together with Question 188.

565 **Clerk:** Question 188.

Hon. D J Bossino: Can the Minister for Employment provide details of the Government's business
start-up policy?

570 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr
Speaker, the position continues to be as stated in answer to Question 676/2013.

The Government policy on new start-ups is to provide assistance and advice that may be required by the individual engaged in wanting to set up a new business.

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Hon. D J Bossino: Mr Speaker, is the policy as wide as that, because as I understood it – I do not have a copy of the *Chronicle* article which reported on – I think the answer that he or his Department had provided in relation to business start-ups but it was actually more particular than that, albeit confusing?

580

So that the first question is as I put it. In relation to the first question I asked, which was Question 185, does he have an explanation as to why no more companies are benefitting from this particular scheme?

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Hon. J J Bossano: I can make an educated guess. If the hon. Member remembers, I told him that when the initiative was taken by the Department it was identifying a group of people who had been unemployed for some time, who were in their late-50s and who were therefore finding difficulty in obtaining alternative employment, particularly in the construction industry, given that they were competing with people younger than them and coming over the frontier.

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Therefore, there were a number of companies where the Department took the initiative of approaching the individuals and suggesting to them that given the difficulties that they were having in finding work, and that we were having in getting employers to take them on, that they might consider the possibility of using their accumulated skills in the industry, as people had been maybe 20 or 30 years in the industry, and with our help set up a business. Those were the first ones that were set up and they were set up because we encouraged it. We went out to suggest it to people. Most of the people in that category were accommodated and have now got these little companies that are doing very well. They have taken on trainees and the owners are working owners – that is they own the company – but they actually use the tools themselves and they help to train young people that we have sent and they have then taken them on. So that has worked very well, but of course this was always a limited market. In that category there might have been seven or eight people, that was all.

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So that, in my view, is the reason why that particular type of start-up was exhausted, because if tomorrow we find somebody, for example, that is laid off and fits the characteristics that I want and we find we are having difficulty in getting them a job with somebody else, then we would again repeat that exercise, but at the moment there are no potential candidates that have been identified by us.

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In a few instances, not many, the initiative has been the approach from an investor, who then needed a different kind of help. The help might have been, for example, ‘Well, how do I go about putting together a proposal in order to get EU funding for the project that I want to do?’ or ‘How much help can you give me in training people for what is a specialist task?’

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So there are effectively two basic sources. One source is the one, in effect, that we created ourselves and the other is a source that comes spontaneously out of people who decide to invest their own money and set up a little business. That is the one where the widely defined part of the answer is because the advice and the help that we give is driven by the demand for the advice and the help.

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That is to say, the latter category probably do not need any help in setting up a company, they may already have a company, but they may need help with identifying how they can put a package together which is likely to succeed in getting them EU funding, given that there are criteria as to which industries qualify and which do not and how many jobs need to be created. The fact that sometimes, the hon. Member may not know it, but those who have been in Government will know, there are certain EU funds that can only be used to support people who have been a long time out of work or are of a certain age. So all that kind of help and advice is provided to the people who come looking for us, and the advice that they get depends on the questions they ask.

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Hon. D J Bossino: Mr Speaker, is all that, which is much more the detail of the policy, as a result of the negotiations which the Hon. the Chief Minister told me on a few – no, he is coming back – previous sessions in this House when he said... and again, I do not have the copy of *Hansard* in front of me, but when he suggested that the detail of the policy, and he knows that the Government has been a subject of criticism from us in relation to its apparent resistance in revealing to us what the detail of the policy is or was, that the Hon. Chief Minister would be entering into negotiations with the GFSB and the Chamber of Commerce. So is what the Minister for Employment just told me a result and the fruit of the negotiations and the discussions which the Chief Minister has had with the GF...? I think he mentioned and singled out the GFSB and did not mention the Chamber of Commerce. Is that the case? Is my understanding the case?

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And, if I may, Mr Speaker, just because I think it is connected as a supplementary, the Hon. the Chief Minister also told me in a previous session that the detail of the policy was available at the ETB. Is that a document that can be obtained from the Hon. the Minister for Employment opposite, because it seems that it is the Hon. the Minister for Employment, as opposed to the Hon. the Minister for Commercial Affairs, who is having charge of this particular scheme?

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635 **Hon. J J Bossano:** The recipients of the help and advice are the two categories that I have mentioned,
in terms of local businesses, and obviously also the people that I see who are looking at the possibility of
investing in Gibraltar. So the hon. Member got a letter from me telling him the number of people that I was
seeing in different areas about potential investments some time ago, yes. So, for example, those people
would be a new start-up business as well. I mean that if somebody comes and says, 'I want to set up a
640 factory here to do *a, b* and *c*,' it is a start-up business, but it is not local start-up business. In those cases
then the people have got to be given more information about more things which they do not know.

Of course, quite often people who come in with investment ideas have an initial meeting with me as the
Minister responsible for inward investment and then the matter is followed up because they have
accountants or lawyers here who look after their interests when they are not here. These people do not
normally spend all the time here.

645 But the basic approach of the Department is not that we have a sheet of paper that says all the things that
you do, other than the ones that were there already under the Gib Invest Office, which were leaflets that say
if you want to incorporate a company, you do all these things and you go and get these other firms of
lawyers and the firms of accountants. All that material was already there in 2011 and is still there today and
that is predominantly for people who come in from the outside.

650 For the people who are already established in Gibraltar, who may be moving from employment to self-
employment, then the answer is that they sit down with somebody in the Employment Service, who finds
out what it is that they require, and helps them to achieve it and gets them in touch with people. Where
people have got sufficient capital to do all this on their own and get professional advice they do not come to
us for help.

655 Where they come to us for help, frankly the interest that we have is that we want people to be able to set
up employment opportunities and therefore it is the Employment Service who has got a vested interest in
helping a potential employer to get on his feet and open vacancies – it is as simple as that.

660 **Hon. D J Bossino:** But, Mr Speaker, can he confirm this? He will recall that when we raised the issue
about this company, I think it was called ETB1 Limited –

A Member: ETB1 Limited.

665 **Hon. D J Bossino:** ETB1 Limited, and then there was a subject of a change of name, he will recall that
that is when we found out that in fact what was being provided by the Government was a registered
office... almost Corporate Service Provider facilities. There was a registered office, directorships,
shareholders by Government employees, and as a result of us revealing the existence of this company, we
found out (1) that there were more; and (2) we found out that this is a service which was apparently being
670 provided by the Government, although no announcement had been made in relation to that.

So can I ask him to confirm that this service is still being provided as part of this scheme? In other
words, that the Government will provide for those people who are wanting to set up a small ...a business in
Gibraltar as part of its – and I can read it – the business start-up and nurture schemes manifesto
commitment, will be providing corporate service facilities for a limited period of time and then they go off
to another Corporate Service Provider if they find one?

675 **Hon. J J Bossano:** Mr Speaker, I have already answered that. He does not have to go back and look at
Hansard. He has to remember what I have said to him 10 minutes ago.

I told him that the ones that had been done on the initiative of the Department where we had set up the
company, provided them with the directors and did everything that could be done, were for people long-
680 term unemployed in their 50s in the construction industry, all of whom are now operating very successfully
providing services in the construction industry, predominantly as subcontractors, have taken on trainees,
have now taken on their payroll those trainees full-time, and have created employment and activity.
Therefore we have removed both the employer and the employee from the unemployment list and that is
where the level of support that had to be given was very, very high.

685 I have told him about the service that is there. I have told him that although we appear to have used up
the pool of eight or nine people that met that characteristic, that if tomorrow somebody loses their job who
is in his 50s or is finding great difficulty in getting another job, we have great difficulty in getting an
employer to take him... all the explanations that I have already given him, then it will trigger again what we
did already in the first batch of people and we will then use our officers, set the company up, provide him
690 with directors, and then when it is all up and running, pass it over to him.

The people that come to us on their initiative do not need that kind of help. They have already got a
business or they already know enough about having a business to be able to do a lot of this stuff for
themselves and they have got the money, which people who were living on social assistance did not have,
to pay a lawyer or an accountant.

695 So there is nothing mysterious about this. It is a service that is there to meet a need which was not being met. The need was a very limited one in terms of numbers, as there are not hundreds of people in this category. If there were more tomorrow, the service would be reactivated tomorrow.

700 We ourselves monitor the unemployment list regularly and we monitor where we think there are potential candidates for the provision of this service. Of course, we have approached people who have said they are not interested, as well. The offer has been made to some people who have not wanted to take it up. They have said they do not want to get involved. They do not feel confident in having the responsibility of having... I mean once they get up and running, the companies, for example, that were created in the first year and now in the second year, they now have the responsibility of dealing with the tax and dealing with social insurance and dealing with all those things and not everybody can cope with that. So there are people that we have offered the service to and who have said no.

705 All the people that said yes, we have done it for them. We have not got at the moment anybody else identified as a potential candidate, but that could change tomorrow. But, in addition to that, the service that is provided by the Department, both to incoming investors and to local businessmen and the service that I am doing and other people might be doing other things, is based on what Gib Invest had initially, which was also for local and outsiders, which was really a series of leaflets of where do you go to get what you need; but we go one step further in getting things arranged for them if they need our help. Really, the people that need our help are the people who are entering into a field that they have never done before.

710 If you have got somebody who has already got some business activity, some business experience, they need very little from us, but we are there to help whoever approaches us because it is in our interest, as I have said, as an Employment Service, to help businesses expand and take on more workers, and that is what the rationale of this is all about.

720 **Hon. D A Feetham:** Mr Speaker, as I understand what he has said is, this was a scheme open to the unemployed so that the unemployed were provided with help in setting up a company. They were provided with help in terms of directorship services, shareholder services, with civil servants acting as directors and shareholders with the ETB... sorry, with the Town Range address at No. 6 Convent Place being used as a registered address, and then they would be given Government contracts. They would obviously earn an income as a consequence of that and they would then employ trainees from the Future Job Strategy, who they would then train within this company. That, as I understand it, is what he has said.

725 In relation to the 15 companies that were initially set up in this particular way – I think it is 15 – were all these unemployed from the unemployment list?

730 **Hon. J J Bossano:** Every single one of the companies that were set up was with somebody from the unemployment list. That is correct.

Hon. D A Feetham: Including the owner of ETB1? I am not going to mention his name across the floor of this House, but the hon. Gentleman knows who he is.

735 **Hon. J J Bossano:** No, I do not know who he is, Mr Speaker. I do not know who the owner of ETB1 is. It sounds as if it was from a science fiction serial actually. *(Laughter)*

Hon. D A Feetham: No, not a science fiction, maybe a nightmare for the Government, but not a science fiction.

740 I am talking about Mr Luis Edwards. He is the owner of this particular company, ETB1. Was he part of the unemployment list? Was he unemployed?

Hon. J J Bossano: Mr Speaker, I have already said that every single person that was helped to set up a company was at the time unemployed. Is the hon. Member saying I am lying?

745 **Hon. D A Feetham:** No, I am not.

Hon. J J Bossano: Well, then the answer is, if he has asked me three times if the people who were helped were unemployed and I tell him yes, and he now mentions one individual, it does not matter whether the guy is called Edwards or Feetham. If Feetham was unemployed, he would get help. *(Laughter)*

750 **Hon. D A Feetham:** Mr Speaker, of course, there is a difference between somebody being unemployed and registered unemployed with the ETB.

755 Can you also confirm they were all registered unemployed with the ETB or were they just simply unemployed because they did not have a job at that particular moment in time? Or were they registered unemployed with the ETB? In particular, were they long-term unemployed?

I can understand, perhaps, the logic – (*Interjection*) Well, I can understand perhaps some logic in doing something like this for – provided that they are sufficiently skilled to pass the skills on to other people – the long-term unemployed, but can he confirm they were all registered unemployed?

760 **Hon. J J Bossano:** Well, I do not know whether the hon. Member is familiar, from the short time he spent in Government, as to how the system works, but he must know that there are people who are unemployed and who in between periods of being registered are lapsed, so the people who are unemployed appear and disappear periodically from the employment register at the rate of about 100 a month. Whether
765 in the particular month that the particular individual was actually helped in setting up a company he happened to be in the lapsed category or in the employment category, I do not know.

Hon. D A Feetham: Well, yes, of course, Mr Speaker, but let me give you another example.

I could resign from Hassans tomorrow, and say, ‘Well, now I am unemployed. Can I have a company now?’ I would not actually say that somebody like that has resigned to get an opportunity from the
770 Government –

Mr Speaker: Has he not answered that question? He said that if Feetham was unemployed (*Laughter*) he would get the... (*Laughter*) He has answered that question already. (*Laughter*)

775 **Hon. D A Feetham:** No, Mr Speaker. Mr Speaker has not...

Mr Speaker, I am afraid in the joke that he has cracked, he has not understood the point that I am making. You see, Mr Speaker (*Interjection*) this question of, he has to be unemployed before he benefits, is a massive loophole because you can say to somebody, ‘Resign from your job tomorrow. I am going to give you a company’. He resigns tomorrow and he is unemployed. Now, that is why I have asked and I have
780 sought to draw the distinction between that and somebody who is registered unemployed and long-term unemployed in particular at the ETB. Can he perhaps provide some information in relation to that?

Hon. J J Bossano: Mr Speaker if it is massive loophole, then that massive loophole would be generating a queue of applicants and I would have just told the hon. Member that... he says there were 17. I
785 said there were 8 or 9, and I have just told the hon. Member that as far as we are concerned the Department goes looking for people that we have difficulty in employing in order to see if by helping them to become self-employed it is possible to make them economically active. Or is it that the Opposition, for reasons that are incomprehensible to me, appears to see people idle on social assistance, unemployed, rather than productively employed, generating wealth and bringing an income to their families.

790 I cannot understand how anybody can be critical unless it is that if you have got a particular name or have got a particular view then it should not apply to you, because it seems to me that what the hon. Member is saying is that it depends who you are whether you get help or not.

I can assure him that if he has got anybody, who is a supporter of his or a member of the GSD, who falls into the parameters that I have described, I will be delighted to help that person. (*Banging on desks*)
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Hon. D A Feetham: Mr Speaker, thank you very much to the Hon. Minister for that answer, but you see the concern from this side, or one of the concerns from this side of the House is that for a Government that really delights, because it really does delight, in ticking boxes and making announcements. I mean one announcement that it was continuing paying grants to students, that is one manifesto commitment ticked.
800 (*Interjection*)

Why did the Government not make an announcement about this particular scheme at the very beginning when it started it and we only find out because it appears to us that the Opposition rumbled them with this particular scheme when it made public the fact that there were a series of companies registered at No. 6 Convent Place and Town Range, where directorship and shareholder services were being provided by civil servants?
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Hon. J J Bossano: Well, I do not know what rumbling means, Mr Speaker, but what presumably he means is that he went to the Companies Registry and looked up the Company Register and found the registered list. If looking things up in the Companies Register is rumbling, I suppose he knows about that because as a lawyer he must do a lot of rumbling all the time (*Laughter*) as part of his livelihood.
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All I can tell him is what I have told him. We did not make an announcement because we launched the scheme by identifying potential candidates. The scheme is open to people without having to wait for an initiative from us.

815 The people that approach us generally are not the people in the category that I have described because it is something that does not even occur to them. The ones that have done it and are successful and are now providing a service to the Government and to the construction industry, many of these small subcontractors

are now working for the bigger construction companies as subcontractors and therefore that is reflected in people who are not being paid by the Government who are being paid for doing work. But it means that the numbers of Gibraltarians in the construction industry was the highest since 1996, when the last survey was published, and will be higher again, and will keep on getting higher because we keep on training more people and then we stop paying them and then they start earning their keep.

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It is a policy that they can criticise or they can not criticise. It is a matter for them. All I can tell the hon. Member is that it is producing the results which in the debates that I had with him initially he was saying he thought it would be difficult to achieve, but if I achieved it he would be happy to see more Gibraltarians working. Well, he does not seem to be happy. He seems to be unhappy because he wants to criticise me for achieving what he thought would be difficult, and I can tell him it is not that I am satisfied that we have exhausted what we can do. I think we can do more and we will be doing more.

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But so far what the hon. Member is asking me in his original question is what the state of play is at the moment, well, look, the state of play at the moment is not what did Luis Edwards had for breakfast this morning. The state of play at the moment is what is happening with the policy. The policy: what is happening is that the people we have identified we have actually put on the road to earning a living and that if tomorrow we identify more we will do it. If there are people that we have missed out and they know of, we will be happy to help them and if there are people who on their own initiative come forward and say, 'Well, look, I want to set up this business. Is there a way in which you can help me?', we will listen to them. I have not announced it publicly. Well, look, everything I am saying to him here is public.

Q186/2014

**Gaming industry and Employment Service –
Provision of liaison service**

Clerk: Question 186, the Hon. D J Bossino.

Hon D J Bossino: Can the Minister for Employment provide details, such as the grade and duties of the person who is providing a liaison service between the gaming industry and the Employment Service as recently announced by the Minister for Financial Services?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr Speaker, the grade of the person involved in providing a liaison service between the gaming industry and the Employment Service is that of a GDC HEO. The duties of the post in respect of the Employment Service are predominantly driven by ensuring a rapid response to the requirements of the industry, particularly in respect of the need to rely on non-EU nationals who require work permits given the nature of the client base of this industry.

845
The need for the creation of the liaison service was identified following representations by the industry about delays which affected their ability to recruit specialist staff, especially where non-EU nationals were concerned. Following this initial step the role has been widened to include other aspects, for example, liaising with different companies in respect of the current situation where some sections of the industry are requiring additional personnel whilst others are currently reducing their manning levels. Whilst much of the work involves the Employment Service the Officer concerned also undertakes a similar role in terms of expediting responses from other Government Departments to the requirements of the industry.

855
The feedback that has been received is that this liaison service is greatly appreciated by companies operating in this sector.

Hon. D J Bossino: Mr Speaker, the Hon. Minister will know that this was an announcement made by the Hon. the Minister for Financial Services during the course of a debate that he and I participated in, in GBC about two or three weeks ago. He knows that there I welcomed it. I welcome it now as something that will facilitate the service which is being provided to such an important part of Gibraltar's economy.

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But the first question I would ask is one of detail. He says this person has an HEO position. Would that be a grade 4, I think it is, under the GDC? If he could just confirm that.

Hon. J J Bossano: A grade 4.

Hon. D J Bossino: A grade 4.

870 And secondly the question which I have is why is it possible, certainly in relation to the initial duties
 which this person was carrying out which was more relevant to the duties that may be more properly ought
 to have been carried by the Employment Service, why is it that the Employment Service does not have
 sufficient, either in numbers or in qualified staff or perhaps even in experienced staff, to be able to provide
 875 this service in-house? Why was it necessary to appoint this person to act as a liaison between the industry
 and the Service?

Hon. J J Bossano: Mr Speaker, the person was selected in fact because the person was at the receiving
 end in the Employment Service of the requests. Effectively what happened was that she was transferred
 from the Employment Service to the Department responsible for gaming, so that in fact instead of each
 880 individual company approaching the Employment Service with their problems, they have somebody that is
 permanently working there to do that for them.

It is a way of providing a channel. The requests finish up being in the Employment Service, but instead
 of us having a person in the Employment Service who had a job to do which involved providing a receiving
 point from the gaming, the banking, the construction and everybody else, the people in the Employment
 885 Service are not broken into dedicated categories of employers. They deal with all employers irrespective of
 where the requests come from.

Because the system that was in place when it was being done by the Employment Service was not
 giving the priority to gaming in respect of other customers, so it was first come first served, the gaming was
 making representations to us. Then in response to that lobbying, I suggested, 'Well look, we will take the
 890 employee we have got here and transfer them to the Department that is responsible directly for the gaming',
 and now instead of each H R Department coming to my Department looking for assistance with something,
 everything goes to that person that is there already and that person then makes sure that it gets to the right
 person in the Employment Service having been there and having been at the other end of the business. So
 the reason is because effectively what the hon. Member is suggesting as an alternative is what used to
 895 happen, which is what they thought was not being sufficiently rapid in providing responses. When we have
 changed it, it produced a better result.

Hon. D J Bossino: Mr Speaker, given the obvious positive experience of this venture, presumably there
 is no reason why it cannot be extended to other industries like, for example, the insurance industry and –
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Minister for Financial Services and Gaming (Hon. A J Isola): It probably is.

Chief Minister (Hon. F R Picardo): [*Inaudible*] Financial Services.

905 **Hon. D J Bossino:** No, it is not. The question related to –

A Member: Financial Services.

Hon. D J Bossino: Yes, but the question related specifically to the gaming industry. If it is already
 910 being provided to other industries within the Financial Services world, then I would ask the Hon. Minister
 to confirm that position – (*Interjection*)

Hon. J J Bossano: I think the hon. Member should realise one thing that is peculiar to the gaming
 industry and that is first of all it is bigger than the others. There are 3,000 employees. Secondly, it is more
 915 diverse in terms of nationality – that is it has more people in it out of the 3,000 that require visas and
 permits and other things that most of the others do not and it has a much higher turnover.

The turnover in the industry, for example, I think I gave him the figures at one stage, or if I did not give
 it to him I gave it maybe to somebody else in Opposition, but when we looked at the churn we found at one
 stage about a year ago that although there were at one point in time 3,000 people, there had been actually
 920 9,000 people in the space of about 18 months who had come into the industry and 6,000 who had left. So in
 almost every month... well, even more than that, in almost every day there is a spate of terminations and
 commencements and in a month there is likely to be a turnover of 60 or 70 jobs in gaming. That kind of
 turnover does not exist in other areas where there is more long-term stability, and therefore although there
 may be others facing similar problems, they are not of an equal magnitude that it can make a difference if
 925 there is somebody permanently dealing with them and specialising and becoming familiar.

Sometimes, for example, I can tell the hon. Member that for this particular officer is dealing also with
 banks, because we had a situation a week ago where in terms of detached workers, one of the things that we
 have put, one of the mechanisms that we have put in because of the requirement that the detached worker
 requires an 11A Form from the country of origin and has got to produce evidence that they are paying
 930 social insurance in the country of origin. All those mechanisms which are required by EU law meant that

sometimes somebody was going to be brought in to look, for example, at the IT systems and the time they were going to be here was taken up more in processing that their application met EU requirements. So we have now introduced a fast track system for people who will be here two weeks or less.

935 There was an instance a week ago where the individual that was going to be here was going to be one day over the two weeks. If that had gone through the normal bureaucratic channels, it would have eventually reached a point where somebody would have said, 'It has gone over the two weeks. The answer is no'. Because we have somebody there who was able to pick it up early on and they phoned in and they said, 'Look, although the criteria is two weeks, this person is going to be just one day over the two weeks. Can we be flexible and approve the fast track system?' and the answer was yes. This was for a bank and not
940 a gaming company.

So that gives the hon. Member a flavour of the kind, which on a day-to-day basis you can make life a little bit easier for the people that we want to stay here and make them feel welcome.

Q187/2014

**Public and private sectors –
Number of people currently employed**

Clerk: Question 187, the Hon. D J Bossino.

945 **Hon. D J Bossino:** Can the Minister for Employment state the number of people that are currently employed in the public and private sectors respectively?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

950 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, as at 31st December 2013, according to the records of the Employment Service, the number of persons employed in the public service was 6,393 and in the private sector 19,707, excluding directors and self-employed.

Q189/2014

**Sunborn floating hotel project –
Update on recruitment process**

Clerk: Question 189, the Hon. D J Bossino.

955 **Hon. D J Bossino:** Can the Minister for Employment provide an update on the recruitment process in relation to the Sunborn Floating Hotel?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

960 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, there has been constant close co-operation between the Employment Service and Sunborn regarding its labour requirements.

965 The first vacancies were opened in June 2013. Meetings were held in July; August 5th, 14th and 21st; September 5th, 17th, 20th and 23rd; October 3rd, 11th, 25th, 29th and 30th; November 4th, 5th, 6th, 7th, 9th, 21st and 22nd; December 6th, 11th, 13th, 17th and 19th; January 14th, 15th, 20th, 22nd, 28th, 29th and 30th; and in February on the 13th.

970 As a result of all these meetings, a number of the vacancies have been identified and candidates provided from the local workforce either with the required skills or with the potential for training.

Hon. D J Bossino: Mr Speaker, is the hon. Member able to give me a number of positions filled, because I have here an article, which appeared again in the *Chronicle* on 22nd August, where Mr Stevendale, who is the CEO for Sunborn, said that he was working with Joanna Hernandez and the team at the ETB to fill 200 positions and an additional 20 positions for senior roles. Then he says, in commenting why all the 200 jobs have been placed with ETB... Mr Stevendale said the jurisdiction has been good to Sunborn and Sunborn wants to be good to the jurisdiction.
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There is then a further article of 7th February 2014, where he mentions another figure of 100, which is 50% less. Can he give me some detail in relation to numbers please?

980 **Hon. J J Bossano:** I think the first caveat is that you should not believe everything you read in the press and I think the second is that I think there was a certain amount of poetic licence in his numbers. There are not all that many people already working there. There are quite a number of people that have been identified as suitable and contracts have been entered into, but with a starting date that has not yet been triggered.

985 But I would be very happy if we were able to take 10 to 15% of the jobs because in fact we do not have amongst the unemployed a large number of people with previous experience of working in hotels – in fact we have very few Gibraltarians working in hotels as it is. If one looks at the actual existing hotels, the bulk of the Gibraltarians are doing office work and there are very few... his dad is the one exception (*Laughter*) and your brother. (*Laughter*) Yes, but there are not and regrettably it is not an industry that has ever been very attractive because it is an industry that you have to work very hard to get to the top; it is a reality. You start at the bottom, you learn every job in the hotel, and eventually when you get to the top you know everything that is going on in the whole outfit; but that of course is not something that you can take into a hotel.

990 There will be people hopefully who are now coming in as trainees into this hotel which will follow that path and I think that if we have more hotels there will be a critical mass in this industry for us to be able to say, 'Well, look, we can now invest maybe in a school which will provide staff for five, six or seven hotels, but with the number of jobs that there are at present, I think many of the jobs that require experience and qualified people will go outside.

995 What we are trying to do is to persuade the Sunborn to take as many of the people that have got qualifications in other areas who are willing to switch profession. We are making the pool of graduates available to them for the areas that those can be trained. We have got a few people that have got background in working as cooks and waiters and that kind of thing, which we are also supplying.

1000 But at the stage that we are now, I think we have got something like a dozen people that we have identified that are ready to go in and there are an awful lot of people that have put their CVs in from outside, but the company gave us an undertaking right at the beginning that they would work closely with us and exhaust every possibility here before they took anybody from outside, and even when they take people from outside... they have got people from Scandinavia where they brought their own people from the parent company. But even when they take people from outside, we shall be trying, as far as it is economically reasonable, to have people additional to their normal complement to give people the opportunity to learn the skills.

1005 But we are at the stage of a process. All I can say is it is obvious from the long list of meetings that have been held between my staff and the company that there has been very close involvement at every stage.

1010 **Hon. D J Bossino:** Mr Speaker, I just want to assess results and what the Hon. Minister is planning to do in terms of numbers.

1015 He mentioned, I think he said, 10 to 12% as probably the realistic number he is likely to secure from the Sunborn, in terms of employing presumably locals. He then mentioned... he gave an absolute figure of 12, as I understand it that is the current figure. But can he give me an absolute figure that he would like to see employed at the Sunborn?

1020 We have seen, in fact the *Chronicle* reports 200 foundation jobs being placed at the ETB. I am not sure what Mr Stevendale was referring to by 'foundation jobs' as it is in inverted commas, but what figure does he think he is realistically and likely to be able to achieve?

1025 **Hon. J J Bossano:** He has asked me two things. What would I like? I would like everybody except the owner to be from the unemployment list. Well, that is not going to happen.

I think realistically given the nature of the skills that they require, which we have got a very detailed breakdown of, and the pool of available registered unemployed that we have, which is about 400, of which out of that 400 there might have been, I do not know, 20 or 30 from the hotel and catering industry, and most of those people are people who are... the ones with experience are people in their 50s or 60s and they are mainly Moroccan. The younger people are people that are keen to go in, but have had very little experience.

1030 So I can tell the hon. Member that I do not want to shoot myself in the foot by putting a figure that anybody else is going to try and hold me to if we can get more. The realistic figure is that if we manage 15% of the workforce, of whatever the workforce is... if it is 100, 200 or 300. Well, I do not know. I do not manage the ship. The company has opened a large number of vacancies, but in a hotel... this is not... When you are running a hotel it is not the same thing as running something where you have to have a fixed pool of people. In a situation like this where the hotel is opening its door for the first time they may find once

they start operating that they need a smaller core of people for certain activities and that they need to take people, extra people in, like all hotels do when they are full to capacity.

1040 But in any event we would expect all the admin staff to be ours because there does not have to be a specialist catering establishment skill. The people that do the payroll the people that do the office work, all those people we can supply.

1045 The people with catering skills, hotel skills and hotel experience are already working. There may be people who leave other hotels and go to this one. Recruiting from the local labour market is not limited to recruiting from the people who are unemployed. There is nothing to stop the company if they cannot find it from what we have got available, from looking at some of the people who may be working for existing hotels and who have applied to go to this one, because they might think there is a better future, more money or better promotional opportunities.

1050 But at the end of the day, at this point in time we have done a lot of preparatory work, but we are not to the point where I can say, 'Well, look, the hotel is going to have 200 people working in a month's time', that I am not able to say. If it were there, if it opened in a month's time and if there were 200 people, and out of those 200 we had 40 or 50, then I would say we had done well.

1055 **Hon. D J Bossino:** Mr Speaker, is the Hon. Minister able to – he may not have this information available with him now – tell this House now how many vacancies have in fact been opened? He has heard me make reference to the press reports, and in fact reading again whilst he was providing his answer, basically what I want to do is establish whether what has been said in the press by the company is in fact the real situation because the company is saying, is reported to have said, that by the time the hotel opens on March 1st, there should be a staff complement of around 100 operational staff in both full-time and part-time positions. Then apparently, the company goes on, it does not give specific numbers but said many of its workers have come from the unemployment list. What I would like the Minister who has responsibility for this for employment is to be able to tell this Parliament what in fact the position is, if he is able to.

1065 **Hon. J J Bossano:** Well, I can tell the hon. Member when the first announcement was made and before the first vacancy was opened when there were queues going in circles round Ocean Village, the total number of CVs handed in was 2,961, of which 350 were from Gibraltarians, of whom perhaps 50 were unemployed.

1070 The number of vacancies that are presently on our books I cannot tell him, but I doubt that there are 200 vacancies. We have provided in the period 350 names from people unemployed; but of course I have told the hon. Member how long this has been going on. He needs to understand the fact that, for example, we submitted potential candidates way back in August, it does not mean that those potential candidates have been waiting patiently unemployed refusing every other job waiting for the Sunborn to open its doors. Much of the long list of people we have submitted may, when the time comes that the Sunborn says, 'I am ready to employ you' may no longer be interested because they have found something else since.

1075 These are the figures that I have got, the ones that I have shared with him; but I do not think that there are 200 jobs open.

1080 **Hon. D J Bossino:** Mr Speaker, I will ask a specific question at the next sitting of Parliament in relation to the figures and so therefore the hon. Member will be able to come prepared with the replies. I think it is information which the public ought to have.

The further supplementary I have, Mr Speaker, is – and I am not sure whether he has dealt with it in any specific way in his first reply – how many, if any, future Job Strategy trainees have been taken on to do placements with the Sunborn?

1085 **Hon. J J Bossano:** None at the moment.

1090 **Hon. D J Bossino:** Mr Speaker, is there any reason for that, because obviously this is precisely because of the experience and training deficiency which he has identified in the hotel industry. I come from a family who, as he knows, is involved in that particular industry. It is something I would personally would like to see more Gibraltarians doing, given the fact that more hotels are now going to be opened hopefully shortly in Gibraltar. Does that not present an opportunity given that we have the Sunborn here with us now to ensure that our local population is trained in this field?

1095 **Hon. J J Bossano:** The policy, as the hon. Member knows even though he does not believe it, is that we provide trainees with a job guarantee at the end. We run some training courses without jobs, but others... well, if you believe that then you must believe that people have got real jobs and not that it is a sham with dead end jobs, which is what is was yesterday. *(Banging on desks) (Laughter and interjections)*

1100 So the answer is that when the Sunborn is able to sit down with us and do a programme for training which will lead to maybe replacing some of the people that they have because the training will presumably take more than just the short-term training that is now taking place, then if there are suitable candidates and people interested, we will be happy to provide the trainees and finance them.

1105 **Mr Speaker:** I am not answerable for the previous AACR Government, but I am willing to tell the hon. Member behind the Speaker's chair what the results were of a hotel and apprenticeship scheme, which when I was Minister for Labour we introduced.

Q190-191/2014
Leisure Construction & Maintenance Company Limited –
Details of employees and directors

Clerk: Question 190, the Hon. E J Reyes.

1110 **Hon. E J Reyes:** Mr Speaker, sir, can Government provide details in respect of the number of employees who may have been employed, since the answer provided to Question 98/2014, by Leisure Construction & Maintenance Company Limited, broken down by grade, age, gender and nationality?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

1115 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 191.

Clerk: Question 191.

1120 **Hon. E J Reyes:** Can Government provide details in respect of the Directors of Leisure Construction & Maintenance Company Limited?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

1125 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, further to Question 98 the answer is none.

The Employment Service has no records in respect of any registered directors of this company.

1130 **Hon. E J Reyes:** Mr Speaker, may I just clarify, the Employment Service may have no record of the Directors, but given that this company is a Government-owned company, wearing that hat, can any Minister for the Government side say who the directors are please?

1135 **Hon. J J Bossano:** Mr Speaker, he may give whatever it is that he wants to be given, but if a question is that he is asking for me to provide the details of the directors and I am telling him there are no directors registered with this company in the ETB and no employees, I think that it must follow if it has no trade licence, there are no directors registered, there are no employees. It must follow that it is not doing anything.

1140 **Hon. D A Feetham:** Mr Speaker, we spent half an hour this morning on this. *(Laughter)* I have to say my curiosity is piqued with this.

Who withdraw the licence application, if it has no directors and no employees? *(Interjections)*

Yes, whilst he is at it, the Chief Minister has given me another supplementary to ask. Who made the application if there are no directors and there are no employees? *(Laughter and interjections)*

1145 **A Member:** You have not said there are no directors. *(Interjections)* They are not registered as employees.

Hon. J J Bossano: Mr Speaker, the company that registered with the ETB did not register anybody working for it as director or as employee.

1150 We now learn that if it ever applied for a trade licence, which apparently it did, it did not proceed with the application.

Hon. D A Feetham: But, Mr Speaker, is it a Government-owned company or is it not a Government-owned company?

1155 **Hon. J J Bossano:** It is not a Government-owned company. I think the hon. Member was told that when the matter was first raised by him, Mr Speaker.

1160 **Hon. E J Reyes:** No, Mr Speaker. No, I was not told it was not a Government-owned company when the matter was first raised. I was passed to Companies House, for which I had to pay a fee and conduct a search. I found out that there was a company registered on 11th February 2013 with a registered office of 31 Town Range and there are two public servants as share subscribers and that is it, Mr Speaker. Nothing else has been told further to that.

1165 All I know, from the Minister with responsibility for Sports and Leisure, is that two employees, I believe, from his Ministry are the ones who actually signed the application for the trade licence, and in all previous answers the company had no direct employees, as such. So, one understands from all that the Minister for Employment has been saying, that these public servants help in the administration and in the set up of the company and so on. (*Interjection*)

1170 But we have not got to the nitty-gritty now of the latest supplementary by the Leader of the Opposition that from the records this seems to be a Government-owned company and there are no directors, no employees and not even an interest to pursue a trade licence anymore. So why do we have the existence of this company, which originally was going to show itself as trading from premises within the Gibraltar Sports and Leisure Authority?

1175 **Hon. J J Bossano:** What the hon. Member has described is a situation in which there was something that happened at one point in time and nothing has happened since. (*Interjection*)

1180 **Hon. D A Feetham:** Mr Speaker, is this then one of those companies that the hon. Gentleman was answering questions about earlier on, which is the start-up scheme, where he says that people from the unemployment list or unemployed people were assisting in incorporating a company with public servants as directors and as shareholders in order to then be provided with Government contracts in whatever sector, to then recruit trainees from the Future Job Strategy? Is this one of those companies then?

Hon. J J Bossano: No, it is not. No.

1185 **Hon. D A Feetham:** Mr Speaker, I do not want to go round in circles, he must know what this company is about.

1190 You have a company. It is registered at Town Range, it's the offices of the hon. Gentleman, and he knows exactly what is happening in his office. It has public servants as shareholders of the company and it applies for a trade licence in the circumstances that the hon. Gentleman, Mr Reyes, has indicated. He must know more about this company surely... what type of a company it is, because if it is not one of those start-up companies and it is not a Government-owned company, what are public servants doing, as shareholders of this company, and what is it doing being registered at Town Range?

1195 **Hon. J J Bossano:** I know it is not one of the companies because those people that he is mentioning are not long-term unemployed construction workers in their 50s. (*Laughter*) So therefore, that is how it is. It is not one of those companies.

1200 The fact that some people set up a company then and nothing else has happened since is because whatever it is that might have happened did not happen and therefore there is no licence, there is no activity, there are no shareholders, there are no directors and no employees, and as far as I am aware there is no company any more.

1205 **Hon. D A Feetham:** But, Mr Speaker, it is a company that is registered at his offices. It is registered at his offices, with civil servants working for him as shareholders. What is this company? What was this company incorporated to do? What was its purpose?

Hon. J J Bossano: Well, Mr Speaker, I think the hon. Member is saying that it is registered in the sense that it was registered originally there. I think he will find that it is no longer registered anywhere and that the company no longer exists.

1210 **Hon. D A Feetham:** Alright, Mr Speaker, so the company no longer exists. The fact is that it was registered at Town Range, his offices, with his civil servants as shareholders. He must have been involved as the Minister or given the go ahead to its incorporation and its register in his offices.

I do not expect civil servants to go on a frolic of their own and incorporate companies and register them at his office. I mean, that is not the kind of thing that I would expect would happen.

1215 So therefore he must have some knowledge as to what this company is about. Can he explain what the purpose of this company was? He has now said it no longer exists. What was the original, the initial purpose of this company, its incorporation and registration at his offices?

1220 **Hon. J J Bossano:** I have not checked, but my understanding is that it is no longer there. I know that they never registered any employees and I know that they never proceeded with an application. Therefore whatever it was that might have been intended never happened. *(Interjection)* I do not know whether people were frolicking about. I am very lenient as a boss in my office, but allowing frolics is not amongst the activities that I permit. *(Laughter)*

1225 **Hon. D A Feetham:** Mr Speaker, this is now starting to look like a Monty Python sketch – the one about the dead parrot. *(Laughter)* It is a very dead parrot indeed. Now, I know it is a very dead parrot, but what I am asking is when it was alive, what was its purpose?

1230 Now, Mr Speaker, he is the Minister responsible. It is not an improper question. It is not an unreasonable question. He must have given the go ahead to his civil servants to allow this incorporation of this company, for his civil servants to be shareholders of this company, for this company to be registered at his offices. What was the intention behind this company? Why the reticence of the Hon. Minister to provide me with the information that we are seeking? It is a perfectly reasonable question.

1235 **Hon. J J Bossano:** Mr Speaker, whatever might have been in the mind of those who thought of doing something, since the something did not happen, I do not feel I have to give any answers as to what might have happened if it had been proceeded with – it was not.

Hon. D A Feetham: Let me go back a stage.

1240 Was the Hon. Minister involved in authorising the use of this particular company, for whatever use? He does not want to tell me the use or its purpose. Was he involved in authorising his civil servants to assist in the incorporation of this particular company?

1245 **Hon. J J Bossano:** No, Mr Speaker, they do not require my authorisation for each individual company that is incorporated – this one or any other one.

Hon. D A Feetham: But does he know what the purpose of this company was when it was first incorporated? Does he know that?

1250 **Hon. J J Bossano:** It was not discussed with me and I had no reason to want to know.

Hon. D A Feetham: So is he answering that he does not know?

1255 **Hon. J J Bossano:** I am answering more, that I do not know and that I do not care, Mr Speaker. *(Laughter)*

Hon. D J Bossino: Mr Speaker, can he clarify an issue which I have in my mind now and I would really seek his assistance in trying to clear the web somewhat.

We have here a company which is registered at his office. The shareholders –

1260 **Mr Speaker:** I honestly do not think that the Hon. Mr Bossino needs to go... I think we all know what it is that has happened. No, you do not need to say.

Ask a supplementary question by all means, but you do not need to give the background, because even I can understand fully what it is all about. *(Interjections)*

1265 **Hon. D J Bossino:** I accept that, Mr Speaker, and I take on that advice.

1270 As I understand it, the Government was providing corporate services to a fixed set of people – in other words, those who were in their 50s, long-term unemployed, I think he also said involved in the construction industry, etc. He has said that this particular company did not fit the bill – in other words, the owner of that particular company did not fit the bill. So can he tell me whether this service is being provided to people who do not fit into criteria? That is the supplementary Mr Speaker.

Hon. J J Bossano: Mr Speaker, I have already told him. I have great difficulty, much as I would like to help the hon. Member who is asking for my help, my problem in helping him is that the help I give him he does not seem to take because he keeps on asking me the same things.

1275 I told him initially that one identifiable category of people were approached by the Employment Service and did not approach us on their initiative, so we went looking for them. They are the people who had been long-term unemployed in their 50s in the construction industry, which we had... This one is not one of them.

1280 I did not say nobody that does not fit into this category has been helped with a company. I did not say that. I said *this* is a category that I can tell the hon. Member is the one that I think we have now exhausted, but tomorrow that could change. So if he is asking me... I have already answered that this is not a company in that category. So the fact that it is not in that category does not mean that all the 17 companies that have been identified by the hon. Member, it is a figure that I am taking at face value, I have not actually counted them, but assuming that there are 17, but if there were more... well, after all, they get their figures wrong a lot of the time and they may be wrong on the 17 as well, Mr Speaker.

1285 But, apart from the ones I have identified, which I think is about 8 or 9, which are the ones that are really doing the work of the construction industry, there have been other companies that have been helped in other areas, they have come looking for us. So this is one that the approach was not initiated by the Employment Service.

Q192/2014

Accident on scaffolding erected at Laguna Estate – Submission of incident report

1290 **Clerk:** Question 192, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can Government state if a child has had an accident as a result of climbing onto the scaffold erected in the Laguna Estate during the last three months, and if so, has the Factories Inspectorate made an incident report setting out the circumstances in which the incident took place and why, and if so, provide Parliament with a copy of the report?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

1300 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question together with 193 and 194.

Clerk: Question 193.

Q190-191/2014 continued –

Leisure Construction & Maintenance Company Limited – Details of employees and directors

1305 **Hon. D A Feetham:** Mr Speaker, may I go back to the question about the Leisure Company and just ask one supplementary of the hon. Gentleman? It is information that I did not personally have, but it has been communicated to me, and I think it is a relevant supplementary and an important one.

Mr Speaker, I will be corrected if I am wrong, but the information that we have on this side was that the application for a trade licence related to the maintenance of children's parks in Gibraltar. Can the hon. Gentleman tell me whether that is accurate?

1310 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Well, since I did not submit the application for the trade licence, no. I am neither responsible for what was put there, nor for its accuracy.

1315 **Hon. D A Feetham:** And he can confirm that he is not aware of any discussions of any kind between anybody in his Department and the owner, whoever that may be, of this particular company? We do not know because the shareholders are civil servants, so we do not know who stands behind those civil servants.

1320 He is not aware of any conversations between anybody in his Department and the owners of that company in relation to maintenance of children's parks or anything else that this company was purporting to potentially engage in?

1325 **Hon. J J Bossano:** Well, I do not know what it was purporting to do and not purporting to do, and I certainly do not think I have the responsibility to come here and report conversations that take place between members of my Department and anybody else as if I was eavesdropping. I do not do that to my staff.

Q193-194/2014
Scaffolding erected in Gibraltar –
Inspected and certified

Clerk: Question 193, the Hon. J J Netto.

1330 **Hon. J J Netto:** Mr Speaker, can the Government state if all the scaffolding erected in Gibraltar since 2012 has been inspected and certified and found to be compliant with the Factories Act and its subsidiary legislation prior to the work commencing, and if not, please state the names of the company or companies that were not compliant and the respective site or sites on which this happened?

Clerk: Question 194.

1335 **Hon. J J Netto:** Mr Speaker, can the Government state if there have been any site or sites in which scaffolding that had been inspected and certified after work commenced since 2012, or not inspected and certified at all, and if so, provide the names of the companies and the sites involved?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

1340 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is aware that a child climbed onto a scaffolding in Laguna Estate, but the matter was not reported to the Factory Inspectorate. When the Department became aware, an inspection was carried out by the factory inspector to confirm the safety of the scaffolding.

1345 All scaffoldings, of which the Inspectorate has received notification, have been inspected and certified before works commenced, and none after works commenced or not at all.

1350 **Hon. J J Netto:** I am grateful, Mr Speaker, for that answer, but I did not quite catch the ending part to the first Question 192, where the Hon. Minister said that once they became aware they actually went on site. Have they proceeded to do an incident report to try and find the circumstances of what happened, by the Factory Inspectorate?

1355 **Hon. J J Bossano:** Well, no, because as I have said there was not an incident reported that required an inspection and a report. It is just that when I became aware of it, and it was brought to my knowledge by somebody, a member of the public or somebody, that there had been a child involved in climbing, I asked them to go and have a look just to be on the safe side of the safety requirements to check that everything was in order and that it was not that the child had been affected by a badly erected scaffolding. They said that clearly the scaffolding had been inspected initially when it was put up and certified as okay, and they went back in case anything had gone wrong and they could not really find anything that could explain how the accident had happened. So it was not taken any further.

Q195/2014
Future Job Strategy –
Total cost to taxpayer

Clerk: Question 195, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of the total cost of the Future Job Strategy to the taxpayer since 31st March 2013, broken down by month?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

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Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr Speaker, since March 2013 the average monthly cost of the training programme is £975,000. As was the case with its predecessor schemes, the expenditure covers payments to the individuals in the training programme and operating costs.

The persons covered are those employed by the Employment Training Company, the Construction Training Company, the Graduate Research and Development Company and the Supported Employment Company.

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In addition to the costs of materials used in training, which are charged to this item of expenditure and the running costs of Gib Dock and the Construction Training Centre facilities, payments for courses at Bleak House are also covered and payments made in respect of *ad hoc* training – for example, the provision of training to obtain a bus driver and heavy goods vehicle driver licences and plant operation qualifications, which are examples of some of the training that has been going on.

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Registration fees payable to UK awarding bodies are also met from this expenditure for trainees that are taking part in the programmes.

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Hon. D A Feetham: It is per month, £975 million – (**A Member:** Thousand.) Sorry, £975,000 per month, but I asked only in relation to the Future Job Strategy, he has widened that to include other areas which are not strictly Future Job Strategy. Does he have just a figure for Future Job Strategy... a subdivision?

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Hon. J J Bossano: Mr Speaker, what he calls the Future Job Strategy is the label provided to the programme of training in the Election campaign. I mean we do not have anything now called the Future Job Strategy. What we have is all the training financed from one head of expenditure, which is the head of expenditure that is about... I think we put it in this year's budget at £11.7 million and that covers Gib Dock, the Construction Training Centre, all the materials, the wages of the people there, the fees for the City and Guilds, which we have to pay to the United Kingdom.

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Also some programmes that we have started running recently were as a result, for example, of having a situation where we could not provide people with driving licences for heavy good vehicles, or people with driving licences for buses. We have actually moved away from the traditional parameters that we are training people and placing them with somebody and we have told people who are unemployed that we would keep them on the unemployment register, but pay for their training for them to be able to get new skills and qualifications, which makes it easier for us to find them a job, that is also being funded from this vote and that is being funded for people who are, in effect, continuing unemployed and not trainees.

1400

So we are funding all the costs of all the people who are in the four companies that are doing trainees, which includes the Supported Employment which are permanent employees, and the people that sometimes somebody... for example, we have got some people who are doing hairdressing. They are not employed by us as trainee hairdressers, but we are meeting the cost of the tuition of the hairdressing, which was an initiative of somebody from the industry who came to us and said, 'I would be happy to take on people and train them if you meet the cost', and all that cost is also coming out of there.

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Hon. D A Feetham: Does he have a breakdown in relation to this? For example, does he have a breakdown as to how much the wages are in relation to this figure, the wages component in relation to this figure of £975 million – (**A Member:** Thousand.) thousand, I beg your pardon?

Hon. J J Bossano: I would say that probably the labour cost of the trainees is in the order of £600,000 or £700,000 out of that, which would include the employers' social insurance contributions.

1415

Hon. D J Bossino: Mr Speaker, that is in relation, just to be absolutely clear, to those employees of the companies which form part of the label he described earlier of the Future Job Strategy? In other words, those three or four companies, ETCL and CTCL... yes?

1420

Mr Speaker, he also referred to some individuals, who were currently registered unemployed, were being, in effect, paid by the Government an income, but were not following the FJS scheme procedure whereby they would be placed with an employer. Can he also confirm that those individuals are exclusively within the driver category, which I think he referred to?

1425

Hon. J J Bossano: They are not being paid an income. What I said was not that they were being paid, but that they are *not* being paid. So they are registered unemployed. They are getting the unemployment benefit. (**A Member:** Okay.) They continue to be offered jobs, but they are being given the opportunity of

attending courses, and what we are doing is paying the tuition. So, for example, the bus driver and the heavy goods vehicle is costing us £50 an hour for the training (*Interjection*) but this is being paid to the company that is providing the training that puts the bus and the driver and the fuel and charges us £50 an hour.

1430 But the guys that are being trained and then go on and get a licence, we pay for the cost of the licence. These people are on the dole. So we pay for them to be trained. We pay for the costs of the licence. That means of course that we are now able... we have put something like 20 through this system.

1435 The advantage is now that people who had driving licences, but only had the A licence kind of thing, we are now able to, when a vacancy comes up, we are now able to offer candidates with the necessary qualifications to be able to do the job. We have been able to employ some of them as coach drivers for the tourist industry and we have been able to employ some of them as truck drivers in the construction industry.

1440 **Hon. D J Bossino:** Mr Speaker, can he confirm – my memory is a bit hazy on this issue – whether this is part of one of the announcements which the Minister for Traffic, I think, made at the time when I had that shadow responsibility? Is that not the same thing?

1445 **Hon. J J Bossano:** Not to my knowledge. Frankly, this is something that was... I mean in some of these cases there are a number of these things going on and in fact the initiative has come from the training provider, that is somebody came to us and said, 'Look, it is very difficult to find local people when we want to hire people for coach tours and it is difficult to find people when we want people to...' I mean there is an upsurge in demand now for people to drive trucks because there is a lot of construction work. We have got people unemployed, we are pressing people in the construction industry to take them on, so somebody came along and said, 'Well, look, I am prepared, for £50 an hour, to train people and take them through and get them qualified.' Then once they are qualified, if they are still unemployed, as soon as I have got a job, I will offer them a job.

1450 As a result of that it was not our idea; it was not *my* idea it was something... An idea put to me, which I welcomed, and therefore we invest a few thousand pounds in this kind of training. This is not big money because there are not thousands of people involved – there are only 20 or 30 – but we are doing this in this area, we are doing it in hairdressing. There are three or four activities of this kind, where in a sense what we are doing is upscaling the people that are registered unemployed. The basic departure from what we were doing before is that they continue to be unemployed, they do not get paid and they continue to be available for work and if, for example, the guy that is doing the training for a truck driver, a vacancy comes in for a store man and he wants to do the store man job, then he will abandon the course. There is no penalty and he goes and does the other job. So effectively all the people that are doing this kind of thing are included in the unemployment figures that I provide the hon. Member with.

Mr Speaker: Next question.

Q196-199/2014
Gibraltar Savings Bank –
Value of debentures; breakdown of debt

Clerk: Question 196, the Hon. D A Feetham.

1465 **Hon D A Feetham:** Can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures as at 31st January 2014?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

1470 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 197 to 199.

Clerk: Question 197.

1475 **Hon. D A Feetham:** Will the Chief Minister please give a breakdown by debenture issue, of that part of the aggregate public debt that comprises Government debentures, as at 31st December 2013 and as at 31st January 2014?

Clerk: Question 198.

1480 **Hon. D A Feetham:** Can the Chief Minister please state what was (i) the gross public debt; (ii) cash reserves; and (iii) the net public debt as at 31st December 2013 and 31st January 2014?

Clerk: Question 199.

1485 **Hon. D A Feetham:** Can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises of bank debt as at 31st December 2013 and 31st January 2014?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

1490 **Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano):** Mr Speaker, the value of Gibraltar Savings Bank Debentures by maturity dates, as at 31st January 2014, was: one month, £23,390,700; 2015 debentures – that is the maturity year – £44,165,200; 2016 debentures, £23,076,600; 2017 debentures, £86,241,500; 2018 debentures, £165,074,000; 2019 debentures, £10,594,400; other debentures, £6,171,623.

1495 Government debentures by maturity dates were, as at 31st December 2013: 2013 debentures, £819,300; 2017 debentures, £67,917,600; one month's notice, £89,057,000.

On 31st January 2014 the figure was 2017 debentures, £67,913,800; and one month's notice, £88,440,800.

1500 The 2013 debenture obviously was repaid before January.

As at the end of December 2013 the gross debt was £457 million; the cash reserves were £222 million; and the net debt was £235 million.

At the end of January the gross debt was £456 million; the cash reserves £223 million; and the net debt £233 million.

1505 The aggregate public debt as at 31st December 2013 and 31st January 2014 included bank loans of £200 million.

These bank loans in both months were £150 million from Barclays Bank and £50 million from NatWest Offshore Limited.

Q200/2014

Personnel in public service – Increase in numbers

1510 **Clerk:** Question 200, the Hon D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide the total net increase in numbers of personnel in the public service since he was elected into office broken down by reference to the Civil Service, the Gibraltar Development Corporation, Government-owned companies and public authorities?

1515 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment, and Health & Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): Mr Speaker, the net increase between 31st December 2011 and 31st December 2013 is as follows: Civil Service, 123; GDC, 28; Government Agencies and companies, 654.

1520

Hon. D A Feetham: Mr Speaker, does the 654 include Future Job Strategy trainees within that figure of 654, or is he just giving me, effectively, the permanent increase in the public service in relation to these two areas of Government-owned companies and public authorities?

1525 **Hon. J J Bossano:** It includes everybody who was paid that month from any Government company and therefore it includes the four training companies. The figure is – the hon. Member will remember because it used to be done before – is what the Statistics Office produces every quarter, which shows the people who got paid at the end of that month.

1530 **Mr Speaker:** Next question.

Hon. D A Feetham: May I just have a moment?

1535 **Mr Speaker:** Okay.

May I ask the hon. Member to ask the next question because it is a very lengthy schedule in the next question and they can be looking at it at the same time.

Hon. D A Feetham: I do not think I have another question now.

1540 **Mr Speaker:** Mr Bossino.
Question 201.

Hon. D J Bossino: Ah, yes.

DEPUTY CHIEF MINISTER

**Q201/2014
Gibraltar Civil Aviation –
Security screening**

1545 **Clerk:** Question 201, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister with responsibility for Aviation please provide details since he came to office of all those individuals other than the Chief Minister who have benefitted from not having to pass through customs or immigration control when boarding or disembarking from a flight at Gibraltar Airport and have had use of an official car of the Gibraltar Government to include the G1?

1550

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will now hand over the hon. Member a schedule containing the information requested.

Answer to Question 201

The Gibraltar Civil Aviation Security Programme 2014 states that the following persons are exempt from security screening:

Section A

- Members of The Royal Family
- Lords and Ladies in Waiting when representing the Queen
- Members of Foreign and Commonwealth Royal Families

Section B

- The Chief Minister of the Government of Gibraltar
- The Governor of Gibraltar
- The Judges of the Court of Appeal
- The spouse of the Chief Minister of Gibraltar
- The spouse of the Governor of Gibraltar
- The spouses and children accompanying persons listed in this section.

Any other person who from time to time may be notified as being authorised by the Gibraltar Civil Aviation Security Regulator

Section C

Police protection officers acting in pursuance of their duties, the person or persons they are protecting, and any other person or persons accompanying the protected person and the police protection officer as they enter security restricted areas at the airport.

As common practice, the person on the exempt list are also granted exemption from Immigration and Customs procedures.

As the persons listed above are automatically exempt from screening, records are not kept of the occasions on which they exercise their privilege.

The Gibraltar Civil Aviation Security Regulator has authorised the following persons as being exempt from screening since I came into Office:

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Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
11/03/2012	BA491	Air Chief Marshal Sir Stuart Peach	MoD	OC
23/03/2012	BA491	Lord Greville Janner Ms Maureen Gold, PS to Lord Janner	GoG	OC
04/04/2012	BA491	Lord Prescott Mrs Prescott	GoG	
14/04/2012	ZB69	Mr M Penning, MP Mrs Penning	GoG	OC
13/06/2012	BA491	Royal Visit Support Party Mr J Smedley - Private Secretary Ms P Southgate-Sands - Asst Private Secretary Ms H Howard - Asst Press Secretary Mr C Sheppard - Protection Officer/Police Mr P Andrews - Protection Officer/Police Mr B Tougher - Valet	GoG	OC
13/06/2012	BA491	Dr J J Garcia – Deputy Chief Minister(Accompanying the Chief Minister) Mr E Gomez – Chief Secretary Mr M Llamas – Senior Legal Adviser Mr G Flower – Senior Personal Assistant Mr C Golt – Press Officer	GoG	OC
18/07/2012	BA491	Ms E Laing, MP - MOD Special Representative Mr A Helliwell - Deputy Director for Policy at Joint Forces Command	MoD	OC
07/09/2012	BA 491	Sir John Chapple - Ex Governor of Gibraltar Lady Chapple Sir Francis Richards - Ex Governor of Gibraltar	GoG	OC
08/09/2012	Private	Music Festival VIPs Ms J Cornish Ms C Darke Ms T Wilson Mr M Dawson	GoG	OC
11/09/2012	BA 491	Ms E Laing, MP - MOD Special Representative	MoD	

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Contd Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
19/09/2012	Private	Mr S Reuben & Mr D Ruben	GoG	
08/10/2012	BA 491	Dr J J Garcia -- Deputy Chief Minister (Acting Chief Minister) Mr E Gomez -- Chief Secretary	GoG	OC
12/10/2012	Private	Mr D Cote	GoG	
21/10/2012	Private	Mr A Gore Mr J Schlichter Ms Nina Desousa	GoG	OC
17/01/2013	BA 491	Air Chief Marshal Sir Stuart Peach Captain Paul Marshall, RN Ms K Langley	MoD	OC
10/03/2013	BA 493	Admiral Sir Mark Stanhope Lady Stanhope Commander Dominy	MoD	
08/04/2013	BA 491	Azizah Pahang - Crown Princess Muhammad Pahang - Crown Prince Mr Mohd Azeri Mohd YUSOF - Bodyguard Mr Mohd Zahor Ahmad -- Butler Mr Misran Daim - Bodyguard Captain Mohamed Najmi Mohamad Sharawi -- ADC Mr Shariful Kamal Shaharuddin -- Personal Assistant HRH Prince Abdullah Ahmad Shah - Crown Prince Major Ahmad Rashidi Bin Ithnin - Malaysian High Commission in London	GoG	
08/04/2013	EZY8902	Hassanal Pahang - Crown Prince Ms A Gibbon -- Personal Assistant Mr Mohamed Arif Hasnan -- Bodyguard	GoG	
03/05/2013	Private	Mr S Reuben	GoG	
17/05/2013	EZY8901	Ms Lesley Pallett	GoG	
22/05/2013	Private	Mr J Lennon Ms A Kuhlman Mr A Greig	GoG	OC

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Contd Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
18/06/2013	Private	Rev T Howarth Mr D Michael Mr M Ostro Rabbi A Levy Rabbi E Mirvis Archbishop V Nichols Fr J O'Leary Rt Rev N McCulloch	GoG	OC
20/06/2013	BA 491	Mr D Taub, Israeli Ambassador to UK Mrs Z Taub Mr D Dawson, Protection Officer	GoG	
05/07/2013	BA 491	Minister J Ciechanowski Minister A Kunert Bishop J Guzdek Brigadier General K Szymański Brigadier General W Grudziński Mr W Strzałkowski	GoG	OC
26/07/2013	BA 491	General Sir R Barrons, Commander Joint Forces Command Capt L Nicol, Asst MA to the General Ms T Walton, PS to the General	MoD	
11/09/2013		The Hon H Hughes Chf Min ANGUILLA The Hon C Cannonier Prem BERMUDA The Hon Dr O Smith Prem BVI The Hon A McLaughlin Prem CAYMAN ISLANDS The Hon I Hansen FALKLAND ISLANDS The Hon R Meade Prem MONTSERRAT Deputy Mayor S Young PITCAIRN ISLANDS The Hon Dr R Ewing Prem TURKS &CAICO ISLANDS Mr P Bradley ANGUILLA Mr B Penn BVI Mr R James TURKS & CAICOS ISLANDS Ms J Ahearn CAYMAN ISLANDS	GoG	OC
15/09/2013	BA 493	Air Chief Marshall Sir S Peach, Vice Chief of the Defence Staff Flight Lieutenant B Goodwin, ADC to the Air Chief Marshall	MoD	

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Contd Answer to Question No 201

DATE	FLIGHT NUMBER	NAME	REQUESTED BY	OFFICIAL CAR (OC)
15/09/2013	ZB 063	Lady B Peach, Wife of Air Chief Marshall Peach	MoD	
20/10/2013	BA 491	Mr J Holland Ms M Holland Mr S Taylor Ms M Chisholm Ms Y Yau Mr P Loasby	GoG	
21/10/2013	BA 491	Capt F Pitto, ADC to HE the Governor	MoD	
19/11/2013	BA 491	Sir John Major Mr A Earl Ms A Warburton Mr D Stevens Mr P Brady	GoG	
26/11/2013	BA 491	Vice Admiral D Steel, Second Sea Lord Capt S Long RN, Flag Lieutenant WO1 T Casey, Senior Naval Warrant Officer	MoD	
11/12/2013	BA 491	Rear Admiral Bennett – Chief of Staff Joint Forces Command Commander R Scandling – Joint Forces Command Lieutenant Commander A Mason – Joint Forces Command Rt Hon M Francois MP – Minister for the Armed Forces Mr A Helliwell – Joint Force Command Ms C John – Assistant Private Secretary to the Minister	MoD	
12/12/2013	Private	Sir R Broadbent Mr K Grace Mr J Tarry Mr M Chipchase	GoG	OC

**Q200/2014 continued –
Personnel in public service –
Increase in numbers**

1555 **Hon. D A Feetham:** Mr Speaker, may I now ask a supplementary whilst my learned and hon. Friend analyses the schedule?

Mr Speaker, the answer that he has given me... effectively I have done the total here. It is a total increase in the public service of 805 employees in the public service, from when they got elected to date. That is the answer that he has given me.

1560 I note that earlier on he answered in relation to one of the questions that my hon. Friend, Mr Bossino, asked about the number of people employed in the public and the private sector, he said that in the public sector the number was 6,393. We are looking at the Employment Survey, and the Employment Survey indicates that for 2011 there were 4,574 people in the public service... in the public sector, and in 2012, 4,991. So the figures that he provided Mr Bossino, it appears that there has been a larger increase in the public service than in the answer that he has provided me today. Now, I do not know, that may be explainable, and I am asking him, can he explain the differences in the numbers.

1565

Hon. J J Bossano: Yes, Mr Speaker, the answer and the explanation is a very simple one. The figures are drawn from different sources.

1570 The Employment Survey is the return produced by employers, who put down who they employ. The figure that he has asked me today... the figure of the Employment Survey is only available for one month a year – the month of October. The figure that I have given him is the most recent figure of the computer in the ETB. To give him an indication of why such discrepancies arise, for example, the people who were employed during the summer who have come out from university and were working during the summer
1575 season as beach keepers and life savers and all those who were there until September and then they went back to the university, the Department forgot to inform the ETB that they were no longer there until January and so they will have been included in December.

If he looks back at the questions that I used to put and if I remind them of that, I often pointed out to the Government of the day that there were four different sources of information and four different figures. So if
1580 you ask the Social Insurance, you get one figure. If you get it from the Employment Service, you get another one. If you ask the Departments, you get a different one. And if you get the computer in the ETB, you probably have the least accurate of the four and that is because there is no guarantee. We have been trying hard for the last two years to reduce that gap, that discrepancy, between one figure and the other and we are now in the process of tracking down 150 employers who may no longer exist, but have never
1585 bothered to tell anybody that they do not exist, and therefore the records remain in the Employment Service and that may be 200 or 300 people. But there is a serious problem and I think until we start effectively fining people for failing to inform the Department when somebody is no longer working... I mean it is easier to enforce the illegal labour thing where they have got somebody working and they do not tell us, but it is more difficult to enforce when the guy just disappears and nobody tells us.

1590 The answer is that subject to what I have said on a number of occasions about the lack of accuracy of the Employment Service, I think the hon. Member should take the figure that I have given him today with a pinch of salt, but it is a figure that I have.

Hon. D A Feetham: Yes, I could understand all that if I were asking questions about the private sector, but we are talking about the public sector.
1595

One would think that the figures in terms of increases in the public sector would be far more accurate than the private sector. I mean employers... the public sector, the employers are Government-owned companies, Government Authorities, Government Departments, the GDC. You see, if one looks at the Employment Survey, one sees that there is an increase from 2011 of 4,574 employees in the public service
1600 to 4,991 in 2012, an increase of 9.1% and that is the figures that his Department produced. Today there is a huge jump from there in 2012 to 6,393 and that is a significant increase in the public service.

I had asked for a question about the net increase in the public services. They got into office in December and the answer is 805. That is the answer, 805 today, but if you look at the Employment Survey the increase, in accordance with the answer that he has provided Mr Bossino is of the order of 1,400 from 2012
1605 to today. Which of the two represents a more accurate picture as to the increase in the public service, the figures in the Employment Survey, which he has now supplemented today or this answer that he has provided to me which appears to indicate that there is 805 net increase in the public service since they got into office?

1610 **Hon. J J Bossano:** The most accurate figure is the one I provided him today because that is the payroll. That is to say – (*Interjections*) The one produced by the Statistics Office.

Hon. D A Feetham: To him or me?

1615 **Hon. J J Bossano:** The one that says that there were 123 more people in the Civil Service. The one I have just given him is the payroll. So at the end of December 2011, x number of people were paid, and two years later y people were paid. The difference between the x and the y is the 805 that is... So we had 805 people more being paid out of public funds in December 2013 as opposed to December 2011, and 450 of those would be the trainees.

1620 In terms of the people in the data base, I agree with the hon. Member that the records of the public sector ought to be better than the records of the private sector, but I can tell him that when I got there I discovered that they had people who had left years ago from the Health Authority and nobody had bothered to terminate the contract and send it to the ETB.

1625 We did an exercise about six months ago where we took... whereas the figure in the Health Authority might be something like 800 in the estimate, the figure in the Employment Service was 1,200. We took about 400 people out, some of whom were dead and buried. It has still not been cleaned up and it is a mammoth task. I have got people checking, inputting and correcting things. If he looks back at the answers that they provided me with when I asked similar questions, he will find that in fact the gap is smaller,

1630 maybe by something like 600 or 700, which is as much as I have been able to whittle it down by, by checking, but it means checking every single employer in Gibraltar and chasing every single Department. I think, frankly, it is simply not on that Government Departments themselves should be so lax in complying with the law and informing the Employment Service of the terminations of the employees they have got; but there are people retired for years and nobody had told...

1635 Indeed, at one stage when I started chasing people up on this I was told by... I think it was by people in Human Resources or in the Chief Secretary's Office that they thought that the Civil Service did not have to comply with this. I pointed out to them that there was no exemption for the Crown. The idea was that because civil servants get a letter of appointment, that they did not have to fill up a termination of employment form and send it to the ETB and that apparently had been going on for years and nobody had challenged it previously.

1640 But the answer is that I would expect that the figure that I have given him earlier today, which is what I got from somebody pushing the button in the computer and saying what is the number, and that is the number that has come out, we can actually produce the 6,000 names and then we can go and see if those people are still alive. But the reality of it is that we are trying to reduce the inaccuracy in the system by chasing people up in the Departments and by chasing private sector employers. Fairly soon I am going to be announcing that we are going to start fining people if they do not deliver, whether they are in the public or in the private.

1650 **Hon. D A Feetham:** I mean, it seemed very odd to me, I have to say, when the hon. Gentleman gave these figures because on a quick calculation what he indicated was that the total labour force in Gibraltar public and private sector was in the order of over 26,000, and that seemed to me to be out by about 2,000 or 3,000. *(Interjection)*

1655 So the figures that he has provided for Mr Bossino really are taken from the computer. They are not – the public service I am talking about – they are not payroll, but presumably if we were to ask next time round what is the total number of people on the payroll in the public service, those figures are available from the Treasury in the same way as he has actually given me the net increase of, in the public service from those figures in answer to my question.

1660 **Hon. J J Bossano:** That calculation is done on a quarterly basis, and it is done on a quarterly basis by the statistics that used to be provided for the previous Government and has always been provided. So that quarterly head count... the different sources count things in a different way. So, for example, in the case of the figures that I have given him today, it is people who were actually in the month of December receiving a salary at the end of the month. But it would include, for example, people who are working as supply, because somebody is on maternity leave. It is the most accurate in the sense that if you got paid you are there and if you did not get paid you are not there. So if somebody is on unpaid leave they would not be there. The others are the returns from employers and is what the employer puts down in the form and the returns from the Employment Service is what somebody put there sometime in the past and either failed to cancel or even... we had a situation where I have mentioned it to the hon. Member before... The four years, I know that they think that I have got it in for Mr Montiel, but I do not (**A Member:** You do.) but I have mentioned before that the four years that Mr Montiel was actually the Minister for Employment responsible for the accuracy of this, he appeared as not being in Government and being in the GDC in Bleak House. *(Laughter)* He was hardly in a position to say to anybody, 'I am going to fine you for not notifying it', when he had failed to notify his own termination in Bleak House and there he was sitting in the office with his name in the computer saying he was not there. There was a sibling somewhere in Bleak House monitoring the employment.

1675 Well, I have to say even Mr Speaker was still shown as being in the GDC when I started checking the records, so –

1680 **Mr Speaker:** In October 2012, I remember making a return to the Board signifying that I was terminating employment at the end of October.

Hon. J J Bossano: Well, in December 2011 you were still there, Mr Speaker. *(Laughter and interjections)*

1685 **Mr Speaker:** *[Inaudible]*

**Q201/2014 continued –
Gibraltar Civil Aviation –
Security screening**

Clerk: Question –

Hon. D J Bossino: No, Mr Speaker, I have got a supplementary in relation to Question 201.

1690 Mr Speaker, I have had some time to look at the schedule and it very helpfully sets out what is the security screening policy of the Gibraltar Civil Aviation Security Programme. Now that particular programme is dated 2014.

1695 Can the Hon. the Chief Minister...the Hon. the Deputy Chief Minister – Freudian slip there – tell me what the differences are between the 2014 policy and the policy which was there before that one?

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, there was a change to the original programme of 2010, when in April 2011, when the hon. Members were in Government, they added the spouse of the Chief Minister and the spouse of the Governor to the people who are exempt.

1700 There was another change in 2012 when the Civil Aviation Security Regulator was authorised to authorise *ad hoc* exemptions at the request of the Minister for Civil Aviation and that was a change which basically reflected the practice which had been set in place since 2010. Then in addition to that, in 2012 the police protection officers undertaking escorting duties were also included in the list.

1705 **Hon. D J Bossino:** Mr Speaker, he has mentioned the spouse of the Chief Minister and the spouse of the Governor of Gibraltar. Presumably what was also added was the spouses and children accompanying any of the above individuals or was that the... that must be the case, surely?

1710 It is the final bullet point in section – (*Interjection*) Exactly. In section B. The Hon. the Deputy Chief Minister has referred to the two I have just referred to, but there is also a final one which refers to... it just logically follows that that would have been added – the spouses and children accompanying persons listed in this section.

Hon. Deputy Chief Minister: Mr Speaker, the only changes that we made were those in 2012, were to the escorting policemen and to the procedure. Everything else was there from before we came, including the children, and so it must have been done when the hon. Members were in Government.

1715

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can assist, it is the escorting policemen because we had the Royal visit, I think, in that year and there were escorting policemen escorting Members of the Royal Family. The Chief Minister and the Governor do not travel through the air terminal... at least never have. There may be a situation in the future where we might have to, but we have never travelled with escorting policemen through the air terminal. So this was specifically done to deal with those who were escorting the Royal Family members who came to Gibraltar.

1720

Everything else, every single aspect of the procedure is exactly as set down by them when they were in Administration, and the practice which they built up when they were in Administration.

**Q202-203/2014 –
Erection of scaffolding –
Government and private projects**

Clerk: Question 202, the Hon. J J Netto.

1725

Hon. J J Netto: Mr Speaker, can the Government state the number of scaffolds that have been erected since 2012 to date, stating which ones are Government projects and which ones are private ones?

Clerk: Answer the Hon. the Deputy Chief Minister.

1730

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, I will answer this question together with Question 203.

Clerk: Question 203.

1735

Hon. J J Netto: Mr Speaker, can the Government state the date and location of every scaffold that has been erected since 2012, either in Government projects or private ones, the date on which the scaffold was dismantled, the projects that are still ongoing and the name of the company erecting the scaffold and for what project?

1740

Clerk: Answer the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
1	XL Scaffolding Ltd	Rosia Court, Rosia Road	06-Feb-12	20-Feb-12	Repairs to Façade	PRIVATE
2	XL Scaffolding Ltd	Rosia Court, Rosia Road	12-Feb-12	12-Mar-12	Repairs to Façade	PRIVATE
3	XL Scaffolding Ltd	Cornwall's Lane Adj to Horse Barrack lane	12-Feb-12	18-Mar-12	Repairs to Façade	PRIVATE
4	XL Scaffolding Ltd	Lynches Lane	26-Feb-12	11-Mar-12	Repairs to Façade	PRIVATE
5	XL Scaffolding Ltd	67 Irish Town	26-Feb-12	11-Mar-12	Repairs to Façade	PRIVATE
6	A & M Scaffolding	46 Flat Bastion Road			Repairs to Façade	PRIVATE
7	Access	1 Town Range	05-Mar-12	26-Mar-12	Repairs to Façade	PRIVATE
8	Casais	Arengo's Palace Car Park	01-Mar-12	01-Sep-12	Construction of Multi Storey Car Park	HMGOG
9	Access	Library Ramp	12-Feb-12	08-Mar-12	Repairs to Façade	PRIVATE
10	Mersey Castle	30 Cornwall Lane	18-Mar-12	01-Apr-12	Repairs to Façade	PRIVATE
11	XL Scaffolding Ltd	South Pavilion			Repairs to Façade	PRIVATE
12	Mersey Castle	19-21 Scud Hill	30-Jan-12	30-Jun-12	Repairs to Façade	PRIVATE
13	Mersey Castle	75 Governors Street	01-Mar-12	08-Apr-12	Repairs to Façade	PRIVATE
14	Mersey Castle	18 Shorthorn Estate	26-Mar-12	26-May-12	Part of Building Application	PRIVATE
15	XL Scaffolding Ltd	281 Main Street	02-Apr-12	02-May-12	Repairs to Façade	PRIVATE
23	Mersey Castle	31-33-35 Cannon Lane	02-Dec-12	03-Mar-13	Part of Building Application	PRIVATE
24	Mersey Castle	Piazzella, Governors Square	24-Apr-12	24-Jun-12	Part of Building Application	
25	XL Scaffolding Ltd	17-19 Old Naval Hospital Road	25-Apr-12	09-May-12	Part of Building Application	PRIVATE
26	A & M Scaffolding	Main Street / Bomb House Lane	06-May-12	16-Jul-12	Part of Building Application	PRIVATE
27	XL Scaffolding Ltd	12 Prince Edwards Road	06-May-12	20-May-12	Repairs to Façade	PRIVATE
28	Mersey Castle	Horse Barrack Lane	06-May-12	20-May-12	Repairs to Façade	PRIVATE
29	XL Scaffolding Ltd	79 Irish Town	13-May-12	03-Jun-12	Repairs to Façade	PRIVATE

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Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
30	A & M Scaffolding	Governor's Parade & Main Street (Opposite Cathedral)	27-May-12	10-Jun-12	Part of Queen's Jubilee Celebrations	HMGOG
31	A & M Scaffolding	284-288 Main Street	19-May-12	02-Jun-12	Repairs to Façade	PRIVATE
32	A & M Scaffolding	4 Cathedral Square	19-May-12	19-Jun-12	Repairs to Façade	PRIVATE
33	XL Scaffolding Ltd	218 Main Street	10-Jun-12	12-Aug-12	Repairs to Façade	PRIVATE
34	XL Scaffolding Ltd	38-40 Flat Bastion Road	06-Jun-12	13-Jun-12	Repairs to Façade	PRIVATE
35	XL Scaffolding Ltd	1-4 Demaya's Ramp	17-Jun-12	21-Oct-12	Repairs to Façade	PRIVATE
36	A & M Scaffolding	Catholic Community Centre, Zoca Flank			General Repairs to Building	PRIVATE
37	A & M Scaffolding	186-188 Main Street	17-Jun-12	17-Jul-12	Repairs to Façade	PRIVATE
38	XL Scaffolding Ltd	325 Main Street	27-Jun-12	17-Jul-12	Repairs to Façade	PRIVATE
39	A & M Scaffolding	Catholic Community Centre	27-Jun-12	29-Jul-12	General Repairs to Building	PRIVATE
40	XL Scaffolding Ltd	2 Hospital Hill	02-Jul-12	03-Jul-12	Repairs to Façade	PRIVATE
41	XL Scaffolding Ltd	Bargain Stores/La Cantina	08-Jul-12	12-Aug-12	Repairs to Façade	PRIVATE
42	Mersey Castle	Church of Scotland	07-Jul-12	12-Aug-12	Repairs to Façade and Roof	PRIVATE
43	A & M Scaffolding	Clipper Bar Irish Town	15-Jul-12	19-Jul-12	Repairs to Façade	PRIVATE
44	Mersey Castle	1 Boyd Street - Queens Hotel	16-Jul-12	06-Aug-12	Repairs to Façade	PRIVATE
45	A & M Scaffolding	5D Library Ramp	22-Jul-12	23-Sep-12	Part of Building Application	PRIVATE
46	XL Scaffolding Ltd	9-11 New Passage	01-Aug-12	24-Aug-12	Part of Building Application	PRIVATE
47	XL Scaffolding Ltd	10 Castle Street	02-Aug-12	30-Aug-12	Repairs to Façade	PRIVATE
48	XL Scaffolding Ltd	11 Castle Road	14-Aug-12	24-Aug-12	Repairs to Façade	PRIVATE
49	Mersey Castle	1 Boyd Street	15-Aug-12	08-Sep-12	Repairs to Façade	PRIVATE
50	A & M Scaffolding	292 Main Street	23-Sep-12	25-Oct-12	Repairs to Façade	PRIVATE
51	Admiral Bridge Investments Ltd	3 Main Street & 1 to 7 Crutchett's Ramp	30-Jan-10	30-Jan-14	Repairs to Façade	PRIVATE

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Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
52	XL Scaffolding Ltd	15-27 City Mill Lane	10-Oct-12	10-Nov-12	Repairs to Façade	PRIVATE
53	XL Scaffolding Ltd	17 Town Range Brooke House	14-Oct-12	21-Oct-12	Repairs to Façade	PRIVATE
54	F T Construction Ltd	68 Main Street	14-Oct-12	04-Nov-12	Repairs to Façade	PRIVATE
55	XL Scaffolding Ltd	Boschetti's Steps	21-Oct-12	28-Oct-12	Repairs to Façade	PRIVATE
56	First Gibscaffolding Co	The Convent, Main Street	15-Oct-12	18-Feb-13	Repairs to Façade	HMGOG
57	A & M Scaffolding	192 Main Street	18-Nov-12	25-Nov-12	Repairs to Façade	PRIVATE
58	XL Scaffolding Ltd	16 Crutchets Ramp	18-Nov-12	25-Nov-12	Repairs to Façade	PRIVATE
59	Access Scaffolding	35-37 Irish Town	18-Nov-12	16-Dec-12	Repairs to Façade	PRIVATE
60	XL Scaffolding Ltd	204 Main Street	09-Dec-12	16-Dec-12	Repairs to Façade	PRIVATE
61	Casais	7 - 9 King's Yard Lane			Part of Building Application	PRIVATE
62	Prime Auto Ltd	5a-7 Rodgers Road	14-Dec-12	21-Dec-12	Repairs to Façade	PRIVATE
63	Casais Ltd	7-9 King's Yard lane	07-Jan-13	30-Sep-13	Part of Building Application	PRIVATE
64	XL Scaffolding Ltd	17 Castle Street	09-Jan-13	30-Jan-13	Part of Building Application	PRIVATE
65	Access Scaffolding	31-33 Irish Town	04-Feb-13	04-Mar-13	Part of Building Application	PRIVATE
66	XL Scaffolding Ltd	132-136 Main Street	13-Jan-13	31-Mar-13	Repairs to Façade	PRIVATE
67	Mersey Castle	117 Main Street	20-Jan-13	03-Mar-13	Repairs to Façade	PRIVATE
68	Mersey Castle	12 John Mackintosh Square	15-Jan-13	03-Mar-13	Repairs to Façade	PRIVATE
69	Mersey Castle	317 Main Street	20-Jan-13	03-Mar-13	Repairs to Façade	PRIVATE
70	XL Scaffolding Ltd	22 Main Street	15-Jan-13	29-Jan-13	Repairs to Façade	PRIVATE
71	XL Scaffolding Ltd	4 George's lane	31-Mar-13	31-May-13	Part of Building Application	PRIVATE
72	Koala Construction Ltd	John Mackintosh Square, Main Guard Heritage Offices	04-Feb-13	30/11/2013 - ONGOING	Govt Job - Part of Building Application - Main Guard Heritage Offices	HMGOG
73	Andrews Kent & Stone	86-90 Main Street / Tuckey's Lane	01-Jan-13	06-Oct-13	Repairs to Façade	PRIVATE

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Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
74	XL Scaffolding Ltd	Waterport Place	01-Feb-13	14-Feb-13	Repairs to Façade	PRIVATE
75	XL Scaffolding Ltd	61B Devil's Tower Rd (Trico)	17-Mar-13	24-Mar-13	Repairs to Façade	PRIVATE
76	A & M Scaffolding	12 Bomb House Lane	24-Mar-13	07-Apr-13	Repairs to Façade	PRIVATE
77	A & M Scaffolding	15 Rodgers Road	07-Apr-13	21-Apr-13	Part of Building Application - Reconstruction of Balconies	PRIVATE
78	XL Scaffolding Ltd	Loreto Convent Europa Road	23-Mar-13	13-Apr-13	Govt Job - Part of Building Application - Schools extension at St Bernards Road	HMGOG
79	XL Scaffolding Ltd	22 Withams Road	01-Apr-13	15-Apr-13	Part of Building Application	PRIVATE
80	XL Scaffolding Ltd	10 Irish Town	07-Apr-13	21-Apr-13	Repairs to Façade	PRIVATE
81	F T Construction	Ex-Shell House Line Wall Road	05-May-13	19-May-13	Repairs to Façade	PRIVATE
82	A & M Scaffolding	4 Benzimra's Alley	12-May-13	02-Jun-13	Repairs to Façade	PRIVATE
83	XL Scaffolding Ltd	6 George's Lane	05-May-13	19/05/2013 - ONGOING	Repairs to Façade	PRIVATE
84	Access	46 Castle Road	20-May-13	29-Jul-13	Repairs to Façade	PRIVATE
85	Koala Construction Ltd	1 Parody's Passage	03-Jun-13	12-Aug-13	Repairs to Façade	PRIVATE
86	XL Scaffolding Ltd	244 Main Street	08-Jun-13	16-Jun-13	Repairs to Façade	PRIVATE
87	XL Scaffolding Ltd	Line Wall Road (Traffic Lights by American Steps) rear of 10 Irish Town	28-Jun-13	11-Jul-13	Part of Building Application	PRIVATE
88	XL Scaffolding Ltd	Gavino's Passage	01-Jun-13	15-Jul-13	Repairs to Façade	PRIVATE
89	A & M Scaffolding	35 Town range	05-Jul-13	05-Sep-13	Repairs to Façade	PRIVATE
90	A & M Scaffolding	1 Corral Road	27-Jul-13	18-Aug-13	Part of Building Application	PRIVATE
91	XL Scaffolding Ltd	12 Governor's Lane	06-Jul-13	16-Aug-13	Part of Building Application	PRIVATE
92	A & M Scaffolding	46 Flat Bastion Road	10-Jul-13	07-Aug-13	Govt Job - Repairs to Façade	PRIVATE
93	A & M Scaffolding	222 Main Street	14-Jul-13	16-Aug-13	Repairs to Façade	PRIVATE

Contd...

Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
94	XL Scaffolding Ltd	12 Cotchfoe House Devil's Tower Road	20-Jul-13	05-Aug-13	Repairs to Façade	PRIVATE
95	A & M Scaffolding	6 B Buena Vista Road	29-Jul-13	26-Aug-13	Repairs to Façade	PRIVATE
96	XL Scaffolding Ltd	17 Governor's Street	04-Aug-13	01-Sep-13	Repairs to Façade	PRIVATE
97	A & M Scaffolding	St Mary The Crowned Main Street	01-Sep-13	01/03/2014 - ONGOING	Govt Job - Cathedral St Mary The Crowned - Repairs to Façade	HMGOG
98	A & M Scaffolding	Shackleton House Shackleton Road	08-Sep-13	08-Dec-13	Govt Job - Repairs to Façade	PRIVATE
99	XL Scaffolding Ltd	Queens Cinema Boyd Street	04-Oct-13	03-Nov-13	Repairs to Façade	HMGOG
100	A & M Scaffolding	21 Line Wall Road	20-Oct-13	27-Oct-13	Repairs to Façade	PRIVATE
101	XL Scaffolding Ltd	226 Main Street	23-Oct-13	06-Nov-13	Repairs to Façade	PRIVATE
102	Gibraltar Joinery Building Services Limited	Ex-St Bernards Hospital	21-Oct-13	21/04/2014 - ONGOING	Govt Job - Part of Building Application - Demolition / Reconstruction / internal & external alterations	HMGOG
103	Access	10 Trafalgar House	21-Oct-13	04-Nov-13	Repairs to Façade	PRIVATE
104	Hercon Ltd	59/61 Irish Town & 23 Tuckey's Lane	01-Nov-13	10/01/2015 - ONGOING	Part of Building Application - Internal Etxernal alterations & extension	PRIVATE
105	XL Scaffolding Ltd	Top of Bishop Rapallo Ramp	11-Nov-13	02-Dec-13	Repairs to Façade	PRIVATE
106	A & M Scaffolding	Chatham Counterguard Fish Market Lane	13-Nov-13	02-Dec-13	Repairs to Façade	PRIVATE
107	Gibraltar Joinery Buinding Services Limited	City Hall Line Wall Road	13-Nov-13	22-Nov-13	Repairs to Façade	HMGOG
108	Koala Conctruction Ltd	10 City Mill Lane	24-Nov-13	12-Jan-14	Repairs to Façade	PRIVATE
109	XL Scaffolding Ltd	221-225 Main Street	27-Nov-13	29-Nov-13	Repairs to Façade	PRIVATE
110	A & M Scaffolding	Halifax Road	05-Dec-13	20-Dec-13	Repairs to Façade	PRIVATE

Contd...

Contd Answer to Question No 202 & 203

No	COMPANY	SCAFFOLD LOCATION	START DATE	REMOVAL DATE	WORKS	GOG / PRIVATE
111	A & M Scaffolding	62-64 Irish Town	08-Dec-13	15-Dec-13	Part of Building Application - Internal External alterations & extension	PRIVATE
112	Akis Enterprise Ltd	Serfaty's Passage	08-Nov-13	20-Dec-13	Repairs to Façade	PRIVATE
113	TGS Maintenance Section	Garrod Road	08-Jan-14	10-Jan-14	Emergency. Roof panels fell due to recent stormy weather.	PRIVATE
114	XL Scaffolding Ltd	8 Rodgers Road	13-Jan-14	12/05/2014 - ONGOING	Part of Building Application	PRIVATE
115	Gibraltar Joinery Building Services	Laguna & Glacis Estate	13/01/2014	31/12/2014 - ONGOING	Govt Job - External refurbishment to Laguna, Glacis Estates and Moorish Castle Estate	HMGOG
116	A & M Scaffolding	Post Office Main Street	22-Jan-14	29-Jan-14	Govt Job - Repairs to Gutters	HMGOG
117	Access	Victualling Office Lane	08-Feb-14	09/03/2014 - ONGOING	Repairs to façade	PRIVATE
118	Koala Construction	Anderson House Calpe Road	03-Feb-14	03/12/2014 - ONGOING	Government Job - General Repairs to Building	HMGOG
119	Koala Construction	Gibraltar Museum	07-Feb-14	16-Apr-14	Government Job - General Repairs to External façade and Balconies	HMGOG
120	Casais	Main Street / Bedlam Court			Part of Building Application	PRIVATE
121	XL Scaffolding Ltd	15 Tuckey's Lane	11-Feb-14	21/02/2014 - ONGOING	Repairs to Façade	PRIVATE

1750 **Mr Speaker:** Again, this is a very long schedule... four, five, nearly six pages, may I suggest we go on to Question 204.

**Q204/2014 –
Government projects –
Scaffolding costs; contractor**

Mr Speaker: The Hon. Mr Netto.

Clerk: Question 204, the Hon. J J Netto.

1755 **Hon. J J Netto:** Mr Speaker, can the Government state the money spent per Government project on scaffolding since 2012, stating to which company and whether the payments are for completed works, or for ongoing projects?

Clerk: Answer the Hon. the Deputy Chief Minister.

1760

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the cost of scaffolding for a project is in the main not identified as a separate item in the contract. Scaffolding is included as part of the general contract preliminaries and its cost cannot therefore be easily identified. It is therefore not possible to provide the information for all Government projects since 2012. The information which is available is provided in the table which I hand the hon. Member.

1765

Answer to Question No 204

Scaffolding costs				
Project	Total cost	Paid to date	Pending	Contractor
Sandpits House	£ 25,865.60	£ 17,935.20	£ 7,930.40	GJBS
Kingsway House	£ 53,307.00	£ 27,730.31	£ 25,576.69	Profield
Red Sands House	£ 76,490.74	£ 24,082.56	£ 52,408.18	Sharrock Shand
Repulse House	£ 3,132.00	£ 2,192.40	£ 939.60	GJBS
Valiant House	£ 3,132.00	£ -	£ 3,132.00	GJBS
Royal Sovereign House	£ 3,132.00	£ 2,192.40	£ 939.60	GJBS
Alert House	£ 3,132.00	£ 2,192.40	£ 939.60	GJBS
Anderson House	£ 71,846.51	£ -	£ 71,846.51	Koala
William Thomson	£ 24,194.88	£ -	£ 24,194.88	GJBS
Laguna Estate	£ 71,992.80*	£ 41,062.56	£ 30,930.24	GJBS
Glacis Estate	£192,093.72*	£ 112,523.88	£ 79,569.84	GJBS
Moorish Castle Estate	£ 72,980.48*	£ 42,914.82	£ 30,065.66	GJBS

Note: Items marked * indicate total costs of scaffolding erected to date and not the overall scaffolding for the project

Hon. J J Netto: Mr Speaker, could I ask the Deputy Chief Minister with regard to the last Question 204, I think I understood, subject to be corrected, that he could not give me the cost per project because he could not desegregate the amount of payment to the scaffold from the overall cost of the particular project.

1770 But is it not the case, and please correct me if I am wrong, that the fees, when a particular company is about to put a scaffold up, they have to seek permission from Building Control Department? They have the forms on which they say that on such and such a day they are going to start erecting the scaffold in such a place and are going to end by such and such a date and in accordance with the time that the scaffold is going to be up, then a schedule of rates goes towards the payment of that scaffold for the duration of the scaffold being erected at that particular site. Is that not the case?

1775 **Hon. Deputy Chief Minister:** Mr Speaker, scaffolding is not something that comes across my desk very often and the reason I have compiled all this is because it is different Government Departments that are only involved and some of them deal with their own projects.

1780 But the information which is available in relation to what he has requested, which is the cost of the scaffolding in the projects that we have, is what I have supplied to him.

The information which he referred to earlier, I think, is revenue generated to the Government from scaffolding, not the cost of scaffolding to the projects. Those are two different things.

1785 **Hon. J J Netto:** So the information with regard to how much is charged for the scaffolding, that can be provided and that can be provided because the information is gathered at the Building Control Department. Is that correct?

1790 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, but it is the revenue the Government generates from that and not what is charged by the scaffolding company to the person or the company carrying out the projects. They are two different things.

1795 **Hon. S M Figueras:** Mr Speaker, I am grateful for the Deputy Chief Minister's attempts at clarifying this. Is it correct to assume that where you have the particularisation of HMGOG projects that, given that you have that particular information, you may at some point be able to determine what the cost of that specific project listed as a HMGOG project might be?

1800 **Hon. Deputy Chief Minister:** Mr Speaker, we can determine the revenue the Government receives from scaffolding which is put up all over Gibraltar in relation to building control fees –that we have available and that we can supply; but that is not what the hon. Member has asked. The information we have compiled... he has asked what the cost is of scaffolding in relation to a project (*Interjection*) which is an expense and not a revenue item – that was the difference.

1805 **Hon. S M Figueras:** Is the Hon. Deputy Chief Minister saying that it is impossible to ascertain the cost to Government of the scaffolding, as in not that it is difficult or perhaps not the most practical task, but impossible to secure the information?

1810 **Hon. Deputy Chief Minister:** Mr Speaker, it is impossible to obtain in relation to a number of projects because the scaffolding is sometimes included in the costs. It is not broken down as a separate item. But in those projects where it is broken down as a separate item, we have already provided that to the hon. Member in one of the schedules.

1815 **Hon. D A Feetham:** Mr Speaker, is he saying that in relation to... this schedule is the schedule of total scaffolding... the large one, the very long one – is the schedule that includes a list of all scaffolding erected, effectively, in Government projects or where there is a contract with the Government, presumably with a Government-owned company, then there is a shorter schedule that provides the cost to the Government. Is he suggesting that anything that is not listed in this short schedule is because the cost of the scaffolding is subsumed within the cost of the contract?

1820 **Hon. Deputy Chief Minister:** Mr Speaker, that is correct. It is not broken down... itemised.

1825 **Hon. E J Reyes:** Mr Speaker, in the long schedule, if we take No. 78 as an example, there is scaffolding being erected at Loreto Convent, Europa Road, and it is listed as a HM Government of Gibraltar project, but yet the property I do not think is a Government property. Can the Minister enlighten us how we can have what I understand to be a private entity and yet it has been listed as a Government project?

And in order to save time, and the same will probably apply to No. 97, where the St Mary The Crowned, Main Street, which I take it to be the... yes, the Cathedral there, again it is a Government project and I do not think it is a Government-owned building.

1830 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the works done to Loreto Convent, although these appear to be March to April 2013, I think are probably part of the work undertaken there by the previous Administration, not by this Administration, and that may simply be a tidying up or a fixing in respect of that.

1835 That building, you are right, is not a Government building, but it appears – I cannot say more than that at this stage – that all of the works and all of the extension done at that school was a Government project, although it is not a Government School and it is not a Government building, but they were the ones who were in power when it was done. I know no more about it.

1840 **Hon. E J Reyes:** Yes, Mr Speaker. That is precisely what I was asking. I was asking for confirmation that it was a Government project, despite the property being a private one.

The same goes for No. 97, which is a start date of September 2013 and is still ongoing. So, that has been going on for four, five months or something and perhaps the Chief Minister can shed some light on that one as well.

1845 **Hon. Chief Minister:** Yes, Mr Speaker, that is different. That is work done to the Cathedral of St Mary The Crowned, which the Government has agreed to subsidise.

Hon. D A Feetham: Mr Speaker, just so that I understand it, may I ask the Deputy Chief Minister, this particular column which indicates private or Her Majesty's Government, what is the difference between the

1850 two? Dealing with what... a private project in relation to which the Government has some involvement?
Because I would not expect the Government to be answering questions for which it is not responsible in this
House. If it is a private project, can he explain that?

1855 **Hon. Deputy Chief Minister:** Mr Speaker, the hon. Member asked in relation to Government projects
or private projects, that was the question, and in relation to scaffolding which had gone up, which is a
building control matter, and so in that sense the Government is involved.

Clerk: And with that we come to the end of Oral Questions.

Questions for Written Answer

Clerk: Now we go on to Written Questions, the Hon. the Chief Minister.

1860 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written
Questions, W25 to W35 of 2014.

Q204/2014 continued – Government projects – Scaffolding costs; contractor

1865 **Hon. J J Netto:** Mr Speaker, I know we have moved on to Written Questions, but I have just spotted in
the long schedule that the Hon. Deputy Chief Minister gave me that item 24 on the last column, there is
nothing at all indicating whether it is a Government project or a private project. Is that one of these... you
know, an error in the printing or something?

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, looking at the scaffold location, it looks to
be a private project, but I could not say that for certain without finding out... without asking.

ADJOURNMENT

1870 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now
adjourn to Friday 21st February 2014 at 10.30 a.m.

1875 **Mr Speaker:** I now put the question, which is that the House do now adjourn to Friday, 21st February
at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? Carried.
The House will now adjourn to Friday, 21st February at 10.30 a.m.

The House adjourned at 5.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.35 a.m. – 1.10 p.m.

Gibraltar, Friday, 21st February 2014

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The Gibraltar Parliament

The Parliament met at 10.35 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

BILLS FIRST AND SECOND READING

Stamp Duties (Amendment) Bill 2013 – First Reading approved

Clerk: Sitting of Parliament, Friday, 21st February, 2014.

Bills – First and Second Reading.

A Bill for an Act to amend the Stamp Duties Act 2005. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Stamp Duties Act 2005 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

10

Clerk: The Stamp Duties (Amendment) Act 2013.

Stamp Duties (Amendment) Bill 2013 – Second Reading approved

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time. This Bill, Mr Speaker, amends the Stamp Duties Act 2005 for two principal purposes.

15 First of all, it introduces an exemption from stamp duty of any instrument whereby property is transferred between spouses, or between the dissolution, or following the dissolution of marriage between former spouses.

Secondly, it introduces a zero rate of stamp duty, where either the value of the property does not exceed £250,000, the purchaser, or if more than one, each of the purchasers, is a first-time or second-time buyer and the property being bought is residential property.

20 LPS have looked at this Bill, Mr Speaker, which implements budget measures and have confirmed to the Government that it enables them to give business efficacy to those measures.

25 Under the new section 19A, the definition of a ‘first-time buyer’ is given as a person being an individual who has not previously been a purchaser of property subject to duty, where the real property in Gibraltar consisted of residential property. The definition of person, Mr Speaker, as an individual is designed to ensure that this zero rate can only apply when it is an individual real person who is a purchaser and not a company. The definition refers to residential property, so that if the individual has a business, and so has previously bought property for commercial purposes, he is still a first-time buyer for the purposes of the Act if he then goes on to buy residential property for the first time.

30 Furthermore, the definition of ‘first-time buyer’ and ‘second-time buyer’ refers to a purchaser of property subject to duty, because the definition in the Stamp Duties Act 2005 of property subject to duty relates to buying real property or to any interest in the company that owns real property. This means that if you have previously bought property through a company for residential purposes more than once, then you are no longer a first or second-time buyer.

35 Admittedly though, according to the Government’s Land Property Agents, LPS, most properties that are owned by companies are over the £250,000 threshold and checking if the existence of a previous property interest held by a company may be difficult, or impossible, if shares have been held by a Trust.

40 For this purpose, and at the suggestion, the useful suggestion of LPS, we have included a certificate requirement in the new section 19A so that the purchaser has to sign a certificate confirming that they are a first or second-time buyer for the purposes of the Act. A person who issues a false or misleading statement, or is reckless as to whether the statement is false or misleading, commits an offence.

The level of the fine is the same as that in section 6, for setting out incorrect facts or information in the instrument affecting how much duty is chargeable. This goes some way, we are advised, Mr Speaker, in dealing with those issues.

45 Mr Speaker, generally the amendments made in this Bill are deemed to have come into operation on Budget day, 24th June last year, as this Bill gives effect to the provision set out in my speech on the Appropriation Bill.

I commend the Bill to the House.

50 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Stamp Duties (Amendment) Act 2013.

**Stamp Duties (Amendment) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

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.)

**Employment (Bullying at Work) Bill 2013 –
First Reading approved**

60 **Clerk:** A Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes.

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 prohibit bullying and victimisation in employment and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

70 **Clerk:** The Employment (Bullying at Work) Act 2013.

**Employment (Bullying at Work) Bill 2013 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time.

75 Mr Speaker, this Bill implements one of our key manifesto commitments. The purpose of the Bill is to prohibit bullying and victimisation in employment.

Members of this House will be aware that a Command Paper was presented and published in January 2012 on this matter and that the Command Paper contained a draft Bill, entitled ‘Rights to Dignity at Work Act 2012.’

80 Responses to the Command Paper were received and considered and a working group, which comprised of Members of DAWN, the Dignity At Work Union, Unite and the GGCA were set up in January 2013 to further develop the draft Bill. The Bill before this House is therefore different to the Bill that appeared in the Command Paper following consultations with the working group.

85 Mr Speaker, the Bill itself is intended to provide a legislative structure to tackle bullying in a way that goes further than the current provisions on harassment in the Equal Opportunities Act 2006, the Employment Act and the Crimes Act 2011. The Act, by virtue of clause 3(2) is binding on the Crown.

90 Clause 4 defines what amounts to bullying under the Act. It provides that bullying takes place where a person engages in conduct which has the purpose or effect of causing another person to be alarmed, distressed, humiliated or intimidated. This conduct includes: persistent behaviour, which is offensive, intimidating, abusive, malicious or insulting; persistent unjustified criticism; punishment imposed without justification; and changes in the duties or responsibilities of a person to that person's detriment without reasonable justification.

Bullying does not include reasonable action taken by an employer relating to the management and direction of the employee or the employee's employment as set out in clause 4(3) of the Act.

95 Clause 5 defines what conduct amounts to victimisation under the Act. It provides that victimisation takes place where one person treats another less favourably because he or she in good faith has, for example, taken or supported any action taken for the purpose of the Act, including in relation to any alleged breach of its provisions. It also provides that victimisation takes place where one person treats another less favourably because he or she is suspected of having done this or of intending to do this.

100 A person is not protected from victimisation where he or she maliciously makes or supports an untrue complaint. The section replicates the effect of the provision in the Equal Opportunities Act 2006 as regards victimisation, and that is section 13 of the Equal Opportunities Act that I am referring to.

105 Clause 6, Mr Speaker, makes it unlawful for an employer to subject employees and people applying for employment to bullying. It also makes the employer liable for bullying of its employees by third parties, such as customers or clients over whom the employer does not have direct control. Liability in relation to third party bullying will, however, only arise when bullying has occurred on at least two previous occasions, the employer is aware that it has taken place and has not taken reasonable steps to prevent it happening again.

110 However, clause 6(5) provides that an employer will not be in contravention of clause 6(1) in relation to a complaint of bullying where he or she can show that at the time of the Act or Acts complained of, he or she had in force a Bullying at Work Policy in accordance with the schedule and that he or she has taken all reasonable steps to implement and enforce the said Policy. Further, he or she will not be in contravention if, as soon as it is reasonably practicable, the employer takes all steps as are reasonably necessary to remedy any loss, damage or other detriment suffered by the complainant as a result of the Act or Acts complained of.

115 The schedule provides for the Bullying at Work Policy, Mr Speaker. It sets out that the Policy must be in writing, must be distributed to every employee and must include the following: an explanation of the statutory right of employees not to be subjected to bullying and victimisation and a statement that bullying and victimisation will not be tolerated; examples of bullying behaviour and of the conduct that may lead to disciplinary action; a statement of the procedure for bringing complaints and the manner in which they will be dealt with; a designation of a competent person to whom complaints should be made; a statement of the disciplinary procedure to be followed against employees who infringe the Policy; details of designated persons available to counsel, assist and advise individuals who bring complaints, or who are the subject of complaints; arrangements to train all those occupying any position and managerial authority and to inform all employees of the Policy; annual monitoring of the operation of the Policy; and arrangements for the consultation with trade unions, safety representatives and other stakeholders on the operation of the Policy, its implementation and any revision.

120 Clause 7 makes it unlawful for an employer to victimise employees. It applies in respect of anything done in the course of a person's employment.

130 Clause 8 provides that the Industrial Tribunal has jurisdiction to hear the claims under the Act. This clause replicates the effect of provisions in the Equal Opportunities Act and the Employment Act. The clause also deals with time limits. A person must bring a claim within three months of the alleged conduct taking place. If a person wants to make a claim after that period, it is at the Industrial Tribunal's discretion whether they grant permission to allow them to do so. The test applied by the Industrial Tribunal is what is just and equitable in the circumstances. Where conduct in respect of which a claim under the Act might arise continuous over a period of time, the time starts to run at the end of that period.

135 Clause 9 sets out the remedies available to the Industrial Tribunal hearing cases under the Act. This clause again is designed generally to replicate the effect of the provision of the Equal Opportunities Act 2006 and the Employment Act. The Industrial Tribunal can make a declaration regarding the rights of the complainant and/or the respondent, order compensation to be paid, including damages for injury to feelings

140 and make an appropriate recommendation. The measure of compensation is that which applies in tort claims, for example claims of negligence where the compensation puts the claimant in the same position, as far as possible, as he or she would have been in if the unlawful act had not taken place.

145 Clause 10 provides that in any claim where a person alleges bullying or victimisation under the Act, the burden of proving his or her case starts with the claimant. Once the claimant has established sufficient facts, which in the absence of any other explanation points to a breach having occurred, the burden shifts to the respondent to show that he or she did not breach the relevant provisions of the Act.

Clause 11 sets out how interest to any awarded compensation made to a claimant as a result of a case brought under this Act shall be calculated. This clause again replicates the provisions of the Equal Opportunities Act 2006.

150 Finally, the schedule provides for the Bullying at Work Policy, which I referred to earlier.

Mr Speaker, this Bill will not come into operation until a notice is published in the *Gazette* to commence it. The Government welcomes that employer organisations, like the Federation of Small Businesses and the Chamber of Commerce, are supportive of the work being done to rid the workplace of bullying.

155 In order to ensure that commencement of the Bill does not however give rise to spurious claims and to enable employers and employees to prepare for this landmark legislation, I have established a Commencement Committee which will include the Unions, DAWN and the GFSB and the Chamber, to enable us all to work together in ensuring this legislation comes into operation as effectively as possible.

160 I have this morning, Mr Speaker, or I will in fact this morning in a moment circulate a letter with minor typographical amendments to the language of the Bill, which we will raise at the Committee stage.

Mr Speaker, the very first leaflet we issued during the course of the 2011 General Election campaign carried a simple and effective message that demonstrated our commitment to banning bullying in the workplace. The message was 'Ban the Bully.' This Bill does just that. For that purpose Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Damon Bossino.

170 **Hon. D J Bossino:** Mr Speaker, I have spent considerable time and effort in reviewing this particular Bill, because I think it is a very important legislative move on behalf of the Government and in fact, with your permission, I will be reading from some notes I have here with me. But it is precisely, Mr Speaker, because it is such a ground breaking and I would describe it also revolutionary in nature, that I think and certainly on this side of the House we think that much more should have been done to educate, inform and advise employees and importantly employers about this particular piece of legislation.

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There should have been, in my consideration, much more consultation. I have spoken recently in my preparation for this Bill to various employers and other interested parties and stakeholders and many of them, Mr Speaker, are unaware of the existence of this Bill or in some cases, its far reaching terms.

180 One has to acknowledge the sterling work which has been done by a particular local pressure group by the name of Dignity At Work Now – DAWN, for short – and one of its main proponents, Mr Francis Buttigieg, whom I recently had the pleasure to meet to discuss this Bill. Mr Speaker, his very good work over the years in both bringing this delicate issue to the fore and also in counselling and advising people affected by this scar on society, that is bullying generally, but particularly in the workplace, has to be recognised by everybody in this House.

185 There have of course, Mr Speaker, been many pressure groups outside of Gibraltar and particularly in the UK, which have also done a lot of work in this area. But, as I said earlier, in our view a lot more could and should have been done by the Government in the lead up to this legislation by way of analogy.

190 I recall when Lord Woolf spearheaded the radical changes to the Supreme Court Rules, which heralded the introduction of the... I was just about to describe them as the new civil procedure rules, but of course they have been in place now for a considerable period of time in 1999.

Members of the legal profession will recall that we had conferences, seminars and symposiums, which were held in Gibraltar in anticipation of the rules application here. That was indeed very informative for local practitioners, who were able to digest the meat and the substance of the rules before their implementation.

195 As a collective, the members of the Bar, the Judiciary and other court service users and staff were able to prepare for the radical changes which the reforms brought in their wake. As far as the Opposition can see, there has been none or at least little of that here. Very few shop owners, small business owners or indeed even practitioners in Employment Law, Mr Speaker, have been made aware of the proposed radical nature of these changes and this, Mr Speaker, is an important point, because certainly from the perspective of, for example, the small business owner, who is already facing the very considerable reduction in sales as

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a result of the frontier queues, is now having imposed on him more stringent burdens in the form of legislation. This is not just in the context of the implementation of the Bullying at Work Policy, as set out in the schedule to the Act, which indeed I will go into that later, has been cited in the House of Commons as being unenforceable in nature, but a Policy which has been applied... in fact that particular Policy which the Hon. the Chief Minister alluded to, is a Policy which would have to be applied by all employers irrespective of their size. But also because they could be subjected to unmeritorious claims without being able to recover the costs from such claims given that the jurisdiction where these complaints are going to be heard is in the Industrial Tribunal where cost recovery, as hon. Members who are petitioners or were petitioners in this area will know, is very, very difficult indeed.

Europe-wide there are different stages of developments in relation to this area of law. Sweden, for example, was the first country to legislate in this area in 1993. There have been European-wide legislative moves in the areas of equal opportunities, which the Hon. the Chief Minister referred us to, which enshrined what in broad terms can be referred to as anti-discrimination provisions, where there is a prohibition of bullying and victimisation in respect of protected characteristics, such as sex, religion, age etc, that is already part of Gibraltar's statute in the form of the Equal Opportunities Act.

In the UK there have been various attempts at introducing what they call, and we used to call the Dignity at Work legislation, which although approved in the House of Lords in 2001 has not been implemented in the House of Commons to date. In England, as here, Mr Speaker, we have the ability not only to bring claims under the Equal Opportunities legislation, the common law, but also in relation to Health and Safety legislative architecture.

One particular campaigner, Miss Valerie Davey the MP for Bristol West in the 2001 to 2005 UK Parliament, carried out a personal campaign by persisting over many years to ensure that there was a debate on this issue in the House of Commons, having first applied for a Motion in 2001, but which was not in fact debated until 2003. She, however, found cross-party support for her campaign when the matter was finally aired. In her 2003 speech, she spoke of the harrowing experiences that employees across the country undergo at the hands of bullies in the workplace. The statistics she used then were quite shocking to read. A study carried out by the University of Manchester in 2001 showed that 10% of people had experienced bullying during the previous six months, whilst 25% had experienced it in the previous five years.

Gibraltar, unfortunately, is not apparently free of such bullies. The information available in the DAWN website, the local pressure group, refers us to a preliminary study which shows that 31.1% of employees consider themselves victims of bullying at work and we also had the sad case of one suicide. However, what many people have asked is what other empirical evidence is there of bullying in Gibraltar? What information, if any, is available to the Employment Service? What statistics does the Government have? None, I suspect, and this is one further area of concern as to how this delicate issue is being handled. The now governing party already had draft legislation in place and were already committed to legislation before, in my view, studying the matter more carefully. They had the pill ready before they even knew how big the ailment in fact is or was in Gibraltar.

For all these reasons, this issue should have been properly debated and the community properly educated. I am conscious that this is a manifesto commitment of the Government, but there is no reason why the debate could not have taken place before the legislation was brought to this House.

I also Mr Speaker have concerns, with the details of the Bill as it currently stands and whether therefore we are introducing a good law for what is such an important and delicate subject. I really do get the impression that the Government is pursuing this initiative without much thought in its obsession with ticking that particular box of its manifesto. **(A Member: Hear, hear.)**

Firstly, and as stated earlier, I am not sure that there has been wide consultation or indeed enough time given for such consultation, given that the Bill represents a substantial departure from the Command Paper which was published in January 2012 within a month after the current party was elected into Government. The Command Paper is expressed, for example, in terms of Dignity at Work as opposed to bullying or victimisation which follows the UK Bill.

Secondly, we seem to have gone on a frolic of our own by mixing the wording set out in the UK Dignity at Work Bill, Equal Opportunities legislation and Prevention of Harassment the UK Prevention of Harassment Act wording, all in one melting pot, and I am not sure how that will work in terms of enforcement and interpretation.

One of the... I am not sure whether this is what informed his decision, but when the Leader of the Opposition was the Minister of Justice and he introduced a considerable number of legislative changes, as a petitioner what I always noticed was that they were very similar in terms to the English legislation, which for a petitioner makes a lot of sense, because you can at least apply the common law architecture which is available in the UK to Gibraltar.

Where you have a wholesale adoption of the Equal Opportunities legislation, is in relation to the remedies section in clause 9 of the Bill and the interest on compensation set out at clause 11 section, which provide, for example, for Supreme Court compensation and injury to feelings. The statutory cap here, Mr

Speaker, is removed in circumstances where the legislation is of much wider scope, because the bullying or victimisation is not required to be based, as I said earlier, on a protected characteristic as it is in the current Equal Opportunities legislation.

265 Could at least, as an initial move, the Government not have adopted a non-punitive approach, as in the case, for example, in Sweden, where in fact there was an MP in the UK by the name of Mr John Robertson who, during the course of a debate, on 25th March 2003, encouraged the UK Government at the time to follow that particular route?

270 Importantly, Mr Speaker, the cost regime applicable in relation to unfair dismissal claims – i.e. they are for all intents and purposes non-payable – apply to complaints of this nature. So that, for example, a small business employer could be subjected to an unmeritorious claim, which would require defending at cost to it, which would then not be recovered, with medical reports and all other sorts of expenses. An unmeritorious claim, Mr Speaker, to a small business employer employing, let us say, one or two employees, could ruin the business.

275 The other point is, is the Industrial Tribunal the appropriate body to deal with claims of this nature? A chairman will now be required to deal with Supreme Court level compensation. Can the Tribunal deal with these matters administratively? A question that I do have is whether this in fact makes matters worse for claimants. Will they not also be precluded as a result from claiming such compensation from the Supreme Court in an ordinary claim? It should be borne in mind that claims under the Protection of Harassment Act 280 of 1997 in England and Wales, can only be brought in the High Courts in England.

Section 4(1) refers to... sorry clause 4(1), I beg your pardon, Mr Speaker, refers to conduct and there is another point I wish to raise with hon. Gentlemen and Ladies, and it is this: there is no further explanation as to whether the conduct is expected to be repetitive or not. Should there not be, for example, a reference to a course of conduct, which I think is the legislative language in the Protection of Harassment Act? I understand, Mr Speaker, that in Sweden, for example, they outlawed recurrent reprehensible or distinctively 285 negative actions, using the words in fact used in the particular section there.

Much of the literature that I have read on the subject refers to repeated and persistent behaviour, which is what is in fact envisaged in most of the examples set out in clause 4(2), but not all of them. The Protection of Harassment Act requires there to be a course of conduct, as I said earlier. Whilst on this 290 subject of the Protection of Harassment Act, I would ask the Hon. the Chief Minister during the course of his reply, given that it is a manifesto commitment of the Government to also include a Protection of... it says, yes, I am reading direct from the manifesto and it says this will also include a Protection of Harassment Act, and whether it is the intention of the Government, as part of its legislative programme during the course of this Parliament, to introduce a separate Act in relation to Protection of Harassment or 295 whether he considers that the relevant provisions there are already set out in this particular Bill. I would be grateful for some guidance in relation to that point.

The suggested amendment I have just made in relation to the course of conduct will also go some way to address concerns, which employers will no doubt have, of being at the end of spurious claims, as I mentioned earlier, as a result of one-off actions. I daresay, Mr Speaker, that even the local pressure group 300 will also agree with the definition of bullying acts as being repetitive or using the words of the draft legislation, ‘persistent behaviour’.

Should the word, Mr Speaker – and it may be one of the suggested amendments that the Hon. the Chief Minister referred to earlier – the word ‘reasonable’ not also be included before ‘justification’ in clause 4(2)(c)? I would ask him to consider that.

305 In relation to ‘third party’, I take hon. Members to clause 6(4), which deals with basically the employer having to protect employees from third party bullying, is the Government contemplating legislation for those acts of bullying perpetrated by non-employees on employees, is a question I have? I think on the face of the wording of the legislation, I think the answer must be yes.

310 And, of course, this can lead to a situation, Mr Speaker, where, for example, a contractor has employees working on a construction site and that particular employee is bullied by a tenant. That contractor or employer will be held liable under the Act. I do not know... a lawyer in a legal firm situation where, for example, a partner may be or a legal firm may be the subject of a claim by an associate if the associate is bullied by a client. Things like that which I think ought to have been given sufficient thought to.

315 How is it proposed, Mr Speaker, that A – i.e. the employer – will know of B’s bullying? I note that there is no specific provision which allows for the giving of notice by, say, B to A, for example.

The other point is, has thought been given to the difference in the use of language and therefore potentially legal tests in the use of the word ‘detriment’ in clause 7(d) and the ‘less favourable’ treatment in clause 5, because I think those two clauses sort of work with each other. I will ask the Hon. the Chief Minister maybe in his reply whether he could address concerns I have in relation to that.

320 In relation to – and this may be one of the typographical errors which the Hon. the Chief Minister was referring to – in clause 9 there is a reference... clause 9(1) we have three subsections, which are (a), (b) and

then there is a big 'I'. I think that ought to be a small (c), with a consequential change to clause 9(3) which makes a reference to that particular subsection.

325 Moving on to the schedule to the Bill, which sets out the Bullying at Work Policy, as I said earlier, this requires a mandatory implementation by *all* employers, irrespective of the size of the undertaking. What cost burden will this imply for these employers? Will they not have to seek legal advice in terms of the drafting of these documents, for example? This is in fact a crucially important part of the legislation, given that it affords a defence to employers under clause 6(5).

330 Provision 2(d) in the Bullying at Work policy, talks of the designation of a 'competent person' to whom complaints should be made. There is no definition of what a 'competent person' is. What guidance is being offered to employers, especially those, as I said and I have repeated during the course of my speech, who run small businesses, which are the vast majority of employers in Gibraltar, as to who this competent person should be? Will they need to employ somebody else? Does a person have to be qualified? If so, in what?

335 Reference is also made, Mr Speaker, in 2(f) to providing details of 'designated persons' and approval, who are available to counsel etc. Again, what guidance is there as to whom those persons should be?

340 Mr Speaker, the legislation which the MP I referred to earlier, Miss Davey, sought to introduce by an amendment, I think it was the Employment Relations Bill, on 29th March 2004, in clause 1 is in fact in very similar terms to clause 4 of the current Bill, although it talks about the protection of the right to dignity at work. But it is almost word for word what is provided for... the amendment which she sought to introduce was almost word for word, if not word for word, what is set out in the schedule to this particular Bill. She in fact withdrew that particular clause on the basis that the Government at the time was to launch, together with Amicus, and I quote:

'The world's largest project to stamp out the bullying and discrimination at work'

She then said:

'I offer my sincere congratulations to my right hon. Friend the Secretary of State on her announcement last week that, together with Amicus, the Government will launch the world's largest project to stamp out bullying and discrimination at work. The project has been launched to provide supportive advice and training to organisations that are trying to tackle bullying, train employees as counsellors, devise and promote a voluntary charter on dignity at work, promote examples of excellent employers in the United Kingdom and produce a benchmark that enables organisations to measure their success in achieving dignity at work and a "ban bullying" pack. The Government are working initially with Amicus and 10 leading employers, including British Aerospace, Royal Mail...'

345 And then she refers to a few other employers. Miss Eleanor Laing, from the Conservative Opposition at the time, then said:

'Although I entirely agree with her sentiments and intentions, I disagree with the idea that passing further legislation will achieve them. The clause is too prescriptive...'

– the same clause as the Bullying at Work Policy –

'Clearly, I do not have to make that argument because she acknowledges its validity...'

– and that is because in fact Miss Davey withdrew the amendment –

'New clause 1 would place an enormous burden on employers and employees to understand what constitutes a dignity at work policy and the way in which it would be enforced. That applies especially to a small workplace in a small or medium-sized firm that does not employ many human resources people. It cannot be good for industry to employ more people to deal with further regulations than it does to manufacture goods and services. Business and industry should be about the latter, not keeping to the letter of complicated laws [...] If the solution to the enormous problem that she described was passing such a law, we would all be pleased. Employers and employees alike would be pleased if we could eradicate the dreadful problem of bullying by merely writing something in statute [...] It would be bad jurisprudence to pass new clause 1 into law, as it would be difficult to enforce. It is bad in principle to make laws that cannot be enforced and would be unclear.'

350 Mr Speaker, in another debate later on, I think it was in 2004, Dr Vincent Cable, Vince Cable said that he was struck by the comments made by the Andrea Adams Trust, which the hon. Member for Bristol was cited as Miss Davey referred to earlier, and it asks

'Does the courtroom really have to be the appropriate battleground? Surely in reality the ideal place to resolve the problem must be in the workplace itself. Recognition and awareness of workplace bullying is essential if we are to move forward.'

Whether or not there may be a case for workplace legislation, the report said that a concerted effort should be made by management and the unions to raise the profile of workplace bullying to ensure that it is

355 properly monitored. Then he referred to the fact that there are legal remedies which exist which are very similar to the legal remedies which are available in Gibraltar.

And then he says

360 'If there were a role for legislation, perhaps it is not laying down prescriptive procedures to deal with work-place bullying, but placing an obligation on employers to have an anti-bullying policy and to allow for flexibility in that policy to deal with particular problems.'

I do not think that this particular Bill achieves that, Mr Speaker. These are precisely the criticisms that we on the Opposition side have in relation to this legislation in general, but specifically to the schedule to the Bill, which is entitled, 'The Bullying at Work Policy'.

365 Mr Speaker, rather than proceed by way of legislation, for example, should the Government not have proceeded in a similar way to the UK and engage with the industry? Or perhaps, also, if legislation is the way to proceed, to have adopted the Swedish example of non-punitive measures, as I mentioned earlier. It is interesting, I would point out, given the socialist credentials of Members opposite, that it is not Labour Party Policy and it certainly did not feature in the 2010 Election manifesto.

370 It is for all of these reasons, Mr Speaker, that unless I am persuaded by the Hon. the Chief Minister in his reply as to what he is about to say, that I think we have little alternative but to abstain on this particular legislative initiative and it is a pity, because had things been done in a different way and properly, it would no doubt have resulted in support from this side of the House. (**A Member:** Hear, hear.) (*Banging on desks*)

375 **Mr Speaker:** Does any other hon. Member wish to contribute to the second reading of the Bill? Otherwise, I will call upon the mover to reply.

The Hon. the Chief Minister.

380 **Hon. Chief Minister:** Mr Speaker, it really is quite astonishing to have heard the extraordinary remarks that the hon. Member has made as he has tried to wriggle through, pretending to support something that is designed to protect those who are being bullied in the workplace, whilst trying to find *every* possible reason to object to raising their hands at the end in support of this. I really do not know what it is that they think that they are doing. Is it that they are trying desperately to be in the good books of the employers organisations, but not annoy the employee organisations? If that is the sort of tight rope that they are trying to walk with these games, well I think it is so transparent and see through that it is not going to get them anywhere.

385 Mr Speaker, let us be very clear about what has happened and how the hon. Gentleman has tried to pretend the opposite. We have published, within 100 days of being elected, a Command Paper on a subject that even by the hon. Member's intervention, he accepts deals with something that is sensitive and that affects some people's daily lives. He has accepted that there are statistics available, internationally and in Gibraltar, carried out by a group that he has said he respects, although he does not appear to have put much store by their statistics that show that there is bullying in the workplace in Gibraltar.

390 So we publish a Command Paper in 2012. We publish an amended Bill, as a result of having published that Command Paper *and* having consulted a very different Bill to the Command Paper as a result of the consultation, in 2013. And in 2014, the hon. Member gets up and says, 'You have not consulted enough.' Mr Speaker, if we change a Command Paper because we do consult, and we produce a Bill that is different because we do consult, does that not demonstrate that the fruit of that work is what is before the Parliament today? It is therefore the Bill that results from the consultation. How can he say we have not consulted enough?

400 Mr Speaker, I dare say that the fact is that they have not engaged in the consultation. It appears to me that Mr Bossino spent much of last night trying to read up on debates anywhere else in the European Union that he might be able to lay his hands on to have something to say, because we have not had him address what he has been doing for the past two years with the Command Paper published and who he has spoken to in the past two years. By his own mouth he tells us that in the past couple of days he has phoned a few people who are employers and then he has given us his own summary of the debates that he has read in another place. Mr Speaker, I do not think that is consultation leading to proper decision making, to make a stand on something as important as this which leads them to abstain. Well, I think members of the general public will make up their own minds about how serious their protestations of support for the principles and general merits of the Bill are, given their response in this Second Reading.

410 Then, Mr Speaker, the hon. Gentleman tells us we should have done more by way of guidance and information, and he puts us in mind of the work done in relation to the Woolf reforms (*Laughter*) as they were known. (*Laughter*) He is a bit of a wolf in sheep's clothing, Mr Speaker, in this debate, I put it to him, whilst he pretends to want to protect those who are bullied, but does not want to support the legislation that does it.

415 So the Woolf reforms, which were the civil procedure reforms, he says, those were properly dealt with. There were seminars and there were guidance notes and there were conferences. Yes, Mr Speaker, there were *after* the Bill to make those changes to the rules had passed the Westminster Parliament or had been adopted as what practitioners know as the new white book. So the rules were in place. It was not a question of the rules not being made whilst there were conferences and guidance notes and discussions. All of it was done and then there was guidance, conferences and discussion.

420 But I can see what happened to the hon. Gentleman in his speech, he wrote it before he heard my speech and he either felt that his pen had been so florid in writing his speech that he wanted to read it anyway or he just did not listen to what I had to say. I said there will be a Commencement Committee and the Bill will not commence until the Commencement Committee advises me to commence it, and what the Commencement Committee will do is provide guidance and provide training and help employers and help employees. All the things that he said that we should be doing, which I had just said we were going to do. So I will take, Mr Speaker, with a proverbial pinch of salt, everything that came after, because if he is advising me to do that which I have said I am doing, he is not giving me the sort of advice that I could be persuaded to pay for if I was instructing him professionally.

430 Mr Speaker, small business owners in Gibraltar have never had a more listening Government, and despite the fact that this Bill has been published as a Command Paper for two years and in its current form for some time and that it was published actually as a Bill in December of last year – no this is not a Bill which has only been published for six weeks; it has now been published for almost 12 weeks or even longer – we are still talking to the employer organisations, not to one or two employers, like he referred to his conversations, but to the employer organisations and to the employee organisations and we are putting the employer organisations and the employee organisations and the Government in the same Committee to work on guidance and the best way to implement this Bill.

435 Therefore his pretence that he is somehow representing the interest of the small business owner, of the business with two or three employees, really wears very thin when one looks at what is actually happening on the Government side. They do not need protection from this Government, Mr Speaker. This Government is the ally of small businesses and the ally of those doing business in Gibraltar, regardless of the size of the undertaking, because they are the ones who provide jobs. And in doing the work of presenting this Bill to the Parliament, of course we are not just protecting the bullied, we are also protecting the employer, because what productivity in a workplace where bullying is rife, or where an employee who is there to produce is subject to such bullying that he cannot give the best of himself... so this is in effect also in the interest of the employer.

440 But, Mr Speaker, there should be perhaps no surprise whatsoever that they have taken the attitude that they have taken and in their abstention on this side of the House, we will hear them voting against this Bill because in effect they had 16 years in Government to consult, to think, to talk to DAWN, that they never talked to when they were in Government, and only last week he had the pleasure of welcoming to his office. Whilst those of us who are on this side of the House had been working with them for almost half a decade, concerned about the issues that they raise, because all of the florid words to justify the unjustifiable abstention today are about the new GSD and what the new GSD has done in the past 72 hours or in the past week to try and deal with this difficult issue; but not about what the old GSD was up to for 16 years and their failure to address this issue, at least since DAWN put it on the agenda.

445 Perhaps I should not be surprised, Mr Speaker, given that in almost every public intervention that hon. Members make they try and decry the things that their party did whilst in Government and tell us how new and how different they are, and how new and how different even their internal procedures are, Mr Speaker, although they are uncannily similar to those internal procedures that those of us on this side of the House in the GSLP have been pursuing for many, many years since we were established.

450 But, anyway, Mr Speaker, the history lesson that the hon. Gentleman gives us as to the progress of anti-bullying legislation through other parliaments, he should know is one that we have done already ourselves before the Command Paper and even before being in Government. It does not take a Seneca – and that name is the same in English as it is Spanish, Mr Speaker, because it is Greek – to be able to work out what to type into Google to get now the debates that one has access to in all of the parliaments around Europe that deal with these issues.

455 But everything he told us was just that, it was historical, it was anecdotal, it was this attempt to justify what they are going to do. They are going to keep their hands down. They are going to keep their mouths shut when this Parliament gives them for the first time in history the opportunity to support a measure that will ban bullying. That is what they are going to do and the hon. Gentleman just could not find enough words to try and decorate that disreputable silence that is going to characterise their approach to this legislation when they have the opportunity to vote.

470 Mr Speaker, we have looked at that history. We have looked at those debates. We have engaged with DAWN. We have engaged with the employers. We have engaged with the employees. This Bill is the product of that consultation, and the Commencement Committee will take us even further in providing

guidance and deciding how best to assist with the implementation of the principles that are set out in this Bill. Because, Mr Speaker, of course there is evidence of bullying in the workplace in Gibraltar, that our first leaflet in the General Election campaign, that our first advertisement in the General Election campaign in 2011 highlighted the issue of bullying, should at least have highlighted to them during the campaign at least that our first Command Paper dealt with this issue, should have highlighted to them in Opposition the breadth of the representations made to us about how widespread this problem has become.

The hon. Gentleman seemed to quote with approval; the statistics provided to him by DAWN; but then said, 'Why haven't you done your own survey?' Well, Mr Speaker, one suicide is one suicide too many. That is a statistic that should stick in all of our minds today when we decide how we vote on this Bill. To a great extent whether a leader of a Parliament says this is an issue of conscience or not, whether a leader of a Party says this is an issue of conscience or not, every Bill that we make a legislative measure that we make an Act that we make a law, is a matter on our conscience.

Whether it deals with taxation, which affects people's pockets, or whether it deals with issues that can affect daily lives in a different way, every time we vote to make an Act, this must be something on our conscience because we are making laws for the people who are not in this Parliament and who look to us to regulate the relationships between us in this community. And if there has been one suicide attributable to bullying at work, what more statistics do the hon. Members want before they decide to support this and to act?

Mr Speaker, needing guidance and needing to do all the work that we have agreed, and I have said we have agreed should happen during the course of the work of this Commencement Committee, is not a reason to delay the legislation. I do not discount, Mr Speaker, that we could come back in the future and amend the legislation as a result of the work of the Commencement Committee or otherwise, like every piece of legislation, because we have had bumper pieces of legislation, sources of huge pride for those who they have presented. A new Crimes Act, Mr Speaker, that the Hon. the Minister for Justice, when before he was Leader of the Opposition on that side of the House made, and we have had to amend that, Mr Speaker. We have had to amend a lot of pieces of legislation because things change, because of the operation of the legislation, because legislation needs to be updated. We should be amending more.

There are statutes in our Statute Book that require attention because of levels of fines or levels of payments etc, and it maybe that this, which as the hon. Gentleman says is a home-grown piece of legislation, will require amendment in the future. So be it. I do not discount that. It maybe that we need to tighten in some areas that he has suggested that we should loosen. It maybe that we need to loosen in some of the areas he has not suggested that we should loosen. So, Mr Speaker, I think that... and he has even suggested in one particular remark that we should tighten a particular area by the introduction of the concept of reasonableness before a justification.

So, Mr Speaker, it may be that all of those things are relevant in the future, but not a reason not to progress with this legislation today. Mr Speaker, if he were genuine in what he was saying... if he were genuine in what he was saying, because he likes to present himself as the genuine face of the GSD, *el tio bueno*, Mr Speaker, the nice guy, right? Why has he not written to me, and said, 'Fabian, I really want to support this legislation. This is an important thing that deals with the bullied at work. These are the issues which I think would make the Bill better'? If he were *genuine*, Mr Speaker, he would have done that and he has not.

He has wanted to use all of these little hooks in this legislative intervention, which is almost an attempt at what we might call now that we know more about fishing, a *palangre* speech with many hooks in it (*Laughter*) to try and get himself off the hook of why he is not going to support this landmark piece of legislation. I do not think there is much merit in the interpretation that he wanted us to consider of what happens in relation to associates in a law firm, Mr Speaker. Many of them are actually not employees, they are self-employed individuals. But, of course, there are issues with fixing employers with liability for what third parties do, but this is not the only legislation that does it.

Of course in the same way as an employer has vicarious liability for the acts of his employees, he has sometimes to carry liability if his employee is subject to injury and this is just dealing with exactly that principle. So let no employer think that Mr Bossino is their representative in this place, protecting them from a new concept of liability, because if even he believes that, he has got it completely wrong and he should know better.

It is not a question, Mr Speaker, of employers needing to employ somebody to be the competent person in schedule 1. If he had read the Bill in detail he will see that the competent person in schedule 1 just needs to know what the procedures are, and understand what it is that the anti-bullying protocols that a particular employer may have in place are there for. It is, Mr Speaker, as he has noted at least in one part of his intervention, a defence to a claim in respect of bullying to have had such a procedure in place and the simplest model for him to understand, Mr Speaker, that we base this on, is the model, for example, of anti-money laundering.

Small companies, Mr Speaker, even those he seems to pretend to represent, those with two or three employees, they all have to be ready to deal with money-laundering issues. When one deals with issues like this which are all pervasive, you do not say this will not apply to a three-member firm or a three-man company or somebody trading with a small group of employees, of course it applies. You have a policy that deals with this issue that you know about. It sounds so difficult, maybe when it is being considered in the context of the Parliament, an anti-money laundering policy. ‘My goodness, how am I going to deal with that? I have got a paint shop. How am I going to deal with an anti-money laundering policy? I have got three employees, who is going to be the anti-money laundering officer?’ Well, Mr Speaker, at the end of the day we all have to be on guard in relation to these issues, regardless of the industry in which one is. It is much more important in the financial services sector, than it is in the paint shop, but nobody can launder money today and nobody’s employee can launder money today. So this is not new ground that we are making here, Mr Speaker.

Mr Speaker, before I say a little bit more about these issues, the hon. Gentleman talked about the protection of harassment issues that are in our manifesto and that were dealt with originally or were going to be dealt with originally with this legislation and are not. In fact, Mr Speaker, those have already been dealt with. I am surprised he asks us how we intend to deal with that. I know that he has only been here two years, but I would have thought the two years that he has been here he has been paying attention. The hate crimes legislation has already dealt with those issues. I know the Minister for Justice is able to give us more guidance on that and I am happy to give way to him, so that he can explain the detail of how that has been dealt with.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Yes, Mr Speaker, the hon. Member has referred to a provision in our manifesto which deals with this, that we are dealing with today, and says, there will also be a Protection of Harassment Act. The hon. Member will know, or should know, that there have been several measures taken already in respect of harassment.

The Crimes Act, which was a piece of legislation enacted in this Parliament at the time when the Leader of the Opposition was Minister for Justice, contains Part 6, which precisely is headed, ‘Protection from Harassment’. So there are protection from harassment provisions which were enacted during the GSD’s time, but which we commenced, I seem to recall, in November 2012.

But we have not just done that, we have not just commenced legislation at a part dealing with commencement from harassment which was there already. What we did was we reviewed how this legislation was actually working in practice in the UK – the Protection from Harassment Act in the UK – and what we have done is introduced new provisions into that Part 6 of the Crimes Act, additional provisions to those which were already there and these provisions, one of them which we dealt with quite recently here in Parliament was the stalking provisions which was an entirely new provision. It is a part of harassment –

Mr Speaker: May I give some guidance on this matter?

Here we have a Bill that deals with bullying and associated matters. There was a comment by the Hon. Mr Bossino about a question of harassment, which is a separate issue and is not being provided for in this Bill. The Chief Minister has invited the Hon. Minister for Justice to explain what the Government has done, but we really have to be brief about it. We cannot have a debate about harassment on a Bill which is for another purpose.

So I would invite the hon. Member to continue with what he was doing, but to be brief and we are not going to have a debate about harassment.

Hon. G H Licudi: Yes, Mr Speaker, it is not certainly our intention to have a debate, but simply to answer the point as to what the Government is doing about this, which was connected to the provisions of bullying.

As I have explained, we have introduced in the Crimes Act, in Part 6, new provisions which include the question of stalking and also the new offence of harassment of a person in his own home – that is a new offence which we introduced to Part 6 and which was not there already.

I would remind the hon. Member that in those provisions, in that part of the Crimes Act, which are essentially criminal offences, there is also provision for civil remedies – section 93, in particular, also introduces that.

As the Hon. the Chief Minister has mentioned, we have gone even much further than that because we have introduced in one of the parts in the Crimes Act further provisions in relation to hate crimes, and those provisions include specific provisions which deal with religiously aggravated harassment, disability aggravated harassment, aggravated harassment by reason of sexual orientation and age aggravated harassment; again, all new provisions which we have introduced as part of our anti-harassment policy. So although it is true that what we have not done is taken all of those and put them in a separate Act, we

considered that it was appropriate, given that there was statutory provision already, simply to add these provisions and there were civil remedies already provided. So we have kept it in the Crimes Act, added to that statutory framework, and that is the extent to which we have gone in introducing the protection of harassment which we committed ourselves in our manifesto to do, and which we have now fully done.

Hon. Chief Minister: Therefore, Mr Speaker, for all of those reasons, a very good opportunity for the Deputy Chief Minister to ensure that he ticks that box in respect of our manifesto commitments completed (*Banging on desks*) because, Mr Speaker, they do not like the fact that we are completing all of the provisions of our manifesto. They do not like it. They even say that we say that we have done things and that we tick off boxes that are nonsensical, because we said that we have ticked the box of continuing to provide grants to students. Well, Mr Speaker, apparently it is nonsensical when we tick that box and we have done it, but it is not nonsensical for them to put it in their book of 16 years of achievement when it was not their achievement, it was the achievement of the Government before, and to put in their manifesto for 2011 that they were going to continue to give those grants – so, so much for their criticisms of our box ticking.

But, anyway, Mr Speaker, I will deal with the issues that the hon. Gentleman raised, as to the detail of the sections of the draft legislation, during the course of the Committee stage and Third Reading if he wants to raise those issues.

Mr Speaker, this legislation protects small businesses and large businesses. It protects employers and it protects employees. It protects every potential individual, company, firm that this Parliament should *want* to be protected; but it denudes of protection, the bullies who have not had to deal with legislative controls until now. It is a Bill that is carefully crafted to achieve those purposes and to deal with an issue that, as we have heard, has already become far too pervasive. It puts bullies in their place and it protects small and large employers and all employees.

But, let us be clear, Mr Speaker, we are moving proactively from this side of the House to provide that protection and Members opposite are looking for a way of obstructing this. So be it. Fair enough. Let the public know. Let the public know what it is that Members opposite are not going to support... prohibiting. Let the public know what it is that Members opposite apparently do not stand against. Let the public know, Mr Speaker, that the Opposition are not going to support legislation designed to prohibit persistent behaviour which is offensive, intimidating, abusive, malicious or insulting. Let the public know that they do not want to stop persistent and justified criticism. Let the public know that they do not want to stop punishment being imposed without justification. Let the public realise, Mr Speaker, that they do not want to stop people having changes in their duties or responsibilities to their detriment without reasonable justification.

Mr Speaker, we stand for stopping all of that. They have just told us they are going to cop out again. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes be read a second time. Those in favour? (**Members:** Aye.)

Mr Speaker: Those against?

Hon. D A Feetham: We are abstaining.

Mr Speaker: The Opposition abstain.
Carried.

Clerk: The Employment (Bullying at Work) Act 2013.

**Employment (Bullying at Work) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

Hon. Chief Minister: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Tobacco (Amendment) Bill 2014 –
First Reading approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997.
The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

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Mr Speaker: I now put the question which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment) Act 2014.

**Tobacco (Amendment) Bill 2014 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for an Act to amend the Tobacco Act 1997 be now read a second time.

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Mr Speaker, this Bill amends the Tobacco Act 1997 so as to create new summary offences of concealing cigarettes, or being knowingly concerned with the concealment of cigarettes, within a motor vehicle and being in charge of a motor vehicle in which cigarettes are concealed. The offence does not require there to be a commercial quantity involved, although this does affect the penalty, or for the offence to take place in a public place or within a designated zone.

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The term ‘conceal’ is defined in the amendment as meaning ‘placing cigarettes within a compartment or place adapted, altered or fitted in any manner, for the purpose of concealing goods. Placing cigarettes within the engine compartment of a vehicle or placing cigarettes within the body work, wheels or tyres of a vehicle. As such, simply placing cigarettes in the boot or glove box of a car, or under a seat is not caught by this offence. The penalties for these offences are in line with those for other offences under the Tobacco Act; imprisonment is not available as a sentencing option where the quantity of cigarettes involved is not a commercial quantity.

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The amendments included in clause 2(3) place the forfeiture of tobacco in motor vehicles to which the offence relates, on the same basis as the forfeiture of tobacco in motor vehicles, to which the offence of transportation of a commercial quantity of tobacco relates. The court must order forfeiture when an application is made in that respect by the Attorney General or the Prosecuting Officer, as is the case at the moment under the existing provisions of the Act.

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Mr Speaker, hon. Members will have seen a letter circulated yesterday by me, certifying the Bill as too urgent to await the six-week publication period before it can be proceeded with. The issue of the trade in tobacco is, as hon. Members know, the subject of a letter from the European Commission arising from their inspection of the frontier controls illegally imposed by Spain. The Government has taken, and will be taking measures to implement the recommendations of the European Commission and to go further even than those recommendations in the curtailing of the illicit tobacco activity. This is one such measure and the Government has wanted to ensure it is in place as soon as possible.

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The Bill, Mr Speaker, was published on 30th January and the abridgement is therefore of three weeks and it is very much in Gibraltar’s public interest, in our view, that it should be taken today. I commend the Bill to the House.

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

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Hon. D A Feetham: Mr Speaker, very briefly.

Mr Speaker, the Opposition will be supporting the Bill. Indeed, the Opposition will be supporting any legislative measure introduced by the Government that keeps a handle or helps in dealing with what is a problem for this jurisdiction – a reputational problem for this jurisdiction in the unseemly sights that we see, that everybody sees at different points in Gibraltar with this particular illicit activity.

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I said as much in September 2012 when I urged the Government to deal with the issue of the selling of tobacco in estates. I am glad that the Government has also dealt with that.

As I say, any measure introduced by the Government that deals with what is a problem and a reputational problem for Gibraltar, the Opposition will support, not only now but also in future.

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Hon. Chief Minister: Mr Speaker, I am grateful to the Hon. the Leader of the Opposition for having set the position out as he has.

710 The Government is taking steps, not just which require action in this House – some of which do not require action in this House – and the exercise of powers already granted to the Government under the Tobacco Act and other legislative enactments in order to deal with these issues. These issues have been a problem in Gibraltar for a long time but this Government will grab the nettle, we will deal with the issues.

715 We have done so in Laguna Estate and in Glacis Estate through the Commissioner's, the Collector of Customs' exercise of his discretion to control the retailing of tobacco in those estates in a particular fashion. I have certified and created new red zones under the Tobacco Act in the area of the beaches in Gibraltar and in the area of the frontier in order to curtail that activity, and my hand will not shake if I have to sign into law other measures to enable our law enforcement officers to have the powers necessary to take the action required to curtail activity which is anti-social.

720 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment) Act 2014.

**Tobacco (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

725 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Taxation (Mutual Administrative Assistance) Bill 2014 –
First Reading approved**

730 **Clerk:** A Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010; and for connected purposes.

The Hon. the Chief Minister.

735 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010, and for connected purposes, be read a first time.

740 **Mr Speaker:** I now put the question, which is that a Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

745 **Clerk:** The Taxation (Mutual Administrative Assistance) Act 2014.

**Taxation (Mutual Administrative Assistance) Bill 2014 –
Second Reading approved**

750 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Taxation (Mutual Administrative Assistance) Act 2014 implements the OECD and the Council of Europe Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988, as amended by the Protocol.

755 A measure of similar co-operation as that created by this Act already exists with some States, Mr Speaker, by virtue of the TIEAs that Gibraltar has already entered into. TIEAs, Mr Speaker, are Tax Information Exchange Agreements and the usefulness of these is well recognised.

760 The extension of this Convention to Gibraltar extends that network of TIEA equivalent relationships enormously, through the effective international co-operation which this multilateral convention creates between a large number of States and through the uniform application and interpretation of its provisions.

Therefore, Mr Speaker, the Bill is framed so as to provide administrative co-operation between States by way of exchange of information and with respect to taxes on increment profits and in particular, with a view to combatting tax avoidance and evasion. Mr Speaker, I am going to take the House through what I hope will be a quick review of some of the relevant sections of this Act.

765 The declaration that the Convention shall apply only to taxes on income or profits is set out in clause 3 Mr Speaker, and the competent authorities there set out to be the Commissioner of Income Tax in clause 4. Clauses 5 and 6 set out duties and functions and provide latitude for them to be extended by the Government in writing by any other enactment.

770 Clauses 7 to 14 set out the basis upon which information may be exchanged and under clause 7, the condition that needs to be satisfied is whether the information is foreseeably relevant to the administration and enforcement of any laws whether in Gibraltar or in the requesting State relating to taxes on income or profits.

Clause 9 allows the Government to automatically exchange information where the Government agrees with one or more States to such automatic exchange.

775 Clause 10 deals with the spontaneous exchange of information on the basis set out in Article 7(1)(a) to (e) which are replicated in our Act virtually verbatim. (a) deals with the Competent Authority having grounds for supposing that there may be a loss of tax in another jurisdiction; a person being liable to tax under (b) obtains a reduction in or an exemption from tax in Gibraltar, which would give rise to an increase in tax or to liability to tax in the other State. Under (c), business dealings between a person liable to tax in 780 Gibraltar or in another State and a person liable to tax in Gibraltar or another State as the case may be, are conducted through one or more countries in such a way, that a saving in tax may result in Gibraltar and the other State or in both Gibraltar and in that other State.

Indeed, Mr Speaker, the Competent Authority has grounds for supposing that a saving of tax may result from artificial transfers of profits within groups of enterprises or at (e) that information forwarded to the 785 Competent Authority by another State has enabled information to be obtained which may be relevant in assessing liability tax in the other State. On the advice of the Income Tax Office, clauses 11 to 14 incorporate the powers that exist in the International Co-operation (Tax Information) Act 2009 and which are deemed appropriate for the Competent Authority to be able to respond to the request which will be made to it.

790 Clause 16 deals with the simultaneous tax examinations which two competent authorities agree to. Clause 17 covers tax examinations abroad, and allows the competent authorities to make arrangements to allow representatives of another Competent Authority of the applicant States, to be present at the appropriate part of a tax examination in Gibraltar, but always subject to a Minister's approval. As provided for in the Convention, the Competent Authority needs to have exclusive competence over the conduct of a 795 tax examination held in Gibraltar.

Clause 20 deals with the protection of person's rights and sets out limitations permitted by the convention. The Competent Authority in particular is *not* obliged to provide assistance when the request is (a) for the Competent Authority to carry out measures which are at variance with the laws of, or administrative practice in Gibraltar; (b) seeks that measure to be carried out which are contrary to public 800 policy; (c) requires information to be supplied which is not obtainable under the laws of, or administrative practice in Gibraltar; (d) requires information to be supplied that would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy; (e) is for administrative assistance and the Competent Authority considers that the taxation in the applicant State is contrary to generally accepted taxation principles or to the provisions 805 of a convention for the avoidance of double taxation, or of any other convention which the Government has concluded with the applicant state; (f) is for the provision of administrative assistance for the purposes of administering or enforcing a provision of the tax law of the applicant state or any requirement connected therewith which discriminates against the Gibraltar national as compared with a national of the applicant State in the same circumstances; or (g) is for administrative assistance if the applicant State has not pursued 810 all reasonable measures available under its laws or administrative practice except where recourse to such measures would give rise to disproportionate difficulty.

The limitation period provided for in the convention is 15 years and that is set out under clause 21. Clause 23 deals with confidentiality and how the Competent Authority may use the information. The confidentiality provisions in section 3 of the Income Tax Act are relied upon in respect of information 815 obtained under this Bill.

Clause 25 on costs provides that unless the Competent Authority has, with the Minister for Finance's prior consent, agreed otherwise, ordinary costs involved or incurred in providing assistance shall be borne by the Competent Authority; and (b) all extraordinary costs incurred in providing assistance shall be borne by the applicant State.

820 Clause 26 covers jurisdiction over proceedings relating to measures taken under the Convention. Subclause (1) provides that proceedings related to measures taken under the Convention shall be subject to the jurisdiction of the requested State. Subclause (2) concerns proceedings relating to measures taken by the requesting State and found jurisdiction in that State, whilst providing for the requested State to state any action it has taken pursuant to the request, pending the final outcome of the requesting State.

825 Clause 26 does not apply to proceedings under clauses 13 and 14 which deal with proceedings for a search and seizure and to obtain a production order.

Clause 27 provides an element of forward proofing by empowering the Government to make regulations for the administration or implementation of this Bill and complies with any OECD Council of European Union or other international obligations. Clause 28 provides that the Government and the Competent Authority shall not be liable in damages for anything done or admitted in the discharge of their functions under this Bill, unless it is shown that the act or admission was in bad faith.

830 By way of general note, in clauses 16, the simultaneous tax examinations clause, clause 17, the tax examinations abroad clause, and clause 25, the costs clause, the exercise of the power and discretion by the Competent Authority, is subject to the Minister's prior approval or consent. Reservations and declarations have been entered into, Mr Speaker, on behalf of Gibraltar by the United Kingdom at our request. Pursuant to Article 30, paragraph 1.a of the Convention, the Government of Gibraltar will not provide any form of assistance in relation to the taxes of other parties described in Article 2, paragraph 1.b of the Convention. Pursuant to Article 30, paragraph 1.b of the Convention, the Government of Gibraltar will not provide assistance in the recovery of any tax claim or in the recovery of an administrative fine for all taxes.

840 Pursuant to Article 30 paragraph 1.c of the Convention the Government of Gibraltar will not provide assistance in respect of any tax claim where a reservation has previously been made under Article 30, paragraph 1.a or b of the Convention is in existence that the data withdrawal as such a reservation in relation to the taxes in the category in question. Pursuant to Article 30, paragraph 1.d of the Convention the Government of Gibraltar will not provide assistance in the service of documents for all taxes listed in Article 2, paragraph 1 of the Convention. And pursuant to Article 30, paragraph 1.e of the Convention, the Government of Gibraltar will not permit the services document through the post.

845 The following Mr Speaker, are the declarations that the United Kingdom has entered for Gibraltar. In accordance with Article 2, paragraph 2 and in the respect of Annex A, the Government of the United Kingdom declares that for Gibraltar the Convention shall apply for those taxes in Article 2, paragraph 1 which fall under paragraph a.i.

850 In accordance with Article 3, paragraph 1.d and in respect of Annex B the Government of the United Kingdom declares that the Competent Authority for Gibraltar shall be the Commissioner of Income Tax of the Government of Gibraltar. That is a specific declaration required.

855 And in accordance with Article 3, paragraph 1.e and in respect of Annex C, the Government of the United Kingdom has declared that in relation to Gibraltar, the term 'national' means a Gibraltarian within the meaning of the Gibraltarian Status Act 1962 and any legal person, partnership or association deriving its status as such from the laws enforced in Gibraltar.

Mr Speaker, in relation to this Bill which was published last week, I have also circulated a letter certifying it to be too urgent to await the six-week period of publication before it can be proceeded with by this House. As hon. Members will recall, I discussed the extension to Gibraltar of the OECD Multilateral Convention with the Rt Hon. the Prime Minister, David Cameron, during the course of my visit to Downing Street in June, and had written to him before then to seek the said extension to Gibraltar.

860 The extension of the Convention occurred in Jakarta on 21st November last year, at a meeting of the OECD which was attended by the Government's Minister for Financial Services, Albert Isola. Since then, the process of drafting our national legislation, not an easy piece of legislation to draft at that, has proceeded at a very fast pace. We were able to publish it last week. But the deadline for implementation internationally, Mr Speaker, is 1st March this year, and we want to meet that deadline and not have to explain why we are having to catch up thereafter.

870 For that reason, Mr Speaker, we have considered it to be in the public interest of Gibraltar to proceed with this Bill now, as a matter of urgency, and I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

875 **Hon. D A Feetham:** Mr Speaker, yes.

Mr Speaker, the Hon. the Chief Minister provided me with a copy of the letter certifying that the Bill was urgent. Having discussed the matter with him, I am satisfied that it is urgent, because this is a measure that needs to be introduced here in Gibraltar before 1st March and that is the urgency, so the Opposition has accepted that this is an urgent measure and therefore we have agreed that the matter be brought to the House without the proper notice.

Mr Speaker, these types of measures are never easy for the Finance Centre and there is always going to be a level of scepticism from some operators within the Finance Centre in relation to measures of this nature which by their nature are intrusive. The Opposition will be voting in favour of this and we will be voting in favour of this really on two grounds: (1) that it builds upon existing measures, as I will explain in a moment; but (2), the reality of the situation is that if it does not already, if these measures do not already apply to, or will apply to our competitors, sooner or later our competitors will be subsumed within what is a clear international trend that finance centres like Gibraltar and others, our competitors, will not be able to avoid.

Mr Speaker, I said that it builds on existing structures. At the moment, what we have is 27 TIEA agreements, some of which – most of which, I think it is true to say – were negotiated by the GSD Government, when we were in Government, some of them by the hon. Gentlemen opposite during their term in Government, and as I say, when I talk in the United Kingdom and also in Spain about this, it is 27 TIEA agreements on the exchange of information not only with the smaller countries, important as smaller countries are, but with the larger front-line countries like the United States and Germany.

On top of that, we also have existing as part of our law, a directive which has been implemented that has the effect of creating TIEAs with Members of the European Union, so effectively the 27 TIEAs are then converted into TIEAs with all the European Union Member States by virtue of the Directive. The Directive also provides within the European Union for automatic exchange of information and also for spontaneous exchange of information.

Now, this latter measure, this Convention which is an OECD initiative, what it seeks to do is to extend effectively the scope of the directive in terms of TIEA, spontaneous exchange and automatic exchange to countries that may not be members of the European Union, but are also signed up to this particular Convention and I am told in a conversation that I had with Mr Tipping yesterday from the Finance Centre that the effect of it would be to create effectively 70 TIEA agreements – in other words, that it would have the effect of Gibraltar having agreements with 70 countries, members of the OECD, including it has to be said, although that was covered by the Directive, the Kingdom of Spain.

So the effect of all these measures that I have described is to create a TIEA agreement for exchange of information between Gibraltar and the Kingdom of Spain, which has hitherto resisted the idea of having a bi-lateral agreement with Gibraltar.

Now, Mr Speaker, therefore for all those reasons, the Opposition will be supporting the Bill and we will be voting in favour of it.

Hon. Chief Minister: Mr Speaker, I am pleased to see that the Opposition will be supporting this Bill, and I have heard the hon. Gentleman say in the course of the reasoning why they will be supporting this Bill, much of what I said myself in the introduction of the Bill.

But I just want to take issue with a few minor points that he has mentioned. The hon. Gentleman mentioned to not having given the *proper* notice. Well, can I just caveat that by saying that by sending a letter certifying the Bill as urgent, it does not mean that there is *improper* notice in any way. There is full compliance with the provisions of the Constitution and of the requirement for a Bill to pass this House. I do not for one moment think that he was suggesting that there was improper notice, but the use of the word *proper*, I think could have led others to think that. So this is an entirely *proper* procedure that is being pursued.

The hon. Gentleman says that some members of the Finance Centre may find these issues are not easy to deal with. Well, Mr Speaker, the financial services business has changed and is changing. I remember the prophets of doom long before I was a Member of this House, suggesting that in 1995, when the GSLP was legislating to deal with the issues of anti-money laundering on an all crimes basis, there were some who feared that, not because we were involved in money-laundering, but because our clients as a jurisdiction might not want to jump through hoops, that might be the end of the Finance Centre, and we have grown from strength to strength since then.

Mr Speaker, this Government has a very clear approach to everything that relates to Gibraltar's international relationships, whether it is our relationship with the European Union or our compliance with international conventions and that is a culture of compliance. That is why one of the first things that I ensured we did and we invested in when I was elected was that we became completely up to date with all outstanding directive measures that we were required to transpose under European law. There were many, Mr Speaker, that were outstanding.

Mr Speaker, one of those was the Multilateral Directive that had the equivalent effect to this Convention at a European level between the Member States. The hon. Member has tangentially referred to that by saying that now we have the equivalent of a TIEA with Spain, even though they will not enter into a bi-lateral TIEA with us. Well, Mr Speaker, we have that, not as a result of this Convention – and I think it is important to set out explicitly that that is the case – not as a result of this Convention, but as a result of the Directive that we ensured was transposed into law.

Mr Speaker, the Prime Minister David Cameron, when he was the President of the G8, grasped the nettle and decided that it was important to ensure that the unfair criticism that had been levied against many of the Overseas Territories and the Crown Dependencies of the United Kingdom should be dealt with. He addressed an issue that others had failed to address before him and Gibraltar was pleased to be with him Mr Speaker, in leading in the compliance by Overseas Territories and Crown Dependencies on all matters relating to international conventions to ensure that money laundering and tax evasion became a thing of the past.

The Prime Minister himself, after all the Overseas Territories and Crown Dependencies together at the same time agreed to the extension of this Convention, has said in Parliament that it would be wrong and unfair for anybody to describe any of the Overseas Territories and Crown Dependencies and that of course includes Gibraltar, as tax havens after this Multilateral Convention of the OECD has been extended to us and in particular, in the case of Gibraltar, that already had equivalent to this OECD Convention with all of the Member States of the European Union, the largest economies in the world, and the United States of America.

Mr Speaker, I have absolutely no doubt that the financial services world is very different today to what it might have been 20 years ago and will be very different in 20 years' time. It is a brave new world, but not for that reason, a world to fear.

Mr Speaker: I now put the question, which is that a Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21st January 1988 as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010, and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Taxation (Mutual Administrative Assistance) Act 2014.

**Taxation (Mutual Administrative Assistance) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Protection of Trees Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to provide for the preservation and protection of trees and for connected purposes.
The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to provide for the Preservation and Protection of Trees and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the Preservation and Protection of Trees and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Protection of Trees Act 2013.

**Protection of Trees Bill 2013 –
Second Reading approved**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

990 Mr Speaker, before I commence, I have given notice by letter which we can take obviously at Committee Stage, of a change in the title of the Bill to the Environmental Protection (Trees) Act 2014.

This Bill was initially published as a Command Paper towards the end of last year and makes provision for the protection and preservation of trees in Gibraltar. Trees Mr Speaker, are important in the urban landscape as they provide shelter for wildlife, they provide oxygen, remove harmful particulate matter and are aesthetically pleasing. Indeed there is evidence to suggest that health of communities in areas with trees is significantly better than in urban areas without.

995 The loss of trees in Gibraltar has been a cause for concern in the past. There are a number of reasons why people request that trees are removed and these may be for danger, structural reasons, desirability for construction with a tree being in the way, health and inconvenience. There is currently an existing regime under section 38 of the Town Planning Act 1999, which allows the Development and Planning Commission to make a tree preservation order. If the tree is subject to such an order, the cutting down, topping, lopping or wilful destruction of the tree, is prohibited without the consent of the Commission. There are currently 1000 47 tree preservation orders in Gibraltar.

This Bill repeals section 38 of the Town Planning Act as it replaces that regime but also expands it in order to improve upon the powers of the Commission. Furthermore, this Bill goes beyond the existing regime in that it will apply to all trees, as it introduces a new regime for those trees not subject to a tree preservation order.

I now turn to the different parts of the Bill. Part I of the Bill applies the Act of the Crown, because the most important trees in Gibraltar are often found on Government property. In the interest of security, clause 3(3) allows the Government to issue a certificate so that the right of entry found in clause 19 shall not be excusable in relation to the premises specified in the certificate.

1010 Part II of the Bill deals with Tree Preservation Orders. While all trees provide some benefit to the community, tree preservation orders are used to protect selected trees, which are particularly valuable because of their intrinsic beauty, their contribution to the landscape, their scarcity or their importance as a wild life habitat among other reasons. The main purpose of a tree preservation order is to prohibit the pruning, cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of a tree, as set out in clause 8 of the Bill, without the consent of the Development and Planning Commission.

1015 Once the Commission makes a TPO, it must serve a copy of it on the owner and occupier of the land affected by the order. This is defined in Clause 2 as the land on which the tree is situated. A copy of the order shall be available for public inspection and may also be made available electronically. By virtue of Clause (6), the Commission has the power to vary or revoke a TPO as it considers necessary. It must then notify the owner and occupier of the said land.

1020 Clause 7 is intended to prevent an owner from intentionally allowing a tree that is subject to a tree preservation order, to die or become infested. It allows the Commission to issue a notice on the owner of the land, to take such steps as may be specified in the notice, to prevent pure or controlled infestation or disease or remedy the condition of the tree.

1025 Clause 9 sets out how an application to carry out works to a tree that is subject to a TPO is made to the Commission. The Commission may, upon receipt of an application either grant consent unconditionally or subject to conditions or refuse consent. The condition, subject to which consent may be granted, includes specifying the standard to which works may be carried out and requiring the applicant to plant one or more trees. Consent granted under clause 10 is valid for a period of two years, unless the Commission decide to grant consent for a lesser period as a condition for grant of consent.

1030 Part III applies to other trees not subject to the regime under Part II. A tree that is not subject to a Tree Preservation Order is still caught by the provisions of the Bill, but is subject to a much less stringent regime. The main aim of this part is to prohibit the cutting down or uprooting of a tree, without the consent of the Commission as provided in clause 13 of the Bill. However, in order to prevent any delay caused by the Commission in dealing with an application, where an applicant has not received notice of the Commission's decisions, or a reply to the effect that this application is being considered within 28 days, the prohibition shall not apply.

1035 Again, the Commission may either grant consent unconditionally, or subject to conditions or refuse consent. The conditions subject to which consent may be granted include the planting of one or more trees and limiting duration of the consent. Generally, consent shall be valid for one year.

1040 Part IV deals with the exceptions to the general prohibitions appeals etc. Clause 16 sets out the circumstances in which the prohibitions contained in clauses 8 and 13 do not apply. In particular, the prohibition does not apply where the diameter of the tree does not exceed 75mm, where the tree is dead,

1045 where work is urgently necessary to remove an immediate risk of serious harm, the removal of dead branches from a tree or if the tree is removed in compliance with the provisions of the various acts listed in that section.

1050 Furthermore, by virtue of clause 16(1)(g) the prohibitions do not apply to works carried out at the Alameda Gardens or the Nature Reserve, where those works are carried out in accordance with the written authorisation of the Government in order to allow legitimate management operations. In order to strengthen the powers of the Commission under the Act, in relation to its ability to prevent the cutting down of trees in contravention of the Act, clause 17 allows the Commission to serve a notice on the owner of the land to plant one or more trees of an appropriate size and species. This could be in the same place as the tree that was cut down or uprooted or in such other area or land as may be agreed between the Commission and the owner of the land.

1055 Clause 18 deals with appeals which may be made to the Development Appeals Tribunal appointed under the Town Planning Act. In particular, an applicant for consent made under clauses 9 or 14 may appeal against the Commission's decision and the tribunal has the power to confirm or vary the decision of the Commission, including amending the condition subject to which consent has been granted. An appeal may also be made by an applicant for consent where he or she has not received notice of the Commission's decision by the end of a period of eight weeks, beginning with the day the application was received by the Commission.

1060 In line with the Government's commitment to e-Government, clause 20 allows the applicant to apply to the Commission for consent by way of electronic communication and includes an appeal made to the tribunal as long as it is in a form approved by the Commission. Certain conditions apply.

1065 Clause 21 gives the Minister the power to make regulations for carrying out the purpose of the Act. I now commend this Bill to the House. (*Banging on desks*)

1070 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Mr Netto.

1075 **Hon. J J Netto:** Mr Speaker, the Opposition will be voting in favour of this Bill, as we see this as a natural progression from the policy introduced by the GSD Government in the Development and Planning Commission in order to preserve our trees and woodlands during our period in Government. I think there is a bit of murmur coming from the Government side.

As the explanatory memorandum states, the Bill replaces section 38 of the Town Planning Act 1999. Therefore, any further changes that enhances the preservation of trees and the management thereof in its application is something the Opposition welcomes.

1080 Having said this, the Opposition does not see why it is necessary for the inclusion of section 23 which refers to the Governor's constitutional responsibilities. We would therefore ask the Minister in his right of reply to our contribution if he could clarify why this clause was found necessary to be included in the Bill.

Thank you.

1085 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, thank you very much.

Just in relation to this last point that the Hon. Mr Netto has made, this is a clause that was not uncommon in legislation that potentially impacted on the Constitutional responsibilities of the Governor.

1090 So for example, it was included I recall, in the Criminal Procedure Act, because it might have had an impact in terms of the Governor's responsibilities for internal security. But we are dealing with the preservation of trees – clause 23, I beg your pardon. The Minister for Justice is asking which clause: it is clause 23. We just do not understand why clause 23 has been included when we are talking about tree preservation. What possible explanation could it be?

1095 What possible impact could this legislation have on the Governor's constitutional responsibilities in relation to the affairs of internal security or other matters, unless of course – ? I mean nobody is going to chop down trees at the Convent without the consent of the Governor, but even that would not justify the inclusion of this particular clause. We feel that if there is no justification for it, really I think it is constitutionally bad form to introduce a clause of this nature in legislation that cannot possibly impact on the Governor's constitutional responsibilities.

1100

Mr Speaker: The Hon. Mr Cortes.

1105 **Hon. Dr J E Cortes:** Mr Speaker, on the last point I think it is a matter that we can consider at Committee stage and we can discuss there.

I welcome the Opposition's support of this Bill and clearly I have to make one comment in relation to the hon. Member opposite stating that it is a progression of the policy of the former administration.

It will not be generally known because the Planning Commission met in secret, that the author of the policy that we are now progressing was, in fact, the person who is now Minister for the Environment.

1110

Several Members: Hear, hear.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the Preservation and Protection of Trees and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1115

Clerk: The Protection of Trees Act 2013.

**Protection of Trees Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1120

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to amend the Animals and Birds Act.
The Hon. the Minister for Health and the Environment.

1125

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Animals and Birds Act be read a first time.

1130

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Animals and Birds (Barbary Macaques) (Amendment) Act 2013.

1135

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
Second Reading approved**

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, before I turn to the substance of the Bill, I do want to point out, as you and hon. Members will be aware, I will be moving several amendments of the Bill at Committee Stage.

1145

Mr Speaker, on the substance of the Bill, the Government is very conscious of the need to ensure that the unauthorised feeding of Barbary Macaques is properly deterred, and that it is adequately punished when it is not deterred. Deterrence in turn depends on the law being, and being seen to be, enforced. That is why, Mr Speaker, the Government is introducing a number of reforms through the present Bill.

The first of these reforms is to rehouse section 547 of the Crimes Act 2011, which deals with the offences of enticing and feeding Barbary Macaques in what will become section 6A of the Animals and Birds Act. This places the offences in the more appropriate context of animal protection legislation.

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We have, at the same time, and this leads me to the second reform, created a distinction in section 6A between an offence committed inside the Nature Reserve and one committed outside it. The practical effect of this is to assign different fixed penalties to these offences and I will explain these further in a moment.

1155

The third reform is the very creation of the fixed Penalty Notice regime just mentioned. This is contained in section 6B and will enable authorised officers to issue Fixed Penalties to offenders on the spot.

We see this as a key component in enforcing the law. Indeed, Mr Speaker, I will immediately be publishing subordinate legislation in the form of rules in order to administer the fixed penalty regime if Parliament approves this Bill.

1160 You will see that the penalty for offences relating to enticing Macaques away from, or feeding them outside the Nature Reserve contained in sections 6(1)(a) and 6(1)(c) respectively, following the changes that I will bring up at Committee Stage, is £500 while the penalty for feeding a Macaque or encouraging another person to do so, inside the reserve is £250. This distinction reflects the particular seriousness which the Government gives to the presence of Macaques outside the Reserve.

1165 I should emphasise that the summary conviction offence, with a fine at Level 4 on the standard scale, currently £4,000 is carried over from Section 547 of the Crimes Act and is thereby retained. The fourth reform is the new definition of Authorised Officer in the Animals and Birds Act to include Wild Life Wardens. The inclusion of Wild Life Wardens will help ensure that these individuals, who are among those most likely to see an offence being committed, are able to act on it immediately by issuing a Fixed Penalty Notice.

1170 Mr Speaker, this Bill addresses one aspect of controlling the Barbary Macaque population, the enforcement of laws prohibiting feeding. It is part however, of the Government's commitment to tackling the challenges and opportunities presented by the Barbary Macaque population in a holistic and integrated way and I commend this Bill to the House.

1175 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Mr James Netto.

1180 **Hon. J J Netto:** Thank you, Mr Speaker.

We in the Opposition will be voting in favour of the Bill, given the general principle contained therein.

We believe that there should be fixed penalty offences to ensure compliance with the underlying view that illegal feeding of the Barbary Macaques is something that this society takes a serious view of and the deterrence of such an act will cause such individuals dearly in their pockets.

1185 The Opposition does, however, have some misgivings. The fact is that there has never been any prosecution and this legislation on its own will not deal with the problem. We still continue to ask the Minister as to where are the Nature Reserve Wardens that he used to say when in GONHS that would solve this particular problem.

1190 As I have said, we in the Opposition will be voting in favour of the Bill but we will be monitoring the implementation of the new legislation very closely. No doubt the Minister will continue to blame the GSD Government for everything which is wrong, despite the fact that the Minister has been dealing with the treatment of Macaques for the last 30 years (**Several Members:** Hear, hear.) but upon enacting this Bill, if the outcome becomes as sterile as the two years in which the hon. Member has been the Minister for the Environment, then he will find himself at the end of a long branch with nowhere to go but crashing down to a hard surface of public opinion with nobody willing to pick him up. (**Several Members:** Hear, hear.)

1195 Our advice to the Minister is that we have had enough of theory and excuses what the public wants at large is real tangible practice on the ground.

1200 **Hon. D A Feetham:** Yes, Mr Speaker, just a small point. There are no new substantive offences created by this Bill. Effectively what this Bill does is takes out of the Crimes Bill the substantive offences created in the Crimes Act and puts it in this new piece of legislation for the policy reasons the Government has outlined, which is that it believes that these types of offences ought to be dealt with in animal protection legislation.

1205 I have to say that I do not agree with that and I hope that in the future the Government perhaps thinks carefully about taking things out of the Crimes Act, which was intended to be a codified piece of legislation dealing with all our criminal offences, save for very few, so that criminal practitioners had effectively a bible so to speak to which to consult when faced with cases which they deal with on behalf of clients.

1210 We are voting in favour of it because we believe that even though it creates no substantive offences, some of the other amendments are worthwhile, they could have been introduced into the Crimes Act but I urge the Government to rethink any policy in the future, taking out of the Crimes Act and then dealing with it piecemeal in other pieces of legislation which just complicates things for practitioners.

1215 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I wish to deal with a point that the hon. Member has just made. We certainly do not agree that where you have got legislation other than the Crimes Act, where an offence is created or exists, that is dealing with criminal legislation on a piecemeal basis, we have had this morning the Tobacco Act amendment which creates an offence, not in the Crimes Act in a Tobacco Act of concealment in a vehicle, which the hon. Member has

supported for the reasons that he has stated. It has not taken out an offence, but it is not true to say that the Crimes Act is simply a codifying piece of legislation of all offences in Gibraltar –

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Hon. D A Feetham: Will he give way?

Hon. G H Licudi: Yes, I will.

1225

Hon. D A Feetham: And I have not said that.

Hon. G H Licudi: Well, that is what you...

1230

Hon. D A Feetham: No, no, I have not said that. I said... I did not say that. I actually said there are other criminal offences in other pieces of legislation.

1235

The point I am making is, that I am urging upon the Government a policy not to take out of the Crimes Act, to deal with in separate pieces of legislation, because we have a wonderful piece of legislation which we drafted, they implemented (**A Member:** Hear, hear.) dealing with most of our... dealing with 90% of our criminal offences and I do not think it is the right policy – that is all I am urging, it is up to them – to be taking out of the Crimes Act to introduce it into separate legislation which I have described as piecemeal. Perhaps that is not the best way to describe it, but the hon. Gentleman gets the gist of what I am saying.

1240

Hon. G H Licudi: Mr Speaker, this is not so much an issue of policy but what is appropriate and what is convenient in any particular case. We have the Crimes Act, which is not a codifying piece of legislation of all criminal offences in Gibraltar, but is a repetition of what was included in the Criminal Offences Act originally, plus an extension, with new offences being created, particularly offences involving children, sexual offences and all that.

1245

Where we have felt it is appropriate to add legislation to the Crimes Act, we have done that and I gave that example this morning in relation to protection of harassment, and I will not repeat what I said earlier, but the position before is that we had a commitment to introduce a Protection of Harassment Act and instead of creating that separate piece of legislation, we simply incorporated the provisions that we wanted to include, in the existing provisions, or further to the existing provisions in the Crimes Act and that shows that there is flexibility of the approach. Where we feel it is appropriate to add offences to the Crimes Act we do so. Where we feel that it is appropriate to add offences to other pieces of legislation, like we did this morning with the Tobacco Act, because we do not have all the tobacco offences in the Crimes Act, we have a separate piece of legislation dealing with that and we now have, or we have in fact a separate piece of legislation, dealing with protection of animals and birds and this is part of that piece of legislation.

1250

Therefore, it is a matter that we gave some thought to, whether we should make these amendments to the existing provisions in the Crimes Act, or we should repeal those provisions and have them in the Animals and Birds Act. We took the latter view. The hon. Member may have taken a different view, but I do not think that this is a substantial issue of policy. It is almost as if the hon. Member wants to protect his baby and anything we do to interfere with that baby, to take anything out is wrong. Well, I do not think that is the right approach to legislation.

1260

Mr Speaker: Does the hon. mover wish to reply?

Hon. Dr J E Cortes: Mr Speaker, I would like to thank my learned colleague, and hon. learned colleague –

1265

Hon. D A Feetham: Thank you very much!

Hon. Dr J E Cortes: – the Minister for Justice (*Laughter*) – not the *former* Minister for Justice, stressing the word *former*, of course – for assisting in this discussion.

1270

I do have to correct the former and no less honourable Minister for Justice in suggesting that there is nothing new in this piece of legislation. The aspect of enticing is a new concept. Also the difference in that there will be higher fines outside the nature reserve than inside the nature reserve, to stress the fact that it is possibly something that has to be taken more seriously, and the issuing of tickets rather than the other more drawn out process of the Magistrates' Court, which is still an option for enforcement.

1275

The other significant difference is the number of officers who will now be able to enforce, it is now no longer just the police but also Mr Speaker, all the technical and enforcement members of the Department of the Environment, including the new Environmental Protection Officers, and the officers of the Environmental Agency, so it is increasing the number of people who will be able to enforce this new law.

Over and beyond the wildlife wardens which the Member opposite has continuously tried to provoke me, by saying that I said all these wonderful things were happening or were going to be happening when we had wildlife wardens, in fact there will be more people now on the ground than any wildlife wardens I ever dreamt about at the time, enforcing this piece of legislation.

Mr Speaker, there are some people who even today tell me that I am too nice and too good to be a politician. (A Member: Hear, hear.) I think that the hon. Member opposite has almost convinced me that I am, because as he started welcoming this piece of legislation, and saying how he would support it and so on, I thought, 'Well, isn't this great! Let's just stick to the business', and I am not going to then stand up and tell him all the things he did not do, when he was the Minister for the Environment. (Hon. N F Costa: Tell him.) And there he goes (Hon. N F Costa: Tell him!) and begins a personal attack on me, even wishing me to fall from the branch of a tree – (Interjection) no doubt a tree of one of the hundreds that I have already planted in these two years when I have been sterile (Several Members: Hear, hear!) (Banging on desks) and it begs me to ask of the hon. Member opposite, how can you, Jaime?

Have you forgotten the conversations that we had when you were my Minister and I your loyal contractor? Have you forgotten the correspondence that I and other professionals wrote to you, when we warned you that if you did not listen to what we were wanting to tell you, that the problem that we are having now with the Barbary Macaques was going to happen in a few years?

All I can say is, thank God that I am now the Minister and I am tackling it and I am going to solve it, Mr Speaker. (Several Members: Hear, hear!) (Banging on desks and interjections)

But let me climb up on the tree again, from which I have no intention of falling.

Mr Speaker, the allusion to the lack of prosecution, almost trying to put the blame on me for such lack of prosecution, when his party was in Government for 16 years when they did not prosecute anybody, is almost unbelievable, or when nobody was prosecuted, it is not for the Government to prosecute, it is almost unbelievable. It is precisely because perhaps the law was too cumbersome, that we have introduced this new regime, which may be able to tackle offenders in a more practical and realistic manner.

Mr Speaker, I am not going to refer again to the correspondence and I have published some of the letters in the past to show exactly what the former Government was not doing, and how it was not listening. We are doing a lot of other things. We have increased the human resources now tackling the Macaques considerably, we have introduced this Bill, we have carried out habitat improvement and a lot of other measures that we will be hearing of very soon but needless to say, I will once again, at the next opportunity, be accused of not –

1310 **Hon. D A Feetham:** Will he give way?

Hon. Dr J E Cortes: No, I do not think I will give way. I will once again be accused of not doing anything, when in two sterile years, despite the fact that there were 16 sterile years on all range of things that we all recall, because we do not have that short a memory.

1315 Mr Speaker, I will leave it at that. I am glad that the Opposition will support this, but I am disappointed because I did think that at last, we were going to see the Opposition standing shoulder to shoulder with the Government tackling and supporting a problem which we have to resolve and that we have both got a role in getting all of our supporters to support the work that we are trying to do in order to properly manage the Barbary Macaque population. (A Member: Hear, hear.) (Banging on desks)

1320 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Animals and Birds Act be read a second time. Those in favour? (Members: Aye.) Those against? Carried.

Clerk: The Animals and Birds (Barbary Macaques) (Amendment) Act 2013.

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

1325 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (Members: Aye.)

1330

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
First Reading approved**

Clerk: A Bill for an Act to amend miscellaneous Acts which include a reference or reference to the Minister with responsibility for Trade and Industry.

The Hon. the Minister for Education, Telecommunications and Justice.

1335

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry, be read a first time.

1340

Mr Speaker: I now put the question, which is that a Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trade and Industry (Miscellaneous Amendments) Act 2013.

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Second Reading approved**

1345

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill be now read a second time.

The Bill reflects changes in ministerial portfolios and responsibilities which took place back in December 2011 when that marvellous New Dawn occurred, (**A Member:** Hear, hear.) as a result of which there is no longer a post which can be easily identified as being either the Minister for Trade and Industry or the Minister with responsibility for both Trade and Industry. Therefore there has been a need to identify the pieces of legislation that referred to the Minister in those terms and to correct that.

This Bill does not create any new powers at all. It simply amends the title of the Minister and a search of the current legislation Mr Speaker, has identified eight Acts which would benefit from amendment so as to clarify which particular Minister will undertake the duties and responsibilities under those particular Acts. The amendments have been drafted so that the description of the Minister is no longer tied to multiple responsibility. There is a description of a Minister now, or there will be, for one responsibility so whoever may have that responsibility in the future will be the Minister responsible under these particular Acts without the need for further amendments if there is any kind of changes as there was in December 2011.

Mr Speaker, the Acts amended by the Bill and the relevant Minister for each Act are firstly the Intellectual Property (Copyright and Related Rights) Act 2005 and that is changed to the Minister with responsibility for Commercial Affairs; the Motor Fuel (Composition and Content) Act 2011 to the Minister with responsibility for the Environment; the European Public Limited-Liability Company Act 2005 to the Minister with responsibility for Financial Services ; the Petroleum Act to the Minister with responsibility for the Environment; the Business Trades and Professions (Registration) Act to the Minister with responsibility for Employment; the Export Control Act 2005 to the Minister with responsibility for Finance; the Deep Sea Mining (Licensing) Act to the Minister with responsibility for the Environment and the Disclosure of Interest in Shares Act to the Minister with responsibility for Financial Services.

Mr Speaker, I commend the Bill to the House.

1370

Mr Speaker: Does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1375

Clerk: The Trade and Industry (Miscellaneous Amendments) Act 2013.

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Committee Stage and Third Reading to be taken at this sitting**

1380 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

1385 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

1390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Stamp Duties (Amendment) Bill 2013; the Employment (Bullying at Work) Bill 2013; the Tobacco (Amendment) Bill 2014; the Taxation (Mutual Administrative Assistance) Bill 2014; the Protection of Trees Bill 2013; the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 and the Trade and Industry (Miscellaneous Amendments) Bill 2013.

In Committee of the whole Parliament

**Stamp Duties (Amendment) Bill 2013 –
Clauses considered and approved**

1395 **Clerk:** A Bill for an Act to amend the Stamp Duties Act 2005.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1400 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Employment (Bullying at Work) Bill 2013 –
Clauses considered and approved as amended**

1405 **Clerk:** A Bill for an Act to prohibit bullying and victimisation in employment and for connected purposes.

1410 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in respect of this Bill, a letter has been circulated to hon. Members with what I describe as very minor typographical amendments which hon. Members will be able to see. I think it is being circulated now. They are literally minor typographical amendments. One of them is the typographical amendment that the hon. Gentleman spotted, which was the absence of a little ‘c’ which we will come to, but they are not in any instance a substantive change. They are all typographical.

1415 **Hon. D A Feetham:** May I suggest that rather than go through... I mean, in the past –

Mr Chairman: Yes, because they are purely typographical amendments and the Chief Minister has given clear notice of them, the Committee will agree that they all be incorporated into the Bill.

1420 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, there is one further typographical amendment, which is not included in the letter and that is in clause 2, where it

defines Minister. It says 'Minister with responsibility for Employment'. The 'e' in Employment should be a small 'e' rather than a capital 'E'. That is just to make it consistent with the way we are drafting legislation and defining ministerial responsibilities.

1425 **Mr Chairman:** I hope that that can also be incorporated and that when the Act is published, that it will appear there. I mean it has to be monitored.

Clerk: Clauses 1 to 11 and the schedule.

1430 **Mr Chairman:** Clauses 1 to 11 and the schedule stand part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Tobacco (Amendment) Bill 2014 –
Clauses considered and approved as amended**

1435 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997.
Clauses 1 and 2 and the long title.

Mr Chairman: Clauses 1 and 2 and the long title stand part of the Bill.

**Taxation (Mutual Administrative Assistance) Bill 2014 –
Clauses considered and approved**

1440 **Clerk:** A Bill for an Act to implement the Convention on Mutual Administrative Assistance in Tax Matters of 21 January 1988 as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters of 27th May 2010; and for connected purposes.
Clauses 1 to 29, the schedule and the long title.

1445 **Mr Chairman:** Clauses 1 to 29, the schedule and the long title stand part of the Bill.

**Protection of Trees Bill 2013 –
Clauses considered and approved**

1450 **Clerk:** A Bill for an Act to provide for the preservation and protection of trees; and for connected purposes.
Clause 1

Mr Chairman: Clause 1 –

1455

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Chairman, I –

Mr Chairman: The Hon. Mr Cortes.

1460 **Hon. Dr J E Cortes:** Mr Chairman, as I have circulated, the intention Mr Chairman is that for the words 'Protection of Trees Act 2013', we should substitute the words 'Environmental Protection (Trees) Act 2014'.

1465 **Mr Chairman:** Do all hon. Members agree that the amendment moved by the Hon. Mr Cortes should be included in the Bill? (**Members:** Aye.)

Clerk: Clauses 2 to 22.

1470 **Chief Minister (Hon. F R Picardo):** Mr Chairman, if I may deal with the point that Mr Netto made and which the Leader of the Opposition followed up in respect of the reference at paragraph 23, which is outside the scope of the clauses called by the Clerk at the moment, of the Governor's constitutional responsibilities, the reason I want to deal with it now, is because the reason for it is actually in section 3.

1475 Section 3 of this Bill applies the Act to the Government and section 3(3) sets out that the Government may certify that, in the interests of the security of Gibraltar, the right of entry under section 19 shall not be exercisable in relation to the premises specified in the certificate.

1480 That is taking to the Government of Gibraltar, rather than putting in the Governor, the right to certify something in the interests of Gibraltar and when we do things like that, we specifically provide that that is not a derogation from the Constitutional power in respect of the security of Gibraltar that the Governor has specifically set out in the Constitution. That is therefore the reason why section 23 is there, I entirely agree with the reasoning that it should not be there unless it needs to be there, that is the reason why it needs to be there.

Clerk: Clauses 2 to 25, the schedule and the long title.

1485 **Mr Chairman:** Clauses 2 to 25, the schedule and the long title stand part of the Bill.

**Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 –
Clauses considered and approved as amended**

Clerk: A Bill for an Act to amend the Animals and Birds Act.
Clause 1

1490 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 2.

1495 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Chairman, as I alluded to in my speech earlier, a number of amendments have been distributed by copies of a letter to you. The first one is a typographical error in 6B(3) the definition should be of 'conviction' not of 'convicted'.

Hon. D A Feetham: Mr Speaker, we are quite content –

1500 **Mr Chairman:** Again, we have a similar situation: they are merely typographical errors. They are not substantive amendments. The hon. Member has given notice, it has been circulated and therefore the Committee agrees that these should all be incorporated into the Act.

1505 **Hon. Dr J E Cortes:** I am grateful to you and to the Committee, Mr Chairman.

Clerk: Clauses 1 and 2 and the long title.

Mr Chairman: Please call that again?

1510 **Clerk:** Clauses 1 and 2 and the long title.

Mr Chairman: Clauses 1 and 2 and the long title stand part of the Bill.

**Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Clauses considered and approved**

1515 **Clerk:** A Bill for an Act to amend miscellaneous Acts which include a reference or references to the Minister with responsibility for Trade and Industry.
Clauses 1 to 9 and the long title.

Mr Chairman: Clauses 1 to 9 and the long title stand part of the Bill.

BILLS FOR THIRD READING

**Stamp Duties (Amendment) Bill 2013; Employment (Bullying at Work) Bill 2013;
Tobacco (Amendment) Bill 2014;
Taxation (Mutual Administrative Assistance) Bill 2014;
Protection of Trees Bill 2013, now renamed; Animals and Birds (Barbary Macaques) (Amendment)
Bill 2013;
Trade and Industry (Miscellaneous Amendments) Bill 2013 –
Third Readings approved, some with amendments: Bills passed**

Clerk: The Hon. the Chief Minister.

1520

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Stamp Duties (Amendment) Bill 2013; the Employment (Bullying at Work) Bill 2013; the Tobacco (Amendment) Bill 2014; the Taxation (Mutual Administrative Assistance) Bill 2014; the Protection of Trees Bill 2013 now renamed; the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013 and the Trade and Industry (Miscellaneous Amendments) Bill 2013 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

1525

Mr Speaker: I now put the question which is that (1) the Stamp Duties (Amendment) Bill 2013; (2) the Employment (Bullying at Work) Bill 2013; (3) the Tobacco (Amendment) Bill 2014; (4) the Taxation (Mutual Administrative Assistance) Bill 2014; (5) the Protection of Trees Bill 2013 with the amended title; (6) the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013; and (7) the Trade and Industry (Miscellaneous Amendments) Bill 2013 be read a third time and passed.

1530

Those in favour of the Stamp Duties (Amendment) Bill? (**Members:** Aye.) Those against? Carried.
Those in favour of the Employment (Bullying at Work) Bill 2013?

1535

Hon. Chief Minister: Mr Speaker, can I call for a division on this Bill, please?

A division was called for and voting resulted as follows:

FOR	AGAINST	ABSENT	ABSTAINED
The Hon. P J Balban	None	The Hon. J J Bossano	The Hon. D J Bossino
The Hon. Dr J E Cortes		The Hon. P R Caruana	The Hon. Mrs I M Ellul-Hammond
The Hon. N F Costa		The Hon. S M Figueras	The Hon. D A Feetham
The Hon. Dr J J Garcia			The Hon. J J Netto
The Hon. A J Isola			The Hon. E J Reyes
The Hon. G H Licudi			
The Hon. S E Linares			
The Hon. F R Picardo			
The Hon. Miss S J Sacramento			

1540

Mr Speaker: There are three Members absent, five Members have abstained, there are nine Members in favour. The ayes have it – carried. (*Banging on desks*)

Those in favour of the Tobacco (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Taxation Mutual Administrative Bill 2014? (**Members:** Aye.) Those against?

1545

Carried.

Those in favour of the Protection of Trees Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Animals and Birds (Barbary Macaques) (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Trade and Industry (Miscellaneous Amendments) Bill 2013. (**Members:** Aye.)

1550

Those against? Carried.

RETIREMENT OF CLERK TO THE PARLIAMENT

**Tribute to Mr Melvyn Farrell
for distinguished service to Parliament and Gibraltar**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise to move that the House do now adjourn *sine die*.

1555 But before I do, it is not lost on us on this side of the House, that this may be the last moment that we have Mr Melvyn Farrell, the Clerk of the House with us, discharging his functions which he has loyally done now for some years as Clerk of the House, before he retires.

1560 Mr Speaker, Mr Farrell has loyally served this House and he has loyally served Gibraltar as a civil servant before he arrived in this House as Clerk. From the time that I have been conscious of his work, he has served Chief Ministers at No. 6 Convent Place, he has served in the Registry and he has of course served with distinction in this House.

I have always found, as I know my colleagues on this side of the House and no doubt on the other side of the House, that Mr Farrell is impeccably polite, impartial and unflappable in any situation and he has found himself no doubt, in all the years that he has been a civil servant, in many situations.

1565 Mr Speaker, those of us who have the benefit of having a crib have always found our cribs impeccable as a result of his diligent work. He has always been a friend to everyone in this House and an enemy of none of us.

1570 He is also a distinguished member of *HMS Calpe*, a retired distinguished member of *HMS Calpe* and of course he has been discharging his function not just as Clerk of this House in this House, but he has been the organiser of European Elections and the organiser of national elections.

And I will always remember him, Mr Speaker, reading out the names of those who were duly elected to this Parliament after the last General Election. I have him standing on the stage at Mackintosh Hall ingrained in my mind as he read those names.

1575 Mr Speaker, I am sure that this is not the end of Melvyn Farrell's distinguished service to Gibraltar and I am sure that it must be recognised beyond the words I am uttering today. We were reminded by the previous Chief Minister, who is not here today, no doubt not out of any desire not to be here to share with us celebrating Melvyn's work, that he is of course the last civil servant to hold WOPS and therefore his retirement today will enable his diligent approach in the savings to start accruing for the benefit of not just him, but also his family, although we sincerely hope and he goes with the wish I have no doubt of everyone in this House, that the WOPS criteria should not kick in for many years to come.

Members: Hear, hear. (*Applause and banging on desks*)

1585 **Hon. D A Feetham:** Mr Speaker, certainly on this side of the House, we associate ourselves entirely with everything that the Hon. the Chief Minister and the Leader of the House has said about Melvyn.

But yesterday, when I was talking to my Opposition colleagues, 'Well, what can I say about Melvyn?' and almost to the man and almost to the woman, the one word, the one word that resonated in description of Melvyn was the word 'loyalty'.

1590 Melvyn has not only been a Senior Officer of *Her Majesty's Calpe* with a Reserve Decoration, loyal to *Her Majesty's Calpe*, loyal to the Civil Service in his 47½ years of public service here in Gibraltar, loyal to this Parliament with which he has served since 2006, and loyal of course, above all, to Gibraltar and to this community. (**Hon. D J Bossino:** Hear, Hear)

1595 Melvyn is diligent, he is meticulous and he has an eye for detail. I have to say that when I first became a Member of the Opposition – it is less likely when we are Ministers – and I submitted my questions, I would have Melvyn on the phone to me saying, 'Well, don't you think that perhaps you can phrase this question in this particular way?' And I thought, and I said, 'Well, Melvyn, do you suggest a change of questions to everybody?' and he said, 'There is not one person since I have served as a Clerk that I have not suggested a change of questions!' (*Laughter*) And I have to say...

1600 **A Member:** Always to improve –

Hon. D A Feetham: Always, always to improve the question – *always* to improve the question.

1605 And therefore I have absolutely no hesitation in associating myself with the Hon. the Chief Minister and to wish Melvyn and his family all the best for the future. And that if, in future, Melvyn's service to this community during his long years of service is to be recognised in any way, I can assure this House that the Opposition will be entirely supportive of it, because I can think of no-one else that is as worthy of recognition as Melvyn Farrell. (*Applause and banging on desks*)

1610 **Mr Speaker:** May I associate myself with those very kind remarks about the Clerk, about Melvyn Farrell.

Let me put his service into perspective. He has served a total of 47 years and that means that he could have retired with full service at least 10 years ago and he has carried on for about another 10 years, well beyond the age of 60. In fact I am not going to reveal his age, (*Laughter*) but it is well beyond the age of 60.

1615 When I took over the task of chairing the proceedings of Parliament in October 2012, I knew Melvyn beforehand and I knew and was confident of the extent to which I was going to rely on his guidance, on his advice, and his help would be matched, would exceed all my expectations and this I can vouch for. He has been a tower of strength to me. He has the accumulated wisdom of many years here in Parliament which I have been able to draw upon in order to help me in what is not an easy task.

1620 He has been loyal, he has been a great counsellor and above all, a great friend. And even though he will no longer sit in that chair, our friendship will endure forever. So I associate myself with the Members, I wish him many years of retirement and which he will be able to enjoy with his gracious lady, Sonia. Behind every great man, there is a great woman and this is a job which entails on occasions, great sacrifice. Sometimes the Members here, the staff at Parliament are working here until the early hours of the morning, and people, the public may not realise that, and there is a lady at home waiting for the Clerk and the others to return.

1625 A sad day because it will be the end of seeing Melvyn here, but a very fulfilling day and a day which I think points and indicates that in Gibraltar we are blessed with a very great Civil Service. They are great upholders of the task and they serve the needs of our nation, of our country, very, very to the highest standards in any other Parliament.

1630 May God bless him. (**A Member:** Hear, hear, Mr Speaker.) (*Applause and banging on desks*)

Clerk: I am sorry I am being rather emotional, but that is the way I am. And I am grateful to all of you for your fine words and thank you. (*Applause and banging on desks*)

ADJOURNMENT

1635 **Chief Minister (Hon F R Picardo):** So I move, Mr Speaker, that we now adjourn *sine die* and let him go. (*Laughter*)

1640 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*. I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn *sine die*.

The House adjourned at 1.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 1.00 p.m.

Gibraltar, Thursday, 20th March 2014

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<i>The House recessed at 1.00 p.m. and resumed its sitting at 3.05 p.m.</i>	<i>55</i>

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER
Mr Speaker

Order of the Day

Acting Clerk: (i) Oath of Allegiance.

5

CONFIRMATION OF MINUTES

(ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th and 21st February 2014.

10

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

15

Acting Clerk: (iii) Communications from the Chair.

20

Mr Speaker: As hon. Members are aware, it is a requirement, under I think it is section 69 of the Constitution, that the Estimates of Expenditure for the next financial year should be tabled in the House before 30th April. Since the House is not due to meet next month, and in any case following the precedent of last year, when we did not meet in any case for a couple of months because of the refurbishment of the House, I then ruled and I think I should rule now, that the provisions of the Constitution will have been deemed to have been met if the Estimates are circulated to hon. Members before the end of April. Is that agreed?

25

It was agreed.

Acting Clerk: (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees.

30

Questions for Oral Answer

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q229-230/2014

Miami Seatrade Cruise Shipping Convention – Gibraltar delegation and costs

Acting Clerk: (viii) Answers to Oral Questions. Question 229/2014, the Hon. D J Bossino.

35 **Hon. D J Bossino:** Can the Minister for Tourism state, who formed part of the Gibraltar delegation to the Miami Seatrade Cruise Shipping Convention?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

40 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 230.

Acting Clerk: Question 230/2014, the Hon. D J Bossino.

45 **Hon. D J Bossino:** Can the Minister for Tourism state what the cost of attendance at the Miami Seatrade Cruise Shipping Convention was, to include the costs of setting up of the stand if one was set up, and travel – I think there is a word missing there – expenses, broken down into air fares and hotels?

50 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Hon. N F Costa: Mr Speaker, Gibraltar did not exhibit at the Miami Seatrade Cruise Shipping Convention this year. Therefore there was no delegation and no costs.

55 **Mr Speaker:** Next question.

Q231/2014

Cruise companies coming to Gibraltar – Invitations due to Miami Cruise Shipping Convention

Acting Clerk: Question 231, the Hon. D J Bossino.

60 **Hon. D J Bossino:** Can the Minister for Tourism state how many senior executives from cruise companies have come to Gibraltar since he took office and who these are, together with how many he has invited with their identity following the Miami Cruise Shipping Convention?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

65 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, since I took Office nine senior executives from cruise companies have come to Gibraltar and they are: Giora Israel, Senior Vice President, Port and Destination Development and Michel Nestour, Vice President, Global Port and Destination Development, EuroMed Region, Carnival Corporation; Emilio Freeman, Director Brand Operations & Destination Delivery, Global Tour Operations for Azamara Club Cruises; Emilio Lopez Puertas, Vice President of Land Operations and On Board Revenue of Pullmantur Cruises; Steven Young, Head of Port Operations & Services Carnival UK; Sara Ciliberto, Shore Excursion Executive, Fleet Operations, Carnival UK; Neil Duncan, General Manager, Marketing & Planning, Thomson and Island Cruises; Jacqui Nobile, Port and Shore Excursions Operations Manager, Thomson & Island Cruises; Matt Grimes, Viking Ocean Cruises; James Buchanan, Manager Shore Excursion, Saga Cruises.

Mr Speaker, since Gibraltar has not attended the Miami Seatrade Cruise Shipping Convention, no cruise executives have been invited from this Convention.

80 **Hon. D J Bossino:** Mr Speaker, I may have misread the Press Release which he issued on 3rd March 2012 – in fact, I was reading it whilst he has been answering the question. The way I interpreted it was that there had been an attendance by the Minister with a delegation and therefore, as he will realise, that has been the premise of the questions which I have posed.

85 But I have re-read it and it appears that what there was, was a prior visit to the Convention but no participation directly by the Government in the Convention – is that the correct understanding, can he confirm that?

90 **Hon. N F Costa:** Yes, Mr Speaker. As the Press Release that was issued on 3rd March makes clear and as the hon. Gentleman has just said now, senior officials and myself went to Miami ahead of the Cruise Shipping Convention for a series of meetings with the cruise company executives.

95 **Hon. D J Bossino:** Mr Speaker, the last question which I posed in relation to the Miami Seatrade Cruise Convention related to executives that he has invited. In the Press Release, he also said that he planned to invite senior executives but I think in the answer that he has given is that he has not invited any executives, can he shed some light in relation to that?

Hon. N F Costa: Mr Speaker, as I said in the original answer to the original question, we have invited since taking office, nine senior executives. As the hon. Gentleman knows, Giora Israel is the top, top in terms of executives of the cruise line world.

100 We have also, as he knows, gone to the UK in addition to Miami to hold meetings with cruise line executives. From the list that I have before me, between 2012 and 2014, together with the Chief Executive of the Tourist Board and Peter Canessa of Gibraltar House and myself, either together or separately, we have held around 33 meetings, and that is apart from the nine executives that have been invited to come to Gibraltar.

Q232/2014
ITB Travel Fair in Berlin –
Gibraltar delegation and costs

105 **Acting Clerk:** Question 232, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state who formed part of the Gibraltar delegation to the ITB Travel Fair in Berlin, together with what the cost of attendance was, to include travel and hotel cost and the cost of the stand, if one was set up?

110 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

115 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Tracey Poggio, UK Marketing and Communications for the GTB in London; Stuart Finlayson, Consultant Airline Business Development for the Gibraltar Tourist Board; and Gail Francis-Tiron, Information Manager for the GTB, formed part of the delegation to the ITB Trade Fair in Berlin.

120 The costs of the attendance were as follows: flights – £1,150; hotel – £2,114.28; subsistence – £313.32; travel expenses £272.97; stand space and build cost – £17,101.89; miscellaneous expenses – £667.45; less the participation fees from the co-exhibitors which amounted to £7,500.

Ordinarily I would have handed the hon. Gentleman a schedule. I do not know why they have given it to me in this way, but if he has not had a chance to make a note in writing, I will ask the hon. Lady to make a photocopy for him.

Flights	1150.00
Hotel	2114.28
Subsistence	313.32
Travel Expenses	272.97
Stand Space & Build Costs	17111.89
Miscellaneous Expenses	667.45
Less Participation fees from Co-Exhibitors	-7500.00

125 **Hon. D J Bossino:** Yes, I am grateful for that and I am conscious of the hon. Member's practice and I would welcome a copy of that in schedule format.

Mr Speaker, again I am referring to his Press Release, to another Press Release in relation to this matter, of 5th March where he identifies the ITB Berlin Fair as one which can provide great potential for growth in tourism for Gibraltar, then in the final paragraph he gives the public some statistics, which on the face of it would support that assertion, given the number of attendees.

130 In fact, can I ask him to confirm whether the basis of the assertion is on the grounds of these figures which he has provided in a Press Release and secondly, how in coming to that judgement he compares the ITB Berlin Fair with other potential fairs which could also be providers of potential growth in this area to Gibraltar?

135 **Hon. N F Costa:** Mr Speaker, in answer to the hon. Gentleman, to confirm that the figures given in the Press Release did of course show the value of attendance at the Trade Fair. As the Press Release notes, there were more than 174,000 visitors, among these 114,000 are trade visitors and 11,000 are represented companies from 189 countries, so that it is considered to be the leading B2B platform of tourism industry offers.

140 Following the events, I was debriefed on the series of meetings and the contacts that were made. As the hon. Gentleman knows, the main source market continues to be the UK and of course Spain, but there is also tourism that comes from Germany by way of cruise passengers and also from people that are in the Costa del Sol and do come to Gibraltar for the day. So there is great potential in being able to deal directly with those people that instead of coming to the Costa may consider coming directly to Gibraltar and spend more time here and that is the angle that we are considering, which is more a leisure market angle to stay longer in Gibraltar and therefore increase hotel occupancy.

145 But the strategy if you like is more leisure visitors to come to Gibraltar and stay in Gibraltar, rather than come to the Costa del Sol and just come to Gibraltar for the day.

150 **Hon. D J Bossino:** Mr Speaker, he has identified the German markets, which is obvious given the location of the fair, but why particularly the German market? I mean we get for example other... Immediately I can think of other northern European visitors who come to Gibraltar and who do visit the Costa del Sol. Is there any sort of empirical statistical evidence that he can provide which would support the conclusion which clearly he has come to in terms of targeting Germany as a particular jurisdiction?

Hon. N F Costa: Well, Mr Speaker, two things. In the first place, the reason why I mentioned Germany particularly, one is because it is a particularly important European country, as the hon. Gentleman knows, and it is one of the countries that continue to have disposable income for tourism.

160 Secondly, the fair is held in Germany, so that it is the headquarters of what, I said before, is considered to be, apart from the World Travel Market, the most important trade fair in Europe and that is why I mentioned Germany in particular. Had it been set in France, then I would have mentioned France, but it brings into play, as I said before, the numbers that I was reading out to him, the 114,000 trade visitors from around Europe and the way that the ITB structure allows tourist boards and other companies to be able to meet up with the tour operators, ground handlers, travel agencies and the trade visitors, to be able to start to first create networking opportunities, once you establish those of course, to pursue them.

165 **Hon. D J Bossino:** So in other words, Mr Speaker, it is not that necessarily the German market is being identified; it is just that the location of the fair is in Germany and it attracts individuals from other nations, presumably northern Europe – or as I said, in other words, the 170,000-odd visitors to the trade fair are not exclusively going to be German clearly.

170 So I just wanted to establish that, it is not that the Ministry, his Ministry has identified the Germany market in particular; it just so happens that the location is in Germany and it encompasses other European... I would have thought European nation states.

175 **Hon. N F Costa:** Well, Mr Speaker, just to be clear on my side, it is what I said in the second answer to his... or his first answer to his second supplementary, that Germany is considered to be an important market, but for instance we go to FITUR in Madrid and the World Travel Market in the UK, whereas the main business happens to be either UK based or Spanish based. The reality is that once we are there we do conduct business with – for example, I remember in the World Travel Market in FITUR, we established contact with an Israeli travel company.

180 So like he rightly says, we do meet and seek interest from other European countries, but undoubtedly Germany is an important catchment market because for the reason as I have said before, many do disembark from cruise liner companies, some are in the Costa del Sol and they do travel to Gibraltar for day

185 trips and there is no reason why we cannot sell Gibraltar by itself, as a unique tourist leisure destination and
they should consider it separately, and not just as part of a Costa del Sol tour.

Hon. D J Bossino: But Mr Speaker, he will recall in answers to the questions he gave me at the initial
stages of this Parliament, when he explained the policy of the Government, which was really to carry out a
190 review of the various attendances at these fairs and to see whether it was value for money in effect. And of
course, there is a considerable expenditure in relation to this particular fair, for example the stand alone is
£17,000 odd, and then there are obviously other expenses.

Is that analysis being made by his Ministry as to what the returns are, if any, that they are getting in
relation to this? Is there a system, a mechanism in place in order to establish whether it is in fact worthwhile
195 or not?

Hon. N F Costa: Well, Mr Speaker, I know that the hon. Gentleman is quite fond of reading my Press
Releases, so he will know that the GTB (*Laughter*) has not attended – at least there is one person that is
fond of reading them regularly – the GTB has not attended the ITB Berlin Fair since 1992, so we took the
200 decision to start attending that fair again.

But he would also recall that during the course of this year, he asked me whether we had attended the
London Boat Show and I said that we had not attended, so there was one saving there.

I have also told him today that we did not attend the Seatrade Convention, so there was another saving
and we thought that that money could be diverted – I mean, not that money specifically, but because we
205 were making savings in other areas which we did not think were producing any tangible results, we thought
that we should now try to spend time in this particular market, to see whether there was any attraction in
bringing over German and, as he rightly said before, northern European tourists to Gibraltar. So in other
words, what we are saving in one way, we are able to spend in another.

Hon. D J Bossino: And presumably, Mr Speaker, his Ministry has not reached the conclusion as to
210 whether the ITB Berlin Fair is worth it? In fact, in other words whether it will provide a return in
investment, it is still early stages, is that correct?

Hon. N F Costa: Yes Mr Speaker, that is exactly correct. From the contacts that were made in ITB,
215 there has already been a delegation that did come from, as a direct result of contacts and meetings being
held in Germany. This was only held last month so like he rightly says, it is far too soon to be able to make
a cogent analysis of whether we are obtaining any results from the attendants, but that would be something
of course that we will be able to evaluate during the course of the year as matters progress.

Hon. D J Bossino: Mr Speaker, one final supplementary. In relation to the attendees, as far as I can see
220 the Minister himself, the hon. Member did not attend. I know that he lays a lot of store in the fact that... in
fact, he mentioned in the other Press Release which I have quoted this morning in relation to personal
contacts – can he explain why he decided it was not worthwhile he himself attending this fair?

Hon. N F Costa: Well, because I had been in Miami the week before and I thought that my Gibraltar
225 domestic affairs required some attention.

Q233/2014
Captain of the Port –
Recruitment progress

Acting Clerk: Question 233, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state what progress, if any, has been made in
230 connection with the recruitment of the Captain of the Port?

Acting Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and
the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes
235 Mr Speaker, I am pleased to report that advertisements for the Captain of the Port's position have appeared
in two high-profile on-line marine-related recruitment sites.

240 The advertisements closed on 18th March and so far there have been 33 applications. I have a post it that says that actually since drafting the answer, there are now 36 applications received in total, a large proportion of them from applicants which satisfy the advertised personal specification requirements. The first tranche of interviews are scheduled to take place in London on 27th and 28th of this month.

245 **Hon. D J Bossino:** Mr Speaker, is the Minister able to shed any light as to whether there is any possibility of this position being filled by somebody currently locally? Is it possible? I am not sure because there may be qualification, I understand that maybe there is discomfort given his expression, but in other words, can he state objectively whether there is anybody who is currently locally employed in the Port Department who would be unable to apply because of – ? (*Interjections*) Sorry, I know he –

250 **Hon. D A Feetham:** Just sit down and wait until they finish.

Hon. D J Bossino: In other words, that there would be a bar because of qualifications is really my question that is really an objective question.

255 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman will recall that I think it was in 2012, we had discussions as to the qualifications required for Captain of the Port and Marine Officer, and the hon. Gentleman is correct in saying that there is a qualification necessary to become a Captain of the Port and that would be a Harbour Master. So in that respect, any person who wishes to become the Captain of the Gibraltar Port would be required to have that qualification and... Sorry, being a Master Mariner, not a Harbour Master, that is the title of the current Captain who was the Harbour Master of the lower Thames in London before he came to Gibraltar. He would have to be a qualified Master Mariner.

260 Currently the selection process is being conducted by the Captain of the Port and as such, given that it is being conducted by him, and until as he knows, I receive a recommendation on my desk as to the recommendation of the Board, I prefer not to make any comment. Save to say that there are minimum requirements that have to be met and clearly the Captain would sift out those who do not have them.

265 **Hon. D A Feetham:** As far as he knows, no?

Hon. D J Bossino: Mr Speaker, does he have the information available – if he does not, then that is fine but does he know – whether there is anybody locally who meets those requirements? Is he able to answer that question?

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may say so, with respect to the hon. Gentleman, we are here to answer questions in our capacity as Ministers, of what we know as Ministers. The hon. Gentleman's question as to what in your knowledge are the qualifications that individuals in Gibraltar may have, I say, with respect to him, is not one that he can reasonably expect us to answer. There may be somebody sitting at home somewhere that has never worked in the Port in Gibraltar who may have all the qualifications requested in the advertisement and more.

275 Mr Speaker, the Hon. Minister may be able to get up and say, 'Well, I do not know of anyone', or 'I do know of some', but that is to try to corral us into an answer which is not something that we are expected to know in our capacity as Minister.

280 So I put it to him that he should simply allow the process of the recruitment of the Captain of the Port to run its course. If he finds that there is something that he wishes to criticise at the end of that process, then so be it, he can bring it to this House and ask such questions as he may wish to in order to achieve that.

285 But to ask us generally that question is almost to ask us as if to say is there somebody in Gibraltar who has the qualifications to be Lord Chancellor of the United Kingdom? You know, there might be – there may be somebody who has retired to Gibraltar sitting in a sumptuous flat at Queensway Quay who has all those qualifications, but it may not be within our knowledge. If it is within our knowledge, what relevance is it if the person may or may not apply?

290 The process which Government is responsible for is the application process and he should simply allow that to run its course.

Hon. D A Feetham: Mr Speaker, I think a lot of what he said, with respect to him, is nonsensical. He has not been asked... He has not been asked a question with reference to the population at large. He has been asked the question in relation to whether there are applicants within the Port Department, who meet the requirements... *local* applicants within the Port Department that meet the requirements for this particular job. That is all he is asked.

295 Now, he has also prefixed the question by saying, 'Well, do you know? If you do not know of course, then you cannot answer the question', but surely if you... Well, it appears to me that if you have... He has

mentioned 27, I think – (**A Member:** Thirty-six.) 36, I beg your pardon. If he has 36 applicants, at the very
300 least he should be able to say whether any of those 36 applicants are local and whether they meet the
requirements within the advert.

He is shaking his head. Look, in fairness to him, I will wait for his answer. I do not want to make this
controversial. It is just that the Chief Minister has made some sweeping statements which has forced me to
stand up, because I just really cannot agree with the way that he has characterised the question of my hon.
305 Friend, Mr Bossino.

Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman might like to learn something from the
Hon. the Chief Minister, namely that the Hon. the Chief Minister has said to his colleague, with respect...
310 And he has got up trying not to make something controversial and started by saying that everything I have
said is nonsense. Well, Mr Speaker, that is the sort of behaviour that brings Parliament down to the standard
of Punch and Judy shows that people frankly feel alienated by and I will not pursue it further.

What we are saying Mr Speaker, is that there is an arm's length process ongoing where people are
applying for jobs. The hon. Member has told Members opposite, and it appears that despite wanting to
describe things as nonsense or otherwise, the hon. Gentleman does not actually listen to much, because he
315 could not even get the figure right – the hon. Gentleman told us there were 36 applicants not 27, he has not
told us whether any are from within the Department or not from within the Department, and I do not know
whether his practice when he was a Minister was to be receiving applications as they came in, opening them
up and start making up his mind for himself as to whether people were qualified or not.

That is not the practise of this Government, Mr Speaker, and therefore if we simply allow the process to
320 run its course, we will have an objectively dealt with process that the people of this community can have
faith in, and has been discharged in the appropriate way. (*Banging on desks*)

Mr Speaker: I would say that it is perfectly in order for the Minister to be asked whether there are any
local applicants. Whether they meet the requirements of the advertisement might be much more difficult,
325 because sometimes people apply and they have got qualifications even from different parts of the world and
those qualifications have to be examined very, very carefully. With a closing date of 18th March, which
was only two days ago, the Minister would not be in a position to be able to say categorically that all the
applicants meet the requirements.

What is proper, however, and I think the Minister if he has the information would be expected to tell
330 Parliament, is of those, how many are locals – not just Gibraltarians, but how many have applied from
Gibraltar?

Hon. N F Costa: Mr Speaker, in terms of recruitment process, as I am sure that the House can imagine,
is always a very sensitive issue. As a result of that, I have very robust systems in place, where the Principal
335 Secretary or the Chief Executive of the Tourist Board, or in this case the Captain of the Port, deals with the
selection process at arm's length, and they tell me who they will interview and when, and then I receive a
page on my desk that tells me who the recommended person to be put in post will be.

Therefore, I really do try to stay as much on the margins of that process as I possibly can, unless a query
is given to me for whatever reason. But my Principal Secretary came to me yesterday with a list of people
340 that they are thinking about interviewing on the dates that I gave them in London. I cannot remember the
number, I think there was a Gibraltarian living in London if I recall correctly, but as I say I will let them
carry out the process and once they do make their selection, I will receive it in writing from them, from the
entire Board.

Hon. D A Feetham: Well, Mr Speaker, thank you very much for that helpful answer. I have to say that
345 Judy is not a name that particularly suits me very much and quite frankly, I would rather not be called
Punch.

But Mr Speaker, may I ask the Hon. Minister whether he would be so kind – and I know that he is trying
to keep the process at an arm's length, I am not asking him to make enquiries in relation to specific names –
350 but would he be so kind as to go back to his officials and ask his officials, out of the 36 applicants, and out
of those 36 that meet the requirements – because I understand it, he said as most of them, he did not say all
of them he said most of them – how many of those are local applicants?

That is the information that quite frankly he has at his disposal and as Mr Speaker has pointed out, it is
information that we quite properly ask, and would he be so kind as to provide that information by
355 correspondence by to my hon. Friend Mr Bossino?

Hon. N F Costa: Mr Speaker, if I understood the request correctly, the hon. Gentleman is asking me for
the number of applicants who are local. Yes, I will be able to provide that information.

360 **Mr Speaker:** Next question.

Q234/2014
Port and adjacent area –
Holistic management plan

Acting Clerk: Question 234, the Hon. J J Netto.

365

Hon. J J Netto: Mr Speaker, does the Government agree with the recent ESG – that is the Environmental Safety Group – statement that the Government needs a holistic management plan to cater for all the new industrial, leisure and housing developments in the Port and its adjacent area, and can the Government state whether they already have one or if they intend to create one?

370

Acting Clerk: Answer the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, Her Majesty's Government of Gibraltar does agree that in an ideal world not only is a holistic management plan for the Port and the surrounding area desirable, it is essential.

375

The sad fact of life, however, is that the previous Administration committed vast areas of the Port estate to non-Port related activity, making a cohesive Port-relevant strategy for the entire area difficult to fulfil. We are of course seeking to ensure a more rational use of the area.

380

Hon. J J Netto: Mr Speaker, could I ask the Hon. Minister whether that means that they intend to provide a more holistic plan in relation to either the existing or future industrial activities in the Port area?

385

Hon. N F Costa: Mr Speaker, what I mean is that given the previous Administration carved up parts of the Port estate, it is impossible to provide a holistic plan because some parts of the Port estate are not used for Port-related activities.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q235/2014
New fire station –
Commencement of work and location

Acting Clerk: Question 235, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with the responsibility for the City Fire Brigade state when the Government will be starting work on the new fire station and where it will be located?

390

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, works for the new fire station will commence as soon as a suitable location is found. We are still in the process of deciding which location best suits the needs of the City Fire Brigade.

395

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister state which are the possible locations the Government is looking at?

400

Hon. S E Linares: Mr Speaker, there are about six or seven of them in different places, but we would not like to state which ones they are at this moment in time but we are looking at about six different places and it is to do with the consultation process that we are engaging with the City Fire Brigade itself because we might have six places, but out of the six there might be five that are not suitable.

405

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the new fire station be a new build or a refurbishment of an existing building?

410 **Hon. S E Linares:** Again, Mr Speaker, I would prefer a new build, because converting a building into a fire station would be very problematic – but I would not like to be held down to that. But I can say that a new build is definitely preferable.

Q236/2014
City Fire Brigade audit –
Findings and publication

Acting Clerk: Question 236, the Hon. Mrs I M Ellul-Hammond.

415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade, inform this House on the findings of the City Fire Brigade audit and when the report will be published?

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

420

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer to this question remains as that of October's Parliament, Question 559/2013.

425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, yes in Question 559 the Hon. Minister said that the Government had not finished the strategy of implementation of the report's relevant recommendations. What stage is the Government at in relation to formulating this strategy in conjunction with the union? Is it nearly finished? Will we be hearing of the conclusions of the audit within a few weeks, within a few months because the audit was completed over a year ago?

430 **Hon. S E Linares:** Yes, Mr Speaker, and discussions are not only with the union; discussions for obvious reasons have to be with the management as well. Therefore the union and the management have got together and I am not going to be pressurising them as to the timescale in which they finish their strategy. It is up to the professionals and the union itself to decide and it is an ongoing thing. That means they sit down, there is a committee already sitting down together to discuss these issues and they are working at it and I meet them every one or two months if necessary, to see the progress. Therefore it is not
435 up to me or anyone, to ascertain a timescale as to when these are to be implemented.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Minister mentioned progress reports. So where is progress, are they nearly finished?
440

Hon. S E Linares: Mr Speaker, the hon. Lady is pressurising me as to say if it is nearly finished or not. I have just answered her that question, which is simply, I am not going to pressurise them into how long their implementation of different recommendations are going to be. Therefore there might, when I have ... It is not a progress report, it is actually meetings, I sit down with them and I ask them 'How are you getting on? Do you need any support?' It is a supportive and facilitating role that I am putting into the committee, so that is where we are at the present.
445

Hon. Mrs I M Ellul-Hammond: So Mr Speaker, how are they getting on and what support are you providing them with?
450

Hon. S E Linares: Mr Speaker, I not only provide them with moral and encouraging support and all the other support that needs to be given, if they come to me (*Laughter*) and ask me 'Minister, this is going to need certain things', I will say 'Okay, if you need those things I will see how I can obtain those things for you.' I think it is pretty logical as to how I support them and how I am a facilitator to them in order for them
455 to fulfil the recommendations.

Q237/2014

**John Mackintosh Hall caretaker and night receptionist –
Advertising and filling posts**

Acting Clerk: Question 237, the Hon. E J Reyes.

460 **Hon. E J Reyes:** Mr Speaker, further to Question Nos. 135/2014 and 136/2014, is the Minister for Culture now able to say when the positions of caretaker and night receptionist at John Mackintosh Hall will be advertised and by when it is expected that these posts will be filled?

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

465 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to these questions remains as that of February's Parliament, Questions 135/2014 and 136/2014.

470 **Hon. E J Reyes:** Mr Speaker, in a previous answer, the Minister had informed me that he hoped that this might be tabled for the Board meeting of March or April and given that we are in the second half of March, can he confirm to me that it is going to be tabled in the meeting and when it will be held? Will it be either March or April?

Hon. S E Linares: Mr Speaker, the date for the Board meeting has not been ascertained yet, but I am hoping that it will be before the end of April.

Q238/2014

**Heritage sites –
Works and costs**

475 **Acting Clerk:** Question 238, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of all works together with respective costs undertaken at any Heritage related site since the answer to Question 138/2014, stating by whom these works were carried out?

480 **Acting Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

485 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 138/2014, I now hand over to the hon. Member opposite, the information requested.

Mr Speaker: The schedule is fairly long. Would the Hon. Mr Reyes like to ask the next question, please?

Answer to Question No 238

Further works undertaken at Heritage sites inclusive of costs and works carried out.

- a) **Site:** South Port Gates/Charles V Wall
Works: Erection of Heras Fencing, pedestrian protection, scaffold and continuous conservation works.
Contractor: GJBS
Total Amount: £ 18,184.17
- b) **Site:** South Port Gates/Charles V Wall
Works: Skip Rental
Contractor: Fill – A - Skip
Total Amount: £ 60.00
- c) **Site:** Palace Gully
Works: Cleaning of the Interior Chamber and fitting of metal gate covering with lock.
Contractor: Environmental Support Services.
Total Amount: £1,400.00
- d) **Site:** South Port Gates/Charles V Wall
Works: Purchase of liquid materials for conservation works.
Contractor: CTS España – Productos y Equipos para la Restauración
Total Amount: EUROS 5553.07
- e) **Site:** South Port Gates/Charles V Wall
Works: Purchase of sand bags
Contractor: Gaggero Cemats
Total Amount: £ 60.00
- f) **Site:** Giralda Gardens
Works: Demolition of hard lime boulder wall, removal of flooring, hiring of equipment.
Contractor: Construction and Maintenance Limited
Total Amount: £ 1892.00

Q239/2014

**Europa Sports Grounds –
Refurbishment for use by Gibraltar Cricket Association in 2014**

Acting Clerk: Question 239, the Hon. E J Reyes.

490

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question 139/2014, can the Minister for Sports and Leisure provide details of what refurbishment works, inclusive of estimated cost, are planned to be carried out at Europa Sports Grounds in order for the Gibraltar Cricket Association to use this facility during their 2014 season?

495

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, none. The Gibraltar Cricket Association will be using the same facilities as has been the case for as many years as I can recollect.

500

Hon. E J Reyes: Mr Speaker, I pose this question because last year the Minister provided this House with information on some works that had been done to help to make better... shall we call it, the actual pitch playing area and also the transfer of some left over artificial turf that they had from the stadium and so on.

505 Given that preparation for the season... Normally associations, and cricket being no exception, would probably ask the Sports and Leisure Authority, 'Can I have this maintenance carried out?' or whatever improvement. I think that the Minister might need to confirm, to avoid any doubt, that there will be no need to carry out any work whatsoever, in fact that the pitch is ready to start to play next week if need be.

510 **Hon. S E Linares:** Well, Mr Speaker, as the hon. Member rightly said, we did do some works there which included doing the crease and therefore there is no need now to do anything else. Not only that, the Cricket Association has not come to the Sports Authority to ask for any repairs or anything. They were quite keen for them to be able to use the pitch which is exactly what we are now saying that they can do. So there is no need for any refurbishment because it was already done.

515 **Hon. E J Reyes:** So Mr Speaker, the Cricket Association has not asked for anything to be carried out and so on. Can the Minister confirm that someone from the Sports and Leisure Authority has actually gone to check that the pitch still remains in a playable condition as at the close of last season, despite the non-use for a few months during the winter season?

520 **Hon. S E Linares:** Mr Speaker, as part of the responsibility of the Sports and Leisure Authority, I would presume and hope that they regularly go up there and have checks like they should do. But I am not privy to whether they have, how many times they have gone or anything like that. The fact is that the Cricket Association, who are the people who have been using it, they have got their pavilion there, they go there regularly and I am very sure that, should there have been any problem, they would have informed the Sports and Leisure Authority if they had not already gone up there to see.

Q238/2014 continued
Heritage sites –
Works and Costs Supplementary questions

Mr Speaker: Does the hon. Member have any supplementary arising from the schedule that was circulated to him before we go on to the next question?

530 **Hon. E J Reyes:** Yes, thank you, Mr Speaker, just a very quick one here. The Minister has provided me the list and the cost. I note that on point d), that particular amount paid is quoted in Euros as opposed to sterling. Probably there is a very logical explanation why, but can I have the reason why, Mr Speaker?

535 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as I see the item, I know what they used the item for, it was to do with special liquid materials for conservation works which is to do with the St Jago's Arch and therefore they have put it there in Euros. Somebody could have done the conversion but I am sure we got the invoice in Euros and the person who has put it down has put it in Euros. But that is liquid material, it was special material in order to conserve better and work at what is the St Jago's Arch.

540 **Hon. E J Reyes:** Yes, I saw from the site and so on, but my question was because in actually accounting for the estimates, it is all done in sterling and we hope that forever and ever it will always remain in sterling! Although the invoice may have come in Euros for the Treasury Department, I do not think they actually account for it in Euros. Euros must have been bought from sterling and it could make a difference if the exchange rate at the time was purchased at say 1.10 as opposed to 1.20, like we all do when we want to buy Euros for anywhere we may go on holiday in Europe. We take advantage when the rate is good. So perhaps if he does not have it now, at some stage he could sort of give us an approximate sterling conversion to help tally up all the figures.

550 **Hon. S E Linares:** I will do Mr Speaker.

Q240/2014
New power station –
Four reports

Acting Clerk: Question 240, the Hon. J J Netto.

555

Hon. J J Netto: Mr Speaker, further to the oral Question 573/2013, can the Minister with responsibility for Utilities please provide Parliament with copies of the four reports stated in his answer in relation to the new power station?

560

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the four reports which I mentioned in my answer to Question 573/2013 are part and parcel of the tender process which we are still engaged in.

565

Hon. J J Netto: Mr Speaker, could the Hon. Minister perhaps remind me when the tender process will finish. I think it finishes this month, I believe it is?

570

Hon. S E Linares: Towards the end of April.

Mr Speaker: Next question.

Acting Clerk: Question 241 –

575

Hon. J J Netto: May I ask another question?

Mr Speaker: A further supplementary? Yes.

580

Hon. J J Netto: Is there some particular reason in which one of the reports in relation to the Environmental Impact Assessment that needs to wait until the end of the tender process, or is it one particular report that does not have any impact shall we say, to the tender process itself and therefore the Hon. Minister could perhaps provide me with a copy?

585

Hon. S E Linares: The simple answer to that is no, Mr Speaker, because all these reports are part of the tender process and therefore we are not in a position... You are stating that it might be different. No, it is not different. They all go together.

590

Hon. J J Netto: Yes, I understand what the Hon. Minister is saying, that they are all together, but is there any particular reason why the Environmental Impact Assessment Report has to be tied in with the other reports, or is it one particular report that can be disentangled between the four and provided to Parliament?

If there is a good reason why it should not be given to Parliament, then fine, but I just do not understand the logic behind why this particular single report, among the four, cannot be provided to Parliament.

595

Hon. S E Linares: Well, Mr Speaker, an Environmental Impact Assessment is assessing what is the impact to the environment of the power station that we might be putting in place. Since we do not know which is the one that we are putting in place, pure logic says that we cannot at this stage assess what is the impact to the environment of whatever power station we are putting in place.

600

So trying to make an Environmental Impact Assessment on something that we do not really know yet what we are putting in place because it is going through the tender process, would be something that – I do not know, it is one of those things that the professionals would not advise.

605

Hon. J J Netto: So basically what the Hon. Minister is saying is that once a particular company has been successful for the tender, in accordance with the description of the works being carried out, the company will have an Environmental Impact Assessment in relation to the work that they are going to carry out.

Perhaps, Mr Speaker, I could drop it here, because the following question is a similar question but on a different tangent, and perhaps we can make progress in that particular way.

610

Q241/2014

**New power station –
Commencement of works for reclaimed site**

Acting Clerk: Question 241, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the oral Question 574/2013, can the Hon. Minister with responsibility for Utilities please advise if commencement of the works for the reclaimed site for the new power station has taken place, and if so, when it is envisaged that such works will be finalised?
615

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer to this question remains the same as that of my answer to Question 574/2013.
620

Hon. J J Netto: Mr Speaker, in the last answer that the Hon. Minister provided, basically what he said was that the work had not yet started. Is there a particular reason why the work has not started or does the Hon. Minister have a date in mind which he is aware of, when the work will commence?
625

Hon. S E Linares: No, Mr Speaker.

Hon. J J Netto: Am I right in saying that the Hon. Minister does not know, has had no discussions with his officials, as to the particular time line of this particular project in which they would have made the Minister aware of when this particular aspect is going to start?
630

Hon. S E Linares: Well, Mr Speaker, as to when it is going to start, it definitely has to start and finish before we procure the power station, or if the power station is going to be there. So I can tell him that officials have come to me giving me sort of like, not specific dates, but sort of a programme – it is not a time-line; it is ‘this has to come first, this goes second, this goes third’, in that manner.
635

But a time-line is very difficult because it is a very, very big project and if officials committed themselves to a date, then it would be not only the hon. Member who would be pressurising me, but it would be me pressurising them to get on with the work. So I think it would be prudent to say... and that is why I said no, sir, because it would be prudent not to say in this case, how we are getting on because we would also impinge on what is the tender process.
640

Companies might come and say, ‘we can deliver the power station in 18 months’, ‘we can deliver the power in 24 months’ or ‘we can deliver the power station in 36 months’, so we are not at that stage yet and therefore things are progressing, just all reliant maybe on the tender system.

Hon. J J Netto: Mr Speaker, the hon. Member seems to be worried too much about pressure. I think pressure is a good thing. It is good that the Opposition pressures the Government, and it is good that the Minister in turn pressurises officials to get what is indeed a very important project off the ground.
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Now the question remains... Whether you want to call it a programme or whether you want to call it a time-line, whatever route you choose to take has dates incorporated into every single milestone either in a programme or in a time-line. The question is, if at the end of the day the Government is going to continue with the reclaimed site, surely both he and the official know what the date is, even if it is an approximate date. What he cannot simply do is stand up here in Parliament and say he has no clue as to when they are going to start the reclamation. Either he does know, or he does not know. What is it?
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Hon. S E Linares: Mr Speaker, I did not say I did not have a clue – that is his words. If he looks at *Hansard*, I never said... I said no, sir, when he asked me whether there was a time-line. The fact is that the time-line will be once the tender has been awarded and that is the time-line. Therefore, once the tender is awarded, it will be up to the company to ascertain how long their machine, whether it is a machine or a generator or whatever it is, they will come to us and say, ‘Right, I am going to put you this type of engine and it will take so much time.’
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Therefore what I can say to the hon. Member is that the reclamation has to be ready before that, so this is the time-line that he is asking me. So if he wants a time-line or whatever he wants to call it, like he said, fine okay. It needs to be done right, before the power station, and there is a tender which I have just said that will end at the end of April and that is the time-line. That means, at the end of April, we will get the people and we will have assessed, or at least the technicians will have assessed – not myself, the technicians will have assessed – what type of generating, power generators we are going to put.
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At that time then, we will say ‘Okay, we need the reclamation – right, let’s get on with it.’ The reclamation, the type of reclamation is also in the pot. That means do we do so much reclamation, do we do more or less? That is where we are.

670 I am afraid the hon. Member, he can press me as much as he wants, but that is the reality of life, of the tender.

Hon. J J Netto: Mr Speaker, is it not a fact that regardless who the successful contractor is, at the end of the day there will still be a need to have a reclaimed site? Yes or no?

675 **Hon. S E Linares:** Yes, but it depends on the type.

Hon. J J Netto: Fine, let us leave type to one side. Given that I am only asking him a start date and not when or how, does he know when as to the start date?

680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might just assist the hon. Gentleman by reminding him of that Shakespearean phrase that there are many more things thought of in philosophies than some things in people’s imaginations.

685 The type of reclamation may differ based on the choice of tender. Therefore, one cannot start on a reclamation which may not be the reclamation relevant to the final choice made by the Board that is going to award the tender. Hence why there is no start date for a particular type of reclamation, because the particular type of reclamation is linked to the choice made by the Board.

I hope that assists him in not having to go round in circles anymore.

Q242/2014
New power station –
Preliminary assessments

Acting Clerk: Question 242, the Hon. J J Netto.

690 **Hon. J J Netto:** Mr Speaker, further to Oral Question 575/2013, can the Minister with responsibility for Utilities please provide Parliament with copies of preliminary assessments made by the Town Planner prior to the commencement of the EIA, and the detailed assessment carried out by the successful tenderer as stated by the Hon. Minister in his answer?

695 **Acting Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the EIA process has been initiated in respect of the proposal to carry out land reclamation to create the land mass on which it is intended to construct the power station.

700 In respect of the EIA for the land reclamation, the Town Planner has drafted a Scoping Opinion which identifies the matters that need to be assessed as part of the EIA.

705 **Hon. J J Netto:** Yes, Mr Speaker, obviously I agree with the terms of the answer given by the Hon. Minister in terms of what the scope of the Town Planner is. What I am asking him basically is: does Parliament get a copy of this Scoping report?

710 **Hon. S E Linares:** No, Minister... No, Mr Speaker, sorry! No, Mr Speaker, because this is an internal process that the Town Planner does. He is drafting all the things that need to be done within the EIA and that is his remit and we do not... It is not a copy that is a public document or anything like that. It is done within the Planning Department and therefore it is one of the things that is only appertaining to the Planning Department.

715 **Hon. J J Netto:** Yes, Mr Speaker, I agree. It is an internal departmental report and is part of the commencement of the process so that later on it can be developed further. Although it is not a public document *per se*, that does not mean necessarily that Parliament should not be aware of the report if a particular Member of Parliament, of the Opposition asks for it.

720 I just do not see why, despite the fact that it is a departmental report, despite the fact that it is an initial kind of scoping report, that does not preclude *per se* that Parliament should not have a copy of it if a Member of the Opposition asks for it.

Hon. S E Linares: No, that is not the case, because once it comes to Parliament, it is a public document and therefore I am not going to go and ask the Town Planner what is his draft Scoping Opinion. This is a professional thing that he does and neither I or anybody gets involved in that. This is the Town Planner's work and therefore I am not in a position to give a copy to anyone of what the Town Planner does.

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Hon. J J Netto: Mr Speaker, this is not a draft; this is basically a Town Planner sitting in front of a particular application, a development which is a Government project – it is not a private sector project – in which he puts forward what are the parameters in which thereafter, following the scoping report, the tenderer has to provide a full EIA report.

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In other words, so we have... not a draft, but setting out what are the parameters for the full EIA report later on. It is a Government project. Therefore, I do not just see why the Government needs to keep the Opposition un-informed of what is basically something of public interest basically.

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Hon. S E Linares: Mr Speaker, the answer to that question is similar to the one I have been telling him previously. The Town Planner does not know yet which type of power station we are going to procure. What he is doing now is scoping, scoping an opinion –

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Mr Speaker: Will the Hon. Minister elucidate what is the meaning of the word 'scoping' in this context?

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Hon. S E Linares: Mr Speaker, as I understand, it is that what the Town Planner does: he lists all the issues that need to be looked at once the EIA assessment has to be done. So the way I understand it is that if a successful company says, 'This is the type of power generation that I am going to put in place', the Town Planner then passes...

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Well, you have to fulfil all these requirements which he has already listed, which I am sure he looks at the law, the environment, looks at all planning aspects, all the aspects in order to see what impact the power station that is going to be put in place will have.

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So like I said, it goes back to, because there are many tenderers out there, we do not know and all he is doing at this stage is doing a list, he is putting down a whole lot of list, a general list, probably covering the scope of all the tenders. So that is the process.

Mr Speaker: I am grateful for that.

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Hon. S E Linares: Okay.

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Hon. J J Netto: But Mr Speaker, my understanding – and if I am wrong, I am wrong – is precisely in part, not in whole, what the Hon. Minister has said, which is to set out the details or the requirement, be it for an environmental point of view, from a legal point of view, setting out to all the contractors what they have to, they themselves later provide for within their own bids. So that sets the basis and the parameters in which the contractors have to then develop their own full EIA report. This is why I am asking for the scoping report because I would like to know what is that the Town Planning Department sets out in terms of the basis, the details and the legality for contractors to be able to then develop that into their own proposals.

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Hon. S E Linares: Mr Speaker, it is a very difficult thing for the Town Planner to look forward and think which is the power station, because there are loads of different permutations as to which type of power station you are going to put the generation, there are many types. So therefore it is not a question of me giving him a little list and say look, they have to fulfil this. He will now have to look at what are we talking about, where is it going to be, what type, but then on the basis of that, you have to look specifically at which is the power station.

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On the basis of that, so I am not in a position to say to the Town Planner, 'Can you give me a list of your Scoping Opinion?' He will say, 'Well, hold on, all I am doing is just preparing a little list so that when it comes, I have already got a little list here but then I have to see which is the type of generating station that we are going to put.' On the basis of that, then he goes on and asks more questions in order for the EIA to be written.

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Hon. J J Netto: Mr Speaker, my understanding is that the Town Planner certainly does not get involved in telling prospective contractors what type of power stations they will subsequently put in their own proposals. That is much later on, something that the Town Planners do not get involved in. What they do get involved in, the Town Planners at the very initial commencement of the process, is to say, 'Here is a tender: whoever wants to apply for it, which is your prerogative, you have got to abide by all these, which are the requirements both from an environmental, from a legal, from a contractual.'

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Whatever type of generator is nothing to do with the Town Planner; it is to do with the contractors. So he sets the scenes, then whoever is the successful contractor at the tender stage will then have to provide a full environmental impact assessment which is a different thing to what we are talking about now.

785 So therefore I think if I understood the Hon. Minister, he is confusing the issue about setting out, he is confusing the issue of setting out what are the legal requirements, the departmental requirements against what tenderers have to beforehand tell them what type of power generation it is going to be. A separate issue altogether, I am not even reaching that far. I am just staying right at the beginning which is the scoping report, not what he is saying; this is why I am insisting on that.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if I may just assist the hon. Gentleman, because there is confusion creeping in and I do not think it is in the answers, I think it is in the questions.

795 The scoping assessment will be different, based on the result of the tender, because the technology that is proposed may result in different things being – let me use the word so he understands what I mean – different things being in scope.

So, the Town Planners will look at what is proposed when it is proposed, and say with this type of proposal, your EIA... and he says there has to be a full EIA whatever happens. Well, of course there has to be an EIA, but it is the scope of the EIA that the scoping assessment determines.

800 So with a particular type of technology, the scope may lead in one direction and require certain things and with another type of technology, regardless of the fuel being the same perhaps, it may go in another direction. With a type of size, it may go in one direction and with another type of size it may go in another direction.

805 So of course, if you were to say to a Town Planner, ‘I am going to have a new power station. Simpliciter. Give me the scoping assessment for this, which will lead to an EIA’, the answer is very simple: a full EIA covering every possible type of fuel, every possible type of pollution that may be produced, and every possible permutation for the size of the facility. That I put it to him, Mr Speaker, would not be of any use to the community or to the Parliament.

810 Of course therefore what is happening, and I can now take him to a different type of language so that perhaps he understands it in this way, what is happening is a distillation of the requirements of the EIA once the technology, shape and size of the facility is determined by the Board that is choosing out of all of the tenderers.

815 So therefore, Mr Speaker, he would be in a much better position to ask us about the scoping, post a decision on what type of technology there will be. Then scoping assessment and EIA will be two things that follow very quickly, the scope of the EIA having been determined by that assessment to be done by the Town Planners, after the Board has made a determination of who is the successful tenderer and therefore what technology is to be employed and what shape it is proposed that the new facility will have.

Mr Speaker: Next question.

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Q243-258/2014
Liquid natural gas (LNG) –
Transportation and storage at Detached Mole; risks to surrounding area

Acting Clerk: Question 243, the Hon. J J Netto.

825 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state how will the liquid natural gas (LNG) be transported to the Detached Mole?

Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

830 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 244 to 258.

Acting Clerk: Question 244, the Hon. J J Netto.

835 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if the LNG is going to be stored in tanks at the Detached Mole, where will the LNG power generators to convert the liquid to gas be located?

Acting Clerk: Question 245, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state how will the LNG be transported from the storage area at the Detached Mole to the location of the new permanent power station?

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Acting Clerk: Question 246, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state how much will a pipeline across the North Entry of the Port, for the purpose of transporting the fuel from the Detached Mole to the new permanent Power station, cost?

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Acting Clerk: Question 247, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state what navigational hazards to the movement of cruise liners arising from the laying of a LNG pipeline across the north entry of the Port have been identified, and by whom?

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Acting Clerk: Question 248, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state what navigational hazards to the movement of vessels that are not cruise liners into and out of the Port, arising from the laying of an LNG pipeline across the north entry of the Port have been identified and by whom?

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Acting Clerk: Question 249, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state what, if any, financial impact will result from the anticipated new navigational controls to be introduced on vessels entering the Port of Gibraltar due to the laying of a pipeline from the Detached Mole to the new permanent Power Station and who will absorb such financial burden?

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Acting Clerk: Question 250, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state how often will the Storage Facility at the Detached Mole require replenishing of LNG due to the expected monthly consumption of the new permanent Power Station?

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Acting Clerk: Question 251, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state to whom it intends to contract a LNG tanker specifically to meet the needs of replenishing the Storage tanks at the Detached Mole for the needs of the new permanent power station?

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Acting Clerk: Question 252, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state what will be the 'all in rate' cost to the Government as a result of transporting the LNG to Gibraltar and its further transportation to the new power station, inclusive but not limited to, contract/s, fuel, shipping fees etc, both for the duration of the contract/s and on a monthly basis?

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Acting Clerk: Question 253, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state from where is the Government of Gibraltar intending to source the LNG requirements to power the new permanent power station?

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Acting Clerk: Question 254, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state how reliable is our source of LNG and is there a contingency plan if our primary source fails to deliver?

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Acting Clerk: Question 255, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Port state whether any risk assessment has been conducted with respect to the impact of a pipeline across the north entry of the port, who conducted that risk

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900 assessment, what mitigations are required by the risk assessment, what impact such mitigation would have on Port operations and will the Hon. Minister provide Parliament with a copy of such report?

Acting Clerk: Question 256, the Hon. J J Netto.

905 **Hon. J J Netto:** Can the Government state which industrial entities it envisages operating in the Detached Mole in the next two years, specifying what type of industries they are and who the owners of such entities are?

Acting Clerk: Question 257, the Hon. J J Netto.

910 **Hon. J J Netto:** Can the Government say if any reports have been carried out to determine the potential risks to developments, housing estates and the Airport runway, due to the proposed new permanent power station and if so, could the Government provide Parliament with all documents in relation to this matter?

Acting Clerk: Question 258, the Hon. J J Netto.

915 **Hon. J J Netto:** Can the Government state what Environmental, Health and Safety and Fire Prevention measures are being put in place at the Detached Mole in order to guarantee that no accidents are likely to happen by the various industrial activities that currently operate within their own zone boundaries, or from any other activity likely to start in the next two years, and provide Parliament with all relevant reports in this matter?

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Acting Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

925 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, all the questions asked by the hon. Member are hypothetical and made as assumptions. Her Majesty's Government is at present in the process of a PIN, which is Priority Information Notice, which will determine how gas supply to the power station will be conducted.

930 **Hon. D A Feetham:** Mr Speaker, I do not understand how that could possibly be the case. May I refer the hon. Gentleman to Question 257? And the question, of course, the hon. Gentleman has bunched up about 20 questions, giving us the laconic answer that he has given. But Question 257 says 'can the Government say if any reports have been carried out to determine the potential risk to developments, housing estates and the Airport runway, due to the proposed new permanent power station?' That is not hypothetical; it is asking whether any reports have been carried out. Now, the answer must be either yes or no and then obviously, there might be an exchange as to whether it is disclosable or it is not disclosable.

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Mr Speaker: Yes, I think it may have escaped the notice of the Minister that whilst the vast majority of all these questions deal with the LNG supply, Question 257 at first sight does not appear to be the case.

940 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, you are absolutely right, it does not, but it does deal with a power station which is at the moment not of determinable type and that is the issue. I think the hon. Gentleman is right to ask are there reports etc, but the answer is at the moment, they would be hypothetical reports based on a type of power station that is not yet determined. It is for that reason that I think the hon. Gentleman has given the answer.

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Hon. D A Feetham: Mr Speaker, just in relation to that, obviously the Government must have an idea of the type of power station that it envisages will be constructed on this particular site and in relation to those, is there a report or is there not? I mean, we are not seeking to go further at this stage. Are there reports in relation to the safety issues that my hon. Friend Mr Netto has highlighted or are there no reports?

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Hon. Chief Minister: Mr Speaker, there are of course a number of reports and the hon. Gentleman will know that there are reports even from the time that they were in office, but not in relation to – and this is the key – the proposed new permanent power station. At the moment, Mr Speaker, the type of power station is not determined and therefore it cannot be about the proposed power station. It can be about many other aspects of siting a power station there that there might be a report, but not about the proposed power station, because at present the power station that will be sited there has not yet been determined, as we have ventilated frequently this morning.

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960 **Hon. D A Feetham:** But Mr Speaker, so early in the morning, I really do not want there to be
controversy on something where there ought not to be controversy. But he is not answering, he is really not
answering with a straight bat, with respect to the Hon. the Chief Minister, because even if you take what he
says at its logical conclusion and also at face value, the Government has not yet determined what type,
100% determined what type of power station it is going to build, but it must have an idea of the types of
965 power station that it proposes to build. And in relation to the types, one would have expected a prudent
Government to have conducted reports of this type and it is in relation to the types of proposed power
stations, even giving him the latitude that I am prepared to give so late in the lifespan of this particular
project it has to be said, are there reports dealing with these particular issues that my hon. Friend Mr Netto
highlights?

970 **Hon. Chief Minister:** Ah Mr Speaker, so he now changes his question. He has understood my answer
and of course he has understood my answer but he has to clothe everything that he says in aggressive terms
and suggests that I am not answering with a straight bat. Mr Speaker, he says he does not like to be called
Judy, he does not like to be called Punch, but he keeps shadow boxing. The problem is that he never hits the
target. *(Laughter)*

975 The thing is, Mr Speaker, that the question as changed now is capable of a different answer, but we are
dealing with the question as it was on the Order Paper. Of the types of power stations that there might be
generally as to fuel types etc, are there reports? Well, Mr Speaker, the answer would have been different.
The answer that has been given and is correct is about the proposed power station because there is not a
proposed power station yet. There will be as soon as the tender is achieved and that is why the answer that
980 the hon. Gentleman gave was correct.

Hon. D A Feetham: He has not answered the question. Are there reports – ?

985 **Mr Speaker:** I wonder if for the future, when Ministers are answering questions and grouping a number
of them together, to exercise great care because this particular one, Question 257 could have been answered
by the Minister together with the previous ones that he has dealt with this morning on the power station. It
might have been more appropriate to have done that. So perhaps they would keep that point in mind and
take extra care within the time limitations that they have when grouping answers together.

990 **Hon. S E Linares:** Mr Speaker, may I just say that he has already asked the question and it was in
Question 240 where he said ‘further to oral Question 573, can the Minister with responsibility for Utilities
please provide the Parliament with copies of the four reports’, so there is already indication that there are
four reports. So that is why I put them altogether because the question was answered.

995 **Hon. Chief Minister:** Mr Speaker, thank you. I think that illustrates... I think the point that the Hon. the
Minister has made now actually confirms the point you have made and that this question might have been
better grouped with 240.

1000 **Hon. Sir P R Caruana:** Mr Speaker, understanding that the hon. Members opposite have not yet
decided the type of power station that they wish to commission, nevertheless in their deliberations as policy
makers and people that have to make this decision in due course, can the hon. Member say whether – I
direct the question at the Hon. Minister, can the Hon. Minister say whether – he or the Government or its
technical advisors have expressed any concern about – and therefore whether they have or have considered
but rejected – the need to have any concern about choosing a gas fired power station on the grounds that, in
1005 a small enclosed area like Gibraltar, gas may be a more potentially dangerous fuel to store than diesel?

Now the answer to that question may be that is Luddite scientifically, there is no reason to believe that
gas is more dangerous than diesel or yes, it has been considered and we think it can be safely
accommodated, notwithstanding those dangers. My question is: is somebody addressing the question
whether gas is intrinsically unsuitable for a small enclosed locality like Gibraltar or not?

1010 **Hon. Chief Minister:** Mr Speaker, if I may say so, that is a very sensible question and of course it is
right that there has to be an analysis of those issues and there have been analyses of those issues – not just
in relation to North Mole but to other areas as well, because of the volatility of any fuel, and the hon.
Gentleman uses the word ‘Luddite’. I think all of us, Luddite or not, have concerns about gas. It is the sort
1015 of product that one can imagine being explosive in certain circumstances and what are the consequences of
that?

Therefore the Government, before embarking on the process of tender, analysed whether or not it was
possible to have gas in Gibraltar – and the hon. Member will not recall, he is not old enough and neither am

1020 I, but gas was present in Gibraltar in the past as a fuel used in kitchens and for heating, before we were able to rely on electricity as reliably as it is now possible to rely on electricity.

1025 The Government is satisfied that it is possible to have a gas fired station in Gibraltar, but there are – and this is why type or types is an issue – there are different types of technology that burn gas. You have dual fired engines that can also burn diesel and if you ever burn diesel in those engines then you have got different types of emission concerns and you need different types of flues and chimneys of different heights, which might not be appropriate close to an airport and you have got some that just burn gas and you have got different types of gas burners. He will recall from his time as Chief Minister, that these things required something called HAZOPs – this type of issue requires something called HAZOPs – and the Government has had HAZOPs about the possibilities of using gas and it is satisfied that we can progress down this road.

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Hon. J J Netto: Mr Speaker, if I may come back to the answer given by the Hon. Minister, I think I understood right that they are doing some kind of a PIN report, which he actually went on to describe what the initials stand for, and he then went on to say that report will determine how the gas is transported or how the gas will be implemented or how it will be transported. Can he perhaps elaborate on the kind of report that he was talking about?

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Hon. S E Linares: Mr Speaker, it is not a report. What it is, is that it is called a Priority Information Notice and what it does, it puts out a notice to all out there who are in the gas business, to put in their proposals. That means that you ask all the companies who supply gas, ‘We need gas and therefore can you please tell us how, where and all these issues, can you supply gas to us?’ so that is called a PIN, which is Priority Information Notice. It is not a report.

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Hon. J J Netto: But am I right in saying at the end of the day, whatever method is selected as a result of this particular notice, it can only either be transported through the land frontier or through a tanker, there is no other alternative way. Is that correct?

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Hon. Chief Minister: Mr Speaker, can I just clarify for the hon. Gentleman, the PIN does not necessarily lead to a selection, right? There may be an intervening process between the PIN and the selection which may be a tender. So he should not jump to that conclusion.

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Hon. J J Netto: Fine, I am grateful to the Hon. Chief Minister, but what I am trying to get at is that we are proceeding on the basis that gas, whether it is in liquid form or in gas form, natural gas will be imported into Gibraltar which can either be through a LNG tanker or through the land frontier. Is that correct?

1055 **Hon. Chief Minister:** Mr Speaker, without getting in to what will happen, the hon. Gentleman is asking, I dare say hypothetically but for reasons which I can understand, how could it happen. I think it could happen in a number of different ways. It could come in as liquefied natural gas in a bowser by road; it could come in as liquefied natural gas in a tanker by sea; or could come in by pipeline. The pipeline could come from Spain or it could come from North Africa. That is in terms of possibility.

1060 Now in terms of economically viable mechanism, I make no comment until we have received PIN and had an opportunity to consider; but in terms of possibility, those are the possibilities.

1065 And dare I say, Mr Speaker, just for the sake of the record, if we are talking about possibilities, as I was saying earlier, I understand that there is natural gas under the dockyard and therefore it could also be sourced in Gibraltar, but obviously the Government is not looking at fracking in the area of the South District.

Hon. J J Netto: Mr Speaker, could I ask either the Minister or the Chief Minister as to when is it expected that this particular notice will terminate, in order so that the Government could then assess the different bits being supplied to the Government?

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Hon. S E Linares: Mr Speaker, the Priority Information Notice is to do with... I think it has got to be by a certain date, 30, 50 days which they give companies to apply in and then after that date they just put in an interest, so it does not need to be all specific details on how and where it is coming from or whatever.

1075 What they do is they say, ‘Hold on, I can bring you gas. I will put my name down’, and then the process from then starts. So it is not... Like the Hon. the Chief Minister has just said, this is like an information notice, let us see out there who can bring gas. Then on the basis of who and how we are going to bring it, there could well be a tender process after that. There could well be.

1080 **Hon. J J Netto:** It does not follow then that there will be a tender process. In other words, if the bids by a number of suppliers provide something which is attractive to the Government in terms of the service, in terms of the cost, etc, does it mean that the Government can then award a particular contractor on the basis of that information?

1085 **Hon. Chief Minister:** Mr Speaker, to a great extent, the PINs are in the air now because the power station is not yet selected. So many will be saying, 'Well, we could offer this type, or this type of contract', but of course until we know what you are going to select, we are not able to firm up what we are going to offer you. Electricity is an area where European rules give an element of leeway to Governments, not to go to tenders, even if the usual EU thresholds are met. But a competitor process is one that usually produces a better result in terms of pricing. So if you go to competition, even if you do not have to go to competition, you may get a better price, unless what you are offered directly is so attractive that you wish to take it, and you are within the leeways that are allowed by EU rules, given that this is for the purposes of generating electricity.

1090 And there are a lot of permutations here, so it is not impossible to see that somebody could put a hugely attractive offer but there are many considerations when making a choice in relation to gas, not just price and there is also the possibility if not necessarily the requirement, subject to advice on EU law, of wanting to or having to go to tender. So it is not an area which is as straightforward as others, where you simply say, 'Well, the contract is going to award us so much.' You have got to go to tender.

HEALTH AND THE ENVIRONMENT

Q259-261/2014

Conservation areas – Clearance of vegetation; importation of Partridges

Acting Clerk: Question 259, the Hon. J J Netto.

1100 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please provide a statement to Parliament stating all the areas both in the Upper Rock Nature Reserve, and in all designated European Special Areas of conservations in Gibraltar which, since December 2011, have been subjected to clearance of vegetation, shrubs and bushes which are endemic in this region, providing the dates and places throughout?

1105 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 260 and 261.

1110 **Acting Clerk:** Question 260, the Hon. J J Netto.

1115 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state whether all areas subjected to clearance of vegetation, shrubs and bushes, since December 2011 were, prior to such clearance, the object of an assessment as to the environmental impact such exercise would cause and if so, will the Hon. Minister provide Parliament with all relevant reports?

Acting Clerk: Question 261, the Hon. J J Netto.

1120 **Hon. J J Netto:** Can the Minister for the Environment please provide Parliament with all relevant environmental reports in relation to the designated area for the incoming importation of Partridges from Morocco?

1125 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Hon. Dr J E Cortes: Mr Speaker, no areas containing endemic species have been cleared.

The 2005 Upper Rock Nature Reserve Management and Action Plan, together with the 2006 Biodiversity Action Plan, accurately mapped and assessed the vegetation of the Upper Rock and other sites of European importance in Gibraltar.

1130 These reports, which were not heeded by the former Administration, made recommendations for the management of different habitats which included among other measures that are currently being implemented, some clearing and thinning of habitats dominated by maquis. The objectives of clearing areas of maquis are to improve floral diversity and also to provide more open spaces for species such as the Barbary Macaque, the Barbary Partridge and the European Rabbit. The clearance of maquis has been a gradual exercise. It should be noted that maquis habitat is not endemic to the region and therefore there has
1135 been no removal of endemic habitats in Gibraltar.

To date, clearances carried out after December 2011 have been done so in close consultation with local botanical experts who have carefully assessed the ecological condition of each site prior to any clearance works. All of the cleared areas are potential sites for the release of imported Barbary Partridge, although no
1140 specific sites have been designated for this purpose to date.

Sites where habitat clearance activities have taken place include Lower and Upper Queen's Road, Governor's Lookout, Bruce's Farm, including the fire break, Jacob's Ladder, the City under Siege area, Hayes Level and Windmill Hill.

1145 **Hon. J J Netto:** I am grateful, Mr Speaker, to the Hon. Minister. I think he said that he had consulted, or at least the Department had consulted with experts in the Botanical Gardens, but can I ask him whether this discussion has also taken place in the Nature Conservancy Council as well?

Hon. Dr J E Cortes: Mr Speaker, I said botanical experts; I did not say the Botanical Gardens. All matters in relation to vegetation and the management of natural areas are discussed with the Nature
1150 Conservancy Council, either at formal meetings in formal discussions, or in exchange of correspondence, and that includes this, yes.

Q262/2014
Commonwealth Park –
Costs of creation

Acting Clerk: Question 262, the Hon. J J Netto.

1155 **Hon. J J Netto:** Mr Speaker, can the Minister for Environment state what is the current cost of expenditure for the creation of the Commonwealth Park and what will be the expected cost once the park is finished?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1160 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the expenditure at Commonwealth Park will, as we have heard before, be made public on completion of the project.

Hon. J J Netto: Is there any particular reason why the Government cannot give what is the actual cost now. Is it a particular administrative problem in being able to ask the officials say, 'Well, so far, on the date
1165 of today, we have spent so much money'? Is that a problem?

Hon. Dr J E Cortes: Mr Speaker, the issue has been discussed *ad nauseam* in previous meetings of Parliament. I have nothing further to add to the various explanations that were given by the Chief Minister
1170 at the time.

Hon. S M Figueras: Mr Speaker, what has been discussed *ad nauseam* in this House was the hon. Member's refusal to provide us with estimates and not ongoing cost. You see, a few months ago, I asked a question in this House in relation to ongoing costs as at the date of that particular question and I had the
1175 answer given to me.

A couple of months ago I asked a written question because I was not going to be present in the House and the question was further to the original one, what the ongoing costs were as at that date. It was a written question and I had no opportunity to pose a supplementary, but the hon. Member's reply was, 'We will give you all the figures at the end of the process.'

1180 So that is what has been discussed *ad nauseam* – the estimates, not the ongoing costs. There is not, to our minds certainly, any valid reason why the Government cannot provide us with an ongoing tally of the costs being incurred. The only reason we suspect is because they are quite embarrassed how expensive it is going to turn out.

1185 However, that being the case, could the hon. Member please tell this House, why it is, because we have not visited this point yet, why it is that he is not giving us a current tally of the costs of Commonwealth Park?

Hon. Dr J E Cortes: Mr Speaker, I think the two different aspects are actually quite closely related and I think they were discussed at the time.

1190 The information that was given was that in fact, the question related to estimates – I am using my memory now, but the information given was that the costs would be given at the time of completion of the project. At the time of completion of the project they could no longer be estimates. So I think that the two subjects are related.

1195 There is no embarrassment, Mr Speaker, as to the costs of this marvellous project and there will be no embarrassment once the costs are revealed. There are aspects which include the amount of funds that would be provided by a number of bodies which are not Government bodies, which will have a bearing on the final costs and that has not as yet been determined.

1200 **Hon. S M Figueras:** With respect to the Hon. Minister, my recollection tells me that we had the debate in relation to... the discussion rather, in Question Time, in relation to the estimates and the hon. Member's position was that they would not provide us with any estimates.

The month following that, I asked about the ongoing costs and received an answer, Mr Speaker. It was only in a subsequent written question, in a subsequent session, that I was then told that I would be given all the costs at the end of the process. They are two distinct issues.

1205 In relation to the ongoing costs, I acknowledge and recognise that there will be contributions from third parties to the cost of the park, but with respect I suspect my hon. Friend, Mr Netto has asked in the original question is for the ongoing cost of producing the park, not the ongoing cost to the taxpayer once we deduct whatever contributions these third parties may make. Now on that basis, can the Hon. Minister for the Environment tell us what the current cost so far of this project is?

1210

Hon. Dr J E Cortes: Mr Speaker, the expenditure of Commonwealth Park will be made public on completion of the project.

1215 **Hon. J J Netto:** Can I just ask one more question? Does the Hon. Minister not recognise that what the Opposition is asking is something which can very reasonably be provided by the administration of his Department, if he were to allow them to answer the question?

1220 In other words, you are only not providing us because it is a political decision that you do not want Parliament or the Opposition to know what the current cost is. But it is not on the basis that the administration department cannot produce the figure, because they can. It is just that the Minister has politically told them 'We will not inform the Opposition of what the current cost is.' Is that not true?

1225 **Hon. Dr J E Cortes:** Mr Speaker, clearly if a project is ongoing, the civil servants have figures available. I am not denying that, Mr Speaker, what I am saying is that I am not... What I said in my original answer, the costs will be made public on completion of the project and perhaps at that time, the people who will be embarrassed for having asked so repeatedly will in fact be the Opposition and not the Government.

A Member: Hear, hear.

Mr Speaker: Next question.

Q263-264/2014
New Harbour Views Bathing Pavilion –
Water quality

1230 **Acting Clerk:** Question 263, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the quality of the water around the new Harbour Views Bathing Pavilion to be constructed is adequate for bathing and if not, why not?

1235

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I would have said in jest, not right now because it is probably too cold, but I will refrain from that.

1240 I will answer this question together with Question 264.

Acting Clerk: Question 264, the Hon. J J Netto.

1245 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the water around the new Harbour Views Bathing Pavilion to be constructed meets the quality Mandatory Values as set out by the Environment (Quality of Bathing Water) Regulations 2009?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1250 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Environmental Agency has been monitoring the bathing water quality around the proposed Harbour Views Bathing Pavilion since January 2012. The water has been found adequate for bathing under the Public Health (Quality of Bathing Water) Rules 1992 and the Environment (Quality of Bathing Water) Regulations.

1255 The bathing water quality meets both the mandatory and the stricter guide values cited under the Public Health (Quality of Bathing Water) Rules 1992 and the Annexe of Directive 76/160 concerning the quality of bathing water.

1260 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister confirm whether it is right for us to assume that the waters have complied with all that list of requirements consistently and without fail, for the whole period during which they have been under survey?

Hon. Dr J E Cortes: Mr Speaker, I have no information to the contrary. The information that has been provided to me is that they meet the conditions of the Directive and of local legislation, so I have no reason to doubt that at all.

1265 And we have been monitoring since January 2012 predicting the Government's intention of making it a bathing area, so that we had the information before we committed to so doing. We have been monitoring for two years and we would not have gone down that avenue – it would have been irresponsible for us to go down that avenue – if the water had not been of the correct quality, and therefore we have been monitoring for two years before we opened the bathing pavilion.

1270

Hon. J J Netto: Mr Speaker, could I ask the Hon. Minister a question, because what I understood from him was that the mandatory values have been met under the conditions of the European Directive. Now, my understanding is that the mandatory values as set out by the Directive have changed very recently, probably in the last couple of months, and could I therefore ask the Minister whether, when he said that we have met the mandatory values, he is speaking in relation to the existing one as seen in our legislation here in Gibraltar, or is he saying the new European mandatory values which perhaps may not have been incorporated within our own local legislation?

1275

Hon. Dr J E Cortes: Yes, Mr Speaker.

1280 The present waters meet the current regulations which are based on the European Directive and meet both the mandatory and the guide, so they meet both, they tick both boxes. But we have analysed that in relation to how the regulations are going to change for next year, for 2015 and using the figures that we have, they would qualify as 'good', and therefore they do meet the future requirements of the European legislation.

**Q265/2014
Trees in Gibraltar –
Number cut or uprooted since December 2011**

1285 **Acting Clerk:** Question 265, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the number of trees cut or uprooted throughout Gibraltar since December 2011 on a monthly basis, stating both the place and the type of trees?

1290

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, other than dead trees, mainly palms affected by the red palm weevil and trees replaced due, for example, to danger caused, a total of 16 trees have been removed. All were properly assessed by experts prior to removal.

1295 During the same period, a total of 303 trees have been planted, not including approximately 140 at Commonwealth Park, making a total of approximately 443 trees planted since December 2011. This represents a net gain, excluding palm trees, of 427 more trees in Gibraltar since December 2011.

Details are provided in the schedule which I now hand over. *(Applause and banging on desks)*

1300 Mr Speaker, the schedule provides I think quite a lot of information which I am sure the Members opposite will find of interest. It lists those trees and it gives a reason for which they have been removed, be they dead or be they had been vandalised, another one was dangerous and so on. So I think it gives quite a lot of information which I am sure the Members opposite will find interesting.

Answer to Question 265

This list of cut and uprooted trees has been compiled from work carried out on behalf of the Department of the Environment from December 2011 onwards.

DATE	LOCATION AND TYPE OF TREE(S)	Column1	Column2	Column3
Jan-12	Removal of Eucalyptus Tree at Governors Parade			
Jan-12	Removal of dead Palm Tree adjacent to Admiral's Place entrance gate			
Feb-12	Removal of dead Palm Tree at 12 Scud Hill			
Mar-12	Removal of dead Palm Tree at Bruces Farm			
Apr-12	Removal of dead Palm Tree at Youth Club (What Club?)			
Feb-13	Palm Tree in planter next to No6 Guard House felled by MOD due to infestation of the Red Palm Weevil			
Mar-13	Schinus molle damaged by Vehicle was uprooted and replaced by tree of same species			
Mar-13	Citrus aurantiacum which was vandalized at Main Street was uprooted and replaced by a tree of the same species			
Mar-13	2 Platanus orientalis lost through fungus at Main Street were removed and replaced by trees of the same species			
Mar-13	9 dead Cupressocyparis leylandi at Glacis Estate removed and replaced by trees of the same species			
Mar-13	3 Metrosideros broken by a storm at Eastern Beach were replaced by trees of the same species			
Apr-13	8 dead Canary Palms felled within The Mount gardens			
Apr-13	Dead Canary Palm felled at Paradise Ramp			
Apr-13	Dead Canary Palm felled at Transport Lane			
May-13	Dead Canary Palm felled at Mother Goose Nursery, Queensway Rd			
May-13	Lagunaria in St Paul's School internal patio felled			
Jun-13	Eucalyptus Tree at Landport Ditch felled due to danger of collapsing			
Jul-13	Felling of 2 dead Canary Palms at The Mount			
Sep-13	Removal of 10 small infected Canary Palms at Waterport Terraces promenade which were replaced by shrubs			
Sep-13	Olive tree at The Mount felled as found hazardous. Semi mature Quercus planted			
Oct-13	4 dead Robinia Trees in green area adjacent to Harrington Building removed. 4 Quercus planted			
Nov-13	damaged citrus aurantium at Main Street removed and replaced with same species			
Dec-13	Dead Canary Palm at Central Hall parking area removed			
Feb-14	2 Ceiba speciosa and 1 Arecastrum Palm removed from GASA planter and replanted at Mid Harbours Estate due to works			
Feb-14	2 dead Canary Palms at Sacred Heart School removed			
Feb-14	4 Yuccas, 4 Pepper trees, 1 Ficus Elastica removed at the Coach Park			
Jan/Feb-14	4 pepper trees at No 6 Convent Place felled			

1305 **Mr Speaker:** I suggest we go on with the next question and we will come back to the schedule if the hon. Member feels it necessary?

Hon. J J Netto: May I ask a question?

1310 **Mr Speaker:** Yes, by all means.

1315 **Hon. J J Netto:** Notwithstanding obviously that I look forward to look at the schedule which will certainly be of interest to me, can I ask in relation to the 16 trees removed, without necessarily looking at the schedule, do those include the ones cut in Jacob's Ladder?

1320 **Hon. Dr J E Cortes:** No, Mr Speaker, we cannot confuse the removal of trees in urban areas for which there is a process which is now enshrined in the Environmental Protection (Trees) Act, which we passed at the last sitting of Parliament, **(A Member: Hear, hear.)** *(Banging on desks)* and the clearing of vegetation as legitimate management, in order to improve biodiversity.

The fact is that there was no clear distinction between the two formerly, but not being happy with that, this is why the Environmental Protection (Trees) Act now provides for removal of trees within the Nature Reserve and within the Botanic Gardens, provided it is done with the authority of the Government which is an authority that has been vested with the managers of those areas.

1325 Therefore, it is a completely different principle: one thing is specific trees in a largely urban setting and the other one is the management of vegetation which, sadly, because of the lack of management in years gone by, the vegetation of Gibraltar has developed into very thick *matorral* or maquis which has led to the drop in population which so concerns the Members opposite of the Barbary Partridge – so concerns them now, so I am sure that they are very pleased that we have been able to separate the two so that the

1330 management of urban trees in one setting is determined by one set of rules and the management of habitat, so we can improve it for nature, as I know they will welcome, is in another set of rules.

So it does not include those because it is not relevant, Mr Speaker.

1335 **Hon. J J Netto:** Mr Speaker, going back to my question, my question does not separate urban or rural. My question says 'in Gibraltar'. In other words, can I therefore ask whether the actual information answers the question or is he drawing an inference which is not drawn from by the original question?

1340 **Hon. Dr J E Cortes:** No, Mr Speaker, I am sorry, the Member opposite does not seem to understand the basic principles that I am referring to. If you are managing a wild site in a nature reserve anywhere in the world and you have an onset of scrub vegetation which are not generally trees of a large size, they could be but we are talking about shrubs, and you remove them as part of management, you do not go round counting how many shrubs or small trees you have removed, because you have (a) the scientific basis to do it; (b) the permission to do it and therefore you are actually treating it as one whole area of habitat.

1345 The implication in what the Member opposite is saying is that somehow the Department of the Environment has done wrong in clearing vegetation in order to improve the habitat for the Barbary Partridge. That is the implication in what he is saying.

1350 **Hon. D A Feetham:** Mr Speaker, may I read the question to the hon. Gentleman because it is not the question. He said, the question is: 'Can the Minister state the number of trees cut or uprooted throughout Gibraltar since December 2011?' That is the question. You have gone off at a tangent in relation to the Upper Rock and shrubs and shrubbery and what not, but that is not the question. Now, does he have the information to answer that question?

1355 **Hon. Dr J E Cortes:** Mr Speaker, I am sorry, the Opposition is showing – and if this word is one I cannot use in Parliament, put it down to my relative inexperience, although I have already sat in Parliament many more times than if I had been in four terms in another Administration – (**Several Members:** Hear, hear.) (*Banging on desks*)

1360 What the Opposition is demonstrating is an absolute ignorance, I do not know whether I can use that term, of the principles of managing natural habitat. If you clear an area of maquis, you do not go round counting how many constituent trees or shrubs and decide whether if it is this high, (*Interjection*) whether it is a shrub and that high, whether it is a tree. You do not do that. Mr Speaker, you cannot tell! You cannot tell! You cannot tell (*Interjection*) how many shrubs there are in an area of *matorral* – Mr Speaker – (*Interjection*) No, sorry, Mr Speaker, the natural progression, the logical progression (*Interjection*) – of the Members opposite – I am not giving way, Mr Speaker –

1365

Mr Speaker: Yes, will the Hon. Minister –

Hon. D A Feetham: A point or order.

1370 **Mr Speaker:** Now, what is the Standing Order that you are referring to?

Hon. D A Feetham: Mr Speaker, I am referring to the Standing Order that says that Government Ministers ought to answer the question that is asked, not a different question. Now that must be within the rules of Parliament – otherwise, Mr Speaker, there would not be any point in questions and answers.

1375 The question relates to – and there may be a confusion here, it does not relate to shrubbery, it does not relate to management of the Upper Rock, or anything of the sort. Look, the question is very clear, 'Can the Minister state the number of trees cut or uprooted throughout Gibraltar, since December 2011, on a monthly basis, stating the place and type of trees?'

1380 **Mr Speaker:** You have got the schedule: the information is contained in the schedule. (**Hon. J J Netto:** No –) It is not in the schedule?

Hon. J J Netto: No, Mr Speaker, I have asked. (*Interjections*) I asked the Hon. Minister in a supplementary question –

1385

Mr Speaker: One at a time –

Hon. J J Netto: Sorry?

1390 **Mr Speaker:** The Minister had the floor when –

1395 **Hon. Dr J E Cortes:** Mr Speaker, on the Point of Order, the question has been answered. The Opposition has not understood the answer or my explanation given in regard to the supplementary (*Interjection*) and by pressing that point, all they are showing is their absolute lack of knowledge on the management of natural habitats and I am absolutely, absolutely scared, just to realise that there are people who were Ministers of the Environment, who do not understand the basic difference between urban trees and the criteria one uses to manage urban trees, which is the answer I have given and the management of habitat, an area of vegetation where you do not go round counting the number of trees deciding whether one is a tree or a shrub because it is a bit bigger or a bit wider.

1400 Mr Speaker, if you were to take what they are saying to the logical extent, you would require, before you cleared any area for their now beloved Barbary Partridge, to go round counting every single shrub or tree, determining whether it was this high, this high or that high, is this a tree or not a tree, well, by the time you get that done, those alleged seven Barbary Partridges, which clearly there are more, would be gone, done and dusted.

1405 Mr Speaker, it is a ridiculous line of argument, absolutely ridiculous with no scientific basis and it is terrifying to see the calibre of environmental knowledge the Opposition has. (*Banging on desks*)

Mr Speaker: The Hon. Mr Netto. (*Interjections*) The Hon. Mr Netto had the floor and he wanted to ask a supplementary – may I?

1410 **Hon. J J Netto:** Mr Speaker, I will allow the hon. –

Mr Speaker: Very well.

Hon. Sir P R Caruana: Mr Speaker, I wonder if the Hon. Minister will just humour me for a while.

1415 I have no difficulty, there is no need for him to accuse me of being ignorant about the management of urban and that, because I plead, I admit it openly it is not something that I have ever dedicated myself to.

1420 But does the hon. Member not accept from me that – the question was ‘the number of trees that have been cut down in Gibraltar’ – somebody might be interested in knowing that, regardless of the fact that he was completely ignorant about the difference between the criteria that should properly be applied in chopping down trees in an urban environment and the quite different criteria which he is now alluding to, that would inform exactly the same practice in the management of the environmental vegetation, the flora in the upper town ridge? I have no difficulty accepting that.

1425 All of this, it seems to me, if the hon. Member does not mind me asking him, derives from the fact that the supplementary that my learned friend Mr Netto asked him was, given that the distinction that he was pointing out to the House about the difference in criteria – which I have no doubt is very sensible – between the criteria to be applied in chopping down a tree in Main Street or even in the back yard of No. 6 Convent Place, and the criteria to be applied in chopping down a tree in the Upper Rock, whether in giving a list of the trees that had been cut down in Gibraltar, which is set out in the schedule, that includes trees both in the Upper Town in the urban environment and in the non-urban environment, regardless of the fact that both those things may well be driven by different criteria.

1430 The answer is no, the trees in the Upper Rock are not included there because they are driven by another criteria, or yes despite the fact that they are driven by another criteria, the list does contain the Upper Rock. I mean, it is evident from the list that there are no trees in the Upper Rock, they are all in the urban environment, but of course that still leaves open the possibility that no trees may have been cut in the Upper Rock.

1440 **Hon. Dr J E Cortes:** I am grateful to the hon. Member for those comments and in fact for referring to those rotten trees in No. 6 which he will recall he had made several requests during his time as Chief Minister to have them removed and they were only removed very recently. So thank you for giving me that opportunity to point that out.

The trees within the nature reserve are not specifically counted because it is very hard to determine whether we are talking about trees or shrubs and it is not relevant whether they are or not.

1445 **Hon. Sir P R Caruana:** So, that is clear now then. There may be trees that have been cut down, there may or may not be trees that have been cut down in the Upper Rock, but they are not counted in this list, or anywhere else, because they are difficult to distinguish from shrubs.

Hon. Dr J E Cortes: And Mr Speaker, the argument is not relevant in the context that a tree in an urban area is.

1450 **Mr Speaker:** Next question.

Q266-269/2014

Barbary Macaques –

Number confined prior to export; number of packs; noise makers

Acting Clerk: Question 266, the Hon. J J Netto.

1455 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many Barbary Macaques have now been held in confinement prior to being exported to another country?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1460 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 267, 268 and 269.

Acting Clerk: Question 267, the Hon. J J Netto.

1465 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which country will receive the Barbary Macaques which are being held in confinement and when this is scheduled to happen?

Acting Clerk: Question 268, the Hon. J J Netto.

1470 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many packs of Barbary Macaque exist at the moment, stating the numbers per pack and location of their habitats?

Acting Clerk: Question 269, the Hon. J J Netto.

1475 **Hon. J J Netto:** Mr Speaker, can the Hon. the Minister for the Environment provide a definitive answer in relation to the noise makers bought in Spain, for the purpose of frightening the Barbary Macaques up to the Nature Reserve, as to whether they abide by European Legislation?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1480 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no Barbary Macaques are being held in confinement for purposes of exportation. There is an agreement with the receiving organisation that their identity will not be revealed until the receiving facilities are completed. A date has not yet been set.

Details with reference to Question 268 are provided in the schedule that I now hand over.

1485 Approximate numbers are given in the schedule provided. These are now being reviewed on a continuous basis, in order to obtain more accurate figures. It is always difficult to estimate the population of wild animals, especially when they frequent inaccessible areas, so that there is a margin of error which may be – and I am not committing to this number exactly – 25.

1490 Additional human resources now mean that more accurate figures will be collected in the future. It is planned to have the first full census in many years, this summer with the support of researchers from Notre Dame University.

1495 Regarding the fire crackers, I wrote to the hon. Member opposite on 18th February 2014 on this matter. The suppliers have informed the Department of the Environment that the noise makers which were bought from an authorised pyrotechnic vendor conform to EU standards and, as I explained in the letter, we are seeking independent verification.

ANSWER TO QUESTION 269

Answer to Question 268

There are five source groups of Barbary Macaques some of which are subdivided with more or less contact with the original site.

Approx Number of Barbary Macaques in each pack	Locations
1. 35	1 Royal Anglian Way – St Michaels, Jew's Gate, Mount Area, Loreto School, Short Horn, Europa Advance.
2. 67	2 Prince Philip's Arch, Cable Car.
3. 54	3 Middle Hill, MOD Rock Gun area, Galleries, Caleta village, Devils Tower Road, Laguna Estate, the jungle, Casemates, Emil's Hostel, Line Wall Road, Regal House, Turnbull's Lane & Moorish Castle Estate.
4. 35	4 Apes' Den, Devil's Gap, Trafalgar & Southern Main Street.
5. 12	5 Farringdon's, Tower of Homage & Moorish Castle.

1500 **Hon. J J Netto:** Mr Speaker, in relation to the first answer provided by the Hon. Minister, Question 265... No, sorry, I beg your pardon Question 266, perhaps the word 'confinement' may have led the Minister to respond in his answer to say there is no confinement. Now I understood from this particular issue, from a statement made by the Hon. Minister in the past in Parliament, that a group of Macaques were going to be sort of placed in some kind of... I do not know, caged or words to that effect, so perhaps the word 'confined' may have... the use of that word may have drafted an answer. So perhaps if he could explain to the House whether there is in fact some particular Macaques who are already in cages or whatever.

1510 **Hon. Dr J E Cortes:** No Mr Speaker, I took it in the spirit that it was meant and I have answered without hiding anything. There are no Macaques that are currently being held in any way in captivity which are due to go to an external location. We have to start doing it with enough time before the exportation, but not with too much time, so we are still playing with exact dates. But at the moment, there are none in captivity for that purpose.

1515 **Hon. J J Netto:** Mr Speaker, in terms of exportation, I know the Minister does not want to get into the details of the particular country, that is fine we can leave it to one side, but can I ask the Hon. Minister whether the agreement that surely the Department will be signing on with the relevant authorities in that particular country, does it take it so far as to having a settlement programme for the Macaques in that particular country long after the leaving of the Macaques in that particular region?

1520 **Hon. Dr J E Cortes:** The Macaques will pass into the responsibility of the receiving organisation once they are handed over on their home ground, but members of the Department of the Environment will be travelling to the site both before and after, in order to ensure that all is well.

1525 **Hon. J J Netto:** Mr Speaker, moving on to the last answer provided by the Hon. Minister, which is Question 269, it is correct that he did write to me to state that the supplier of the fire crackers have stated that they do conform to the EU legislation. However, as he rightly pointed out now, the Department is seeking independent verification. Is that independent verification based on advice from the AG's Chamber?

1530 **Hon. Dr J E Cortes:** Mr Speaker, we are seeking legal advice to ensure that the noise makers, as specified by the supplier, do in fact conform with our initial information which I gave when I was asked previously was that it did but the question was raised and we sought more details from the supplier, and we are now seeking independent legal verification that it is correct.

In the meantime Mr Speaker, we are not currently using those noise makers.

1535 **Hon. J J Netto:** Would it be possible... Can I ask the Minister, will it be possible to share that information with the Opposition?

Hon. Dr J E Cortes: Mr Speaker, I have no problem whatsoever with that.

1540 **Hon. E J Reyes:** May I, Mr Speaker, ask the Minister – he might be able to enlighten me – in the schedule he has given in respect of the answer to Question 268, I have been trying to see... I declare a vested interest, Mr Speaker, I have had very close family members being personally attacked by the Macaques along Gardener's Road, especially when it comes to my granddaughters who have had the shock of their lives, having had simple items they were carrying in their hands and so on, snatched out of them. I
1545 am trying to find out from this schedule where those apes, or those Macaques probably come from and I am divided whether they pertain to those under number 1, because it seems they could either come down from the Shorthorn area or are they those from number 4, the Trafalgar and Southern End, because the Rock Hotel and Gardiner's Road is a well-known area for these Macaques, especially, they have got some young ones now and at times it is quite scary. I have personally been sat in that car for over half an hour, trying to
1550 see if they will go away and without much assistance from the authorities when I have tried to contact someone to help me get home with my granddaughters.

Hon. Dr J E Cortes: Mr Speaker, I am grateful for the opportunity once again being given to me by the Opposition and I know that the hon. Member opposite has a long history of being accosted by Macaques, because I remember he used to call me years ago when he was accessing his office in the Ministry for
1555 Culture, telling me that there were monkeys there and this was well before I ever even dreamt of becoming a Minister, so clearly it is a long-standing problem. I remember clearly.

I am glad to say that we have now put more resources and that we now have more people on the ground to be able to respond to calls. We have an extra five people dedicated full-time to tracking the Macaques
1560 and to keeping them away from urban areas. We are trying hard.

But to answer the actual supplementary, the group that he is referring to, obviously we have not put in every single sheet but they are number four. They are the ones from Apes' Den who, on their way to Trafalgar and Southern Main Street, would chance by Gardiner's Road.

1565 **Hon. J J Netto:** Mr Speaker, if I may ask one final supplementary question in relation to the schedule, to the answer to Question 268. According to the information here, we have five packs and then we have the approximate numbers within each particular pack. Are we saying that those are the only existing packs?

Hon. Dr J E Cortes: Mr Speaker, as I explained in the two lines above the schedule, there are five source groups, some of which are sub-divided with more or less contact with the original site. When you have a group of Macaques and they are starting to fission you get certain smaller sub-groups normally led by an adult female, who starts to move away and will come back to the source group with more or less
1570 frequency.

Therefore for example, if I can use the example of the number four, the Apes' Den group, where you can have numbers, the source group is still the Apes' Den, but if you get a group that is frequenting the Trafalgar Cemetery and there is plenty of food in that area, then they might not go back every day and eventually, they will lose a link and then they will become a different group, for want of a better word.
1575

So there are five source groups which feed these different areas. This is different from what happens for example in the Laguna and Caleta area, in that it is one group that is moving around and we know that from GPS tracking. So there are five source groups, from them there will be sub-groups that will use different areas with more or less frequency.
1580

But the thing is, that this is a dynamic thing and it keeps on changing all the time, so if I say, five plus three is eight, then tomorrow or the day after, there might be seven or there might be nine and it really depends. In nature it is always in a state of flux.

1585 So it is more accurate to refer to the source groups which they all originated from. Many years ago there were two, but if I go into the history, I would keep you here forever.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment confirm or deny the story which seems to have gone on in Facebook in the last couple of days, where Macaques have been culled by the usage of a BB gun?
1590

Hon. Dr J E Cortes: Mr Speaker, clearly not a legitimate supplementary. We can talk about monkeys, we can then talk about biodiversity and next time I tell you I will bring a power point presentation because I am sure we would all enjoy, but I can deny, there are no Macaques that have been shot by BB guns.

1595 Absolutely not. Well, Mr Speaker, certainly not legally by the Government – (*Laughter*) Other people, you know, I cannot respond. (*Laughter*)

Mr Speaker: Next question.

Q270/2014

**Gibraltar Nature Conservancy Council –
Legal advice re request for minutes**

Acting Clerk: Question 270, the Hon. J J Netto.

1600

Hon. J J Netto: Mr Speaker, further to the answer to Written Question 91/2013, can the Government provide an answer in the terms set out by the Hon. Speaker in line 980 of the Question 460/2013 which states:

‘They will provide the basis of what the legal advice is, but the actual legal advice cannot be made available, it is a confidential document.’,

as this is not provided in answer to Written Question 91/2013?

1605

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the basis of the legal advice is that the request involved the disclosure of internal communications, which is one of the conditions by which such information may be withheld.

1610

Hon. J J Netto: Mr Speaker, I was not asking for the actual report itself. Could I ask who provided such a report to the Minister?

1615

Hon. Dr J E Cortes: Mr Speaker, the Government’s legal advisers.

Hon. J J Netto: The AG’s Chamber, no?

1620

Hon. Dr J E Cortes: I am not going to name the individual concerned, but it was within the Government’s legal advisers.

Q271/2014

**Cancer nurses –
Administrative support**

Acting Clerk: Question 271, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise if the Cancer Nurse specialists are receiving their own administrative support and if not, when will this happen?

1625

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, when this service was introduced, no provision was made for administrative support. However, administrative support is now provided from nurse management’s administrative pool.

1630

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is this the same administrative support that was in place a year and a half ago?

1635

Hon. Dr J E Cortes: Mr Speaker, I cannot answer that question. I know that there is... The information provided to me by the relevant members of staff is that there is administrative support provided from the nursing pool. Whether it has been in place for a year and a half more or less, I would need to go back and

1640 find out. What I do know is that if there are any particular pressures, then as it is a pooled resource, then the support can be increased in number of hours and so on, but I do not really have the information tuned so finely.

1645 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the reason I ask is because last year, about a year and a half ago I asked this same question because a concern was raised by the Director of Nursing at a GHA Board meeting and the answer the Hon. Minister gave at the time was that administrative support for the Cancer Nurse specialist is being considered in the context of the overall need to boost specialist services.

So I am just asking if that exercise has been completed and what has been the outcome and if, as a result, the need for more administrative support has been identified, as was raised by the Director for Nursing at the time.

1650 **Hon. Dr J E Cortes:** Mr Speaker, I thank the Member opposite for reminding me of that question. I did not recall now when she asked the supplementary. I can only assume and for me it is very gratifying to know that I say things in Parliament and then the staff take it on board and provide the things that I have done. So I can only assume then that it is as a result of that process but in any case, I will certainly find out, out of my own personal interest if nothing else.

1655 **Hon. Mrs I M Ellul-Hammond:** And just, finally Mr Speaker, would the Hon. Minister inform me if that is the case by e-mail?

1660 **Hon. Dr J E Cortes:** No problem, Mr Speaker. Perhaps the hon. Member may wish to remind me if she has not received it within a reasonable period of time.

Mr Speaker: Next question.

1665

**Q272/2014
Diabetes Strategy –
Implementation**

Acting Clerk: Question 272, the Hon. Mrs I M Ellul-Hammond.

1670 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what the new Diabetes Strategy is and when it will be fully implemented as laid out in the Government's manifesto?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1675 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Government has a GHA Team with key professionals developing the strategy. The work is currently ongoing.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say when a full-time diabetes consultant will be employed and whether he is considering free prescriptions for insulin and other diabetic equipment?

1680 **Hon. Dr J E Cortes:** Mr Speaker, all these will be considerations that will be included in the strategy that is being developed.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, so the Hon. Minister does not have a road map for this yet?

1685 **Hon. Dr J E Cortes:** No, Mr Speaker.

**Q273/2014
A&E Department –
New doctor**

Acting Clerk: Question 273, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the new doctor for the A&E Department will be employed and whether it will be a consultant or an NCHD?

1690

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the recruitment process is about to commence and that is imminent – it may even have commenced since this was drafted – for an Associate Specialist in A&E.

1695

Q274/2014

**St Bernard's Hospital –
Creating single-sex wards**

Acting Clerk: Question 274, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when will the wards at St Bernard's Hospital become male or female only, as per the Government's manifesto?

1700

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, this is planned but there is no date set yet.

1705

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say if this will happen after the new Elderly Care and Alzheimer/Dementia facilities are opened?

1710

Hon. Dr J E Cortes: Yes Mr Speaker, the joint use of wards by different sexes, although we try to manage it with cubicles and so on, is difficult with the kind of pressure that St Bernard's Hospital has been under for quite a number of years now.

As we roll out the facilities for the elderly elsewhere, this we are very hopeful will provide us with the ability to be able to divide the wards up as we propose to do. So I am looking forward to that happening so that we can actually take this additional step.

Q275/2014

**St Bernard's Hospital –
New Stroke Unit**

1715

Acting Clerk: Question 275 the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the Stroke Unit will be set up at St Bernard's Hospital, as per the Government's manifesto?

1720

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, once again a working group of key professionals has been set up and is looking at the commissioning of the Stroke Unit at St Bernard's Hospital.

1725

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in October of last year, the Minister said in Parliament that an expert in stroke management was visiting the GHA, in fact that very same month. Can the Minister say whether the timetable for the implementation of the Stroke Unit has been prepared as per the recommendations of this expert?

1730

Hon. Dr J E Cortes: Mr Speaker, the expert came and we are still in communication with him on a regular basis. He will be back, I think it is in June – it may be July, but I think it is in June – and in the meantime, the group is now looking at how the GHA can carry out his recommendations in advance of the

1735 next visit, which will include some training of the key professionals. So it is ongoing but we are moving along as recommended by this expert, yes.

Q276/2014
GHA Review –
Publication of document

Acting Clerk: Question 276, the Hon. Mrs I M Ellul-Hammond.

1740 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say, seeing that the new GHA management structure is in place, when the GHA Review document will be published?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1745 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the new GHA management structure is not fully in place, as a selection for some of the posts has not yet been completed. As I have stated before, the Review document will be published once the process is complete.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, once the new management structure process is complete, or are there any other issues that need to be tackled before it is published?

1750 **Hon. Dr J E Cortes:** The report requires a lot of aspects to be tackled, but the commitment I believe I gave to Parliament is once the management structure is complete and that is the intention.

1755 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when the management structure, the new management structure implementation, will be complete?

Hon. Dr J E Cortes: We expect this to be quite soon. There is one particular post whose filling has been delayed due to health matters in relation to one of the applicants and we are just hanging on a little bit more but this should not take very long now.

Q277/2014
Medical Advisory Committee –
Setting up

1760 **Acting Clerk:** Question 277, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the Medical Advisory Committee, as per the Medical (Gibraltar Health Authority) Act 1987, will be set up?

1765 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, this has already been set up. The first meeting was held some weeks ago and the terms of reference are being determined.

1770 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say who forms part of the Medical Advisory Committee? Are all the doctors eligible to form part of this?

1775 **Hon. Dr J E Cortes:** Yes Mr Speaker, all doctors and dentists employed by the Gibraltar Health Authority are eligible and in fact, will be members of the Medical Advisory Committee. They are getting together terms of reference and the constitution and getting their committee organised. But yes, it is open to membership to all medical and dental members of the GHA.

Q278/2014
GHA Annual Reports –
Publication for last three years

Acting Clerk: Question 278, the Hon. Mrs I M Ellul-Hammond.

1780 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the 2011-12, 2012-13 and the 2013-14 Annual Reports of the GHA will be published?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1785 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the annual report covering 2011 has already been published. A report covering the period 2012 to 2013 is at present being prepared and will be published in autumn 2014.

Mr Speaker: Next question.

Q279/2014
Personal chemotherapy infusions –
Removal by GHA health professionals

1790 **Acting Clerk:** Question 279 the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if personal chemotherapy infusions can be removed at the GHA by GHA health professionals, whether they are being removed by them, and if not, why not?

1795 **Acting Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the removal of personal chemotherapy infusions is not an established service. They have been removed on a few occasions when there has been a problem with the patient travelling back to Spain for this service.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Minister have plans to ensure that this does become an established service within the GHA?

1805 **Hon. Dr J E Cortes:** Mr Speaker, this has never been a service provided. It is normally provided by the clinic where the patient has the chemotherapy. We are looking at the possibility of bringing to Gibraltar a lot of the processes that are now done externally and this is one of the ones that is being considered as a possibility for the future.

Q280/2014
GHA statistical data –
Website updates

Acting Clerk: Question 280, the Hon. Mrs I M Ellul-Hammond.

1810 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why the GHA statistical data on the Government website has not been updated regularly and provide:

- 1815 (a) an update of document GHA 16 which has not been updated since June 2012;
(b) an update of document GHA 11 which has not been updated since October 2012;
(c) an update of documents GHA 1, 5, 6, 8, 14, 15, 25, 26, 27, 28, 29, 30 which have not been updated since June 2013;
(d) an update of document GHA 23 which has not been updated since July 2013;
(e) an update of documents GHA 12 and 13 which have not been updated since September 2013;
(f) an update of documents GHA 2, 3, 4, 9, 10, 18, 19, 21, 22, 24 which have not been updated since December 2013; and

1820 (g) why the figures for ‘Children placed on the GHA dental waiting list’, document GHA 17, is not available?

Acting Clerk: Answer, the Hon. the Minister for Health and the Environment.

1825 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the website had not been updated due to administrative delays. It is now up to date with the exception of the figures for children on the dental waiting list, as there is no longer a waiting list for this. The hon. Lady will no doubt wish to congratulate the Government for being able to maintain this.

1830 **Several Members:** Hear, hear. (*Banging on desks*)

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q281/2014

Care Agency independent review – Progress update

Acting Clerk: Question 281, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services update this House on progress of the Government’s manifesto commitment to conduct:

‘a complete and independent review of the workings of the Care Agency’?

1835 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, a review is ongoing. This is not a timed manifesto commitment and will be delivered during the course of this Parliament.

1840

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say which is the independent body that is conducting the review as highlighted in their manifesto commitment?

1845 **Hon. Miss S J Sacramento:** Mr Speaker, I have said that a review is ongoing; the independent review has not yet commenced. The way that we have decided to do it is first of all to review the service and then once that review is completed, we will undertake a further review independently.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain why a review of a review?

1850

Hon. Miss S J Sacramento: Okay, I shall explain, Mr Speaker.

When I first started, Mr Speaker, in the first week in my office, I sat down with the Head of Social Services and I suggested that we engage the services of an independent review in the UK. The answer, Mr Speaker, was, ‘Please, Minister, do not do that because it is so bad, *so bad*, that the morale of Social Services would be very low when the outcome of the independent review would be so disastrous.’

1855

That is the reason why we are doing it in a two-pronged manner, Mr Speaker. First of all, the reason, Mr Speaker, is because the people within Social Services know what was wrong with Social Services, and I am working very closely with the team leaders in each department, in order to bring it up to speed as it should be – as they think it should be, as they thought it should not be as it was before.

Mr Speaker, once that is complete, then we will go externally.

1860

Hon. Mrs I M Ellul-Hammond: So Mr Speaker, if Social Services was so wrong and a review is being conducted and it will be fixed, then what is the need for spending money on an independent external review?

1865

Hon. Miss S J Sacramento: Mr Speaker, it may be that at that stage an independent review is not necessary. Because it is a commitment, we will consider it at the appropriate time.

Chief Minister (Hon. F R Picardo): If we have done such an excellent job by then [*inaudible*].

1870 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and the key here is how closely I personally am working with each individual team leader of each team within Social Services.

Anyway, Mr Speaker, in any event, this is a manifesto commitment which is not timed and something which we still have another two years to do, but I am pleased to say of the progress that has been made in Social Services.

1875 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Minister says that there is a possibility that she will be going back on the manifesto commitment of an independent review.

1880 **Hon. Chief Minister:** Mr Speaker, the manifesto commitments that we are delivering on, whether in relation to Social Services or elsewhere, are in the view of this party exactly that: commitments. Something which I commend to Members opposite they should understand, because their record of observing the commitments that they entered into in their manifesto is not so great.

1885 Now what the Hon. Minister has said is that once we have done our own internal review, it may be that there is not such a great need for an independent review. But Mr Speaker, the Cabinet will very likely insist that there is an independent review, given that we have already got a manifesto commitment in that respect. Even if the independent review then simply tells us that our own audit and changes in the Care Agency now deliver a service that is at last fit for purpose.

1890 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, for the sake of clarification, who is conducting the internal review? Is it the Chief Secretary or is it the members of staff within Social Services?

Hon. Miss S J Sacramento: Mr Speaker, I fail to see why the Chief Secretary would have any involvement whatsoever with the Care Agency which is an independent statutory body. The internal review is undertaken internally by management.

1895

Q282/2014
Care Agency –
Plans for caseload database and paperless system

Acting Clerk: Question 282, the Hon. Mrs I M Ellul-Hammond.

1900 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when a database for caseloads and a paperless system will be introduced to the Care Agency?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1905 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, Social Services already has a database for caseloads and are not planning to introduce a paperless system.

Q283/2014
Care Agency –
Social worker caseloads

Acting Clerk: Question 283, the Hon. Mrs I M Ellul-Hammond.

1910 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what the present caseload per social worker is, broken down by Team – that is, Adult and the Children & Families?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1915 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the caseload is as follows: Children and Families Team – Senior Social Worker, 23 and by Social Workers it is as follows: 17, 13, 15, 13, 6, 23 and 25.

In the Adult Team, the Team Leader has 25, the Senior Social Worker 28 and the Social Workers have 16, 28, 30 and 34.

Q284, Q288, Q290, Q297/2014
Social workers –
Vacancies and recruitment

Acting Clerk: Question 284, the Hon. Mrs I M Ellul-Hammond.

1920 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many Care Agency vacancies there are for Social Workers, broken down by grade and Team (Adult and Children & Families) and say how such vacancies arose from the previous post-holders, be it through resignation, retirement or transfer?

1925 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, I will answer this together with Questions 285 to 288, 290 and 297.

1930 **Acting Clerk:** Question 285, the Hon. Mrs I M Ellul-Hammond.

1935 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacant Children and Families Team positions will be filled, where they will be recruited from, how much locum cover has already been paid since April 2013 and how much will this expenditure accrue for locum cover for social workers on a monthly basis, until outstanding vacancies are filled?

Acting Clerk: Question 286, the Hon. Mrs I M Ellul-Hammond.

1940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say, as quoted in the Government Press Release 84/2014, which is the dedicated recruitment agency the Care Agency has engaged, in order for it:

‘to work alongside the vacancies advertised locally’?

Acting Clerk: Question 287, the Hon. Mrs I M Ellul-Hammond.

1945 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if, when recruiting social workers from outside Gibraltar to fill any shortfall of skills in Gibraltar, the policy to live outside of Gibraltar will be relaxed?

Acting Clerk: Question 288, the Hon. Mrs I M Ellul-Hammond.

1950 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say whether the Residential Teacher Services is still on offer at Tangier Views and if not, when did this service stop and what has replaced it?

1955 **Acting Clerk:** Question 290, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say how many social workers are working in the Court Welfare Team?

1960 **Acting Clerk:** Question 297, the Hon. Mrs I M Ellul-Hammond.

1965 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what vetting and criminal records checks are made of supply and locum workers hired by the Care Agency from private care providers, who undertake temporary cover work for staff within the Care Agency, but who are not Gibraltarian and have lived or live outside of Gibraltar?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1970 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, there is currently one vacancy for the Team Leader for the Children and Families, a team which is being covered by substitution. The previous Team Leader resigned.

Additionally there is a vacancy for Team Leader in the Disability Service, but this position is under review since it has been identified that it does not necessarily need to be held by a social worker. This position is currently being covered by substitution and the previous Team Leader retired.

1975 There is also a vacancy for a new Social Worker that has been temporarily upgraded to Senior Social Worker, in order to carry out specific tasks in the Adult Team.

I can confirm that vacant Children and Families Team positions have already have been filled, save for the Team Leader post, which is being covered by substitution. These have been recruited through a UK-based recruitment company which specialises in social care professionals and qualified social workers, called Caritas Limited. Social Services does not use locum workers to undertake temporary cover.

1980 The requirement that social workers recruited from outside be required to live in Gibraltar was already relaxed by the previous administration, as many social workers lived in Spain prior to December 2011.

I can confirm that the post of teacher in Residential Services is a complement post, albeit the possibility of revising the position to make best use of this resource is being considered.

There is one social worker in the Court Welfare Team.

1985 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, and the response to Question 297, I believe that was asked.

1990 **Hon. Miss S J Sacramento:** Yes Mr Speaker, sorry. In relation to the first part, we do not use locum workers but in relation to supply staff that may be engaged, I can confirm that following vetting and criminal record checks are carried out for all private care providers who may undertake any temporary work in the Care Agency. What we do is we request a *Certificado Penal* if they come from Spain, or CRB or DBS checks in the UK or elsewhere.

1995 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to Question 290, the Hon. Minister said there was one social worker working in the Court Welfare Team. Is this enough to satisfy the Government's manifesto commitment of ensuring that the Social Services Court Team are sufficiently resourced to be able to work within the framework of the Children Act?

2000 **Hon. Miss S J Sacramento:** Mr Speaker, there are times when perhaps the overload of requests from court for Court Welfare Reports increase and it varies from time to time. In cases where we may perhaps get more referrals in a particular month, what we do is other social workers may assist the social worker who is currently working in the Court Welfare Team preparing those reports or there are circumstances where this is covered by overtime.

2005 But in any event, if at any particular circumstances, there would be a particular increase in caseload as a result of the Children Act and the requirement that came into the Children Act, then that would be dealt with accordingly.

2010 I remind the hon. Lady that the Children Act came into force in 2011 but there was no increase in complement in Social Services to be able to deal with this, but we have actually increased the complement of social workers in order to alleviate the statutory requirements within the Act.

2015 **Hon. Mrs I M Ellul-Hammond:** So the Minister is happy that – because I believe this person is employed on a part-time basis – that despite it having been introduced in 2011, that it is enough to cover this service. And, if I may as I am on my feet, we understand this person will be retiring soon: is someone already being trained to replace the person in this role?

2020 **Hon. Miss S J Sacramento:** First of all, Mr Speaker, while the person works part-time as I have just said, as and when necessary this person works full-time and at present she is working full-time. Now the fact that this person, whether this person is retiring or not is, Mr Speaker, quite frankly news to me. Clearly the hon. Lady has more information than I have. I do not know whether it is direct or whether this is speculation, (**A Member:** Or it is accurate.) or whether it is accurate at all, Mr Speaker. I certainly have had no indication and it surprises me, Mr Speaker, because I have quite a close working relationship with my staff and I do have regular management meetings with my staff and this has never been raised.

2025 Having said that, Mr Speaker, I am sure that if this were to be the case, it would be raised at the relevant time and if it were, then of course we would have planning progression in place, as we already do, which is something that we have very recently introduced in Social Services.

Mr Speaker: Next question.

2030 **Acting Clerk:** Question 289

Mr Speaker: Do you have a supplementary?

2035 **Hon. Mrs I M Ellul-Hammond:** Yes Mr Speaker, in relation to the teaching post at Tangier Views, how long has Tangier Views been without this teacher?

2040 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have that information before me but the person who previously held this post resigned but this post has been covered by another person within the Care Agency who did have a teaching qualification, so that person was acting in that post and in addition, we have been receiving a lot of assistance from the Department of Education, because we have had retired teachers assisting as well. So there has actually not been any impact since the person who was in this substantive post left.

2045 **Acting Clerk:** Question 289, the Hon. Mrs I M Ellul-Hammond.

Hon. Miss S J Sacramento: Mr Speaker, I am loathe to interrupt but I have just had a message from my staff, that I am told by management that the Court Welfare Officer has no intention of retiring. I just thought I would bring it to the attention of this House. (*Laughter and banging on desks*)
2050 Perhaps the hon. Lady should not listen to all the gossip that she hears and all the rumours. Perhaps that would be a more responsible way before she starts scaremongering.

Q289/2014
Care Agency –
Legal work

Acting Clerk: Question 289, the Hon. Mrs I M Ellul-Hammond.

2055 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I do not think it is scaremongering that I should raise concerns, very serious concerns that have been brought to me and issues that people want me to raise, as it is my duty to ask questions in this House. (*Interjection*)

Mr Speaker, can the Minister for Social Services say who is undertaking the legal work on behalf of the Care Agency, broken down by the firm and how much has been paid during this 2013-14 financial year so far?

2060 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the majority of the Care Agency's legal work is undertaken by the Attorney General's Chambers. However, there are occasions where external counsel is sought.

2065 Legal work on behalf of the Care Agency during 2013 and 2014 have been carried out as follows: Hassans £39,931.15; Stowe Family Law £13,691.25; and Isolas £1,500.

Q291/2014
Adoption and Fostering Service –
Review

Acting Clerk: Question 291, the Hon. Mrs I M Ellul-Hammond.

2070 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if the Adoption and Fostering Service will be reviewed and if so, when?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2075 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Adoption and Fostering Service is already under review.

Q292/2014
Child Protection Team –
Resourcing to protect vulnerable children

Acting Clerk: Question 292, the Hon. Mrs I M Ellul-Hammond.

2080 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when Government will be fulfilling its manifesto commitment to ensure the Child Protection Team will be sufficiently resourced to effectively protect vulnerable children and that there is a proper follow-up system to ensure long-term protection?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2085 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, Government commenced its manifesto commitment to ensure the Child Protection team will be sufficiently resourced to effectively protect vulnerable children, and that there is a follow-up system to ensure long-term protection, since we commenced this term of office.

2090 Already there have been a number of growth posts and additional staff to the Children and Families team so as to ensure this. These are listed as follows: two social worker growth posts; one assistant social worker; four administrative workers; and two newly qualified social workers engaged under the GRAD scheme.

2095 There is now an established reviewing system whereby a Reviewing Officer reviews children on Child Protection Plans as well as 'Looked After Children'.

Q293-294/2014
Hogar Betania, La Linea –
Homeless shelter care for Gibraltar men

Acting Clerk: Question 293, the Hon. Mrs I M Ellul-Hammond.

2100 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if there are any local men being looked after at the homeless shelter in La Linea, Hogar Betania and if so, are there plans for the Care Agency to provide halfway accommodation for them in Gibraltar?

2105 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, I will answer this together with Question 294.

2110 **Acting Clerk:** Question 294, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say if she has met with the Management of Hogar Betania in La Linea and if so, provide Parliament with the number of times and dates of such meetings?

2115 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Hon. Miss S J Sacramento: Mr Speaker, the Government of Gibraltar or the Care Agency do not run or operate the homeless shelter in La Linea and as such, I am not aware who uses it or not. In fact the Care Agency does not run the homeless shelter in Gibraltar either.

2120 The Care Agency is not aware of any person currently being looked after in La Linea. No referral has been made to Adult Services or the Care Agency in respect of any person who is staying in a shelter, needing accommodation in Gibraltar.

I have not met, nor have I nor the Care Agency, ever been contacted by management in Hogar Betania.

2125 **Mr Speaker:** Next question.

Q295-296/2014

**Alzheimer's and dementia care –
New facility and Dementia Day Care Centre**

Acting Clerk: Question 295, the Hon. Mrs I M Ellul-Hammond.

2130 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the new Alzheimer and Dementia facility and the Dementia Day Care Centre, both at the former RNH site, will open?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2135 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with 296.

Acting Clerk: Question 296, the Hon. Mrs I M Ellul-Hammond.

2140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacancies for the new Alzheimer and Dementia Facility workforce at the former RNH site will be advertised and what will be the composition and skill mix?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2145 **Hon. Miss S J Sacramento:** Mr Speaker, the Alzheimer and Dementia Residential Facility and the Dementia Day Centre at the former RNH site, are envisaged for completion in July 2014.

Staff vacancies in relation to the residential facility will be advertised when ready to do so, in conjunction with the planned opening.

2150 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, last October the Minister said in Parliament that the residential facility would open at the beginning of this year. Why the delay to July of this year?

2155 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately we are only as good as the deadlines that are given to us by the contractors, and while of course the Government imposes deadlines, sometimes there are reasons why the contractors cannot keep to them. As far as I am concerned, this should have been ready earlier and if I could, Mr Speaker, I would get a roller and the paint and do it myself if that meant it would make it quicker. But there is nothing further that I can do, Mr Speaker, other than ask the contractors to ensure that the deadlines are kept to.

2160 It is important for this administration to make sure that both these facilities, which are very essential facilities to the community, be completed as soon as possible. Having said that, Mr Speaker, in the meantime we have to be mindful of course that this Government has increased the budget in relation to domiciliary care made available to people at home and this has a very significant impact on people who are sufferers from dementia.

2165 So while we are conscious on the one hand that the facility has not been opened in the timescale that the Government desires it to be, we are addressing it on the other hand by offering domiciliary care to people at home.

2170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, has the decision not yet been taken on the composition and skill mix for the workforce for the facility seeing that the facility is imminent to open within four months' time. A recruitment process will need to take place and potential employees perhaps to give notice elsewhere. So where is the Care Agency in relation to a decision on the composition and the skill mix for this new facility?

2175 **Hon. Miss S J Sacramento:** Mr Speaker, I have answered this question before in relation to composition and skill mix and as I have explained to the hon. Member in the past, it is pretty much a formulaic decision and it is a ratio of staff to the number of beds that we have.

But that is not the issue, Mr Speaker. The issue is to ensure that we have competent and qualified workforce available in Gibraltar and not to fall into the same trap that unfortunately the GSD did when it expanded the elderly residential beds in Mount Alvernia, where they found that there was no skilled workforce in Gibraltar.

2180 So let me tell the hon. Lady what we are doing. Because we know that we are opening these facilities, and because we know that we will need staff and because we know that historically people do not

necessarily have experience in working in elderly care, we have through the Employment Service started providing courses for people who wish to work in elderly care, thereby giving them, assisting them to acquire requisite skills and experience to work in this field. Because we are doing exactly what we need to do; we are forward planning and making sure that we have the workforce available and ready for when this place is ready to open, Mr Speaker. (*Banging on desks*)

2185
2190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give more information as to these courses. How long the courses are, who the accrediting body is, what the qualification is that they will receive?

2195 **Hon. Miss S J Sacramento:** Mr Speaker, it is an induction course into elderly care. I think that the course takes about five weeks. It is run pretty much by people from the Care Agency, there are some people who may be sub-contracted for particular modules but it is pretty much... it mirrors the induction training that someone would receive when starting work at the Care Agency.

2200 So what we are doing is we are training people head on. So instead of waiting to open the facility and train everybody at the same time when we open, what we are doing is that we are running this course every month, or almost every month, so that we can start training people and start to make sure that they have the skill mix. Of course, these people can also be available should vacancies arise elsewhere before the facilities are open. We have been running these courses, we have run a couple of these courses already so we have already started training people.

Hon. Mrs I M Ellul-Hammond: So Mr Speaker, what is the qualification?

2205 **Hon. Miss S J Sacramento:** It is not a qualification as such, Mr Speaker; it is a certificate, and it is an accreditation by the Care Agency that people have undergone training into elderly care. People at the end of it will get certificates if....

2210 Let us say, for example, part of this course will require people to undertake a course in first aid. At the end of the first aid course, they will have a certificate confirming that they have attended the course in first aid. If they then undertake a course in manual handling, then they will have some kind of accreditation that they have been through that. They will get a generic sort of certificate from the ETB confirming every single module that they have undertaken. But because some modules are sub-contracted, I think that the first aid course is one of them, and then the provider will provide a confirmation of certification of the successful completion of that module.

2215 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, is the Minister saying that up until these courses started, none of the people working within the Elderly Care Agency were qualified?

2220 **Hon. Miss S J Sacramento:** No, Mr Speaker. Perhaps if the hon. Lady were to listen to what I am saying, she would have said that I have just said the contrary to what she has just said.

2225 What I am saying is, when people start working for the Care Agency, before they start working, they undertake the generic core training. That is something that we do now and that is something that was undertaken before. People do not apply for a job and if you have got no experience, off you go in Mount Alvernia and do what you like. You know, you go and you have your training.

Our generic core training that is delivered in Mount Alvernia now is different to what it was before because we have enhanced it some more and that is just a sort of a general review of the service and the progress.

2230 What I am saying is that training, that is delivered to people who work for the Care Agency – i.e. there is a vacancy in the Care Agency, you apply for a job, you do the training and you go and work if you are successful in the completion of the training – is being offered before the other facility is open. So that by the time that the other facility is open, we do not have to worry about starting the training again for everybody, we will have people who have already done the training and people who are ready to go in. Maybe at the time what we will do is we may have to have a refresher or something like that, but at least the bulk of the training will be there.

2235 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, then can the Minister confirm that all the existing care workers that worked with the elderly, were they trained and are they properly trained? Not new ones coming in to the system, but all the existing ones that were inherited from the time when my hon. Friend was the Minister for Social Services.

2240 **Hon. Miss S J Sacramento:** Mr Speaker, honestly, talk about own goals! I can for sure confirm that every single entrant into the Care Agency after December 2011 have undergone Care Agency core training.

2245 I would sincerely hope that everybody had undergone the core training before they started in Mount Alvernia when the hon. Gentleman was the Chairman of the Care Agency. I have no reason to doubt that he would not have insisted on these standards in the same way that I do now.

2250 But, Mr Speaker, because I always had that little bit of a fear that maybe everybody had not gone through the core training, I asked my training team to go through every single member of staff, to ensure that they had undertaken the core training and lo and behold, there were people who had not undertaken the core training before December 2011. So what the hon. Gentleman missed, gladly I have picked up and that failure has been addressed. So I am grateful to the hon. Lady opposite for pointing that out.

I am sure it was not intentional on the part of the hon. Gentleman, but I can certainly confirm that everybody who today works in the Care Agency is properly and sufficiently trained – not only in the generic core training, which of course is essential, but of course we do take other training over and above.

2255 **A Member:** Hear, hear. (*Banging on desks*)

2260 **Hon. J J Netto:** Mr Speaker, with your indulgence, would it be possible if I could go back to Question 294, this is the one that relates to the management of Hogar Betania, because if I understood the hon. Lady, she gave a categorical statement to the effect that she has never had any meetings whatsoever with Hogar Betania.

2265 Given that my understanding is that she did have a meeting which was over a year ago and she had a meeting with the Director of Hogar Betania, the lady Mrs Begonia Araña, but given that this was a year ago, will she not try and cast her mind over a year ago, to confirm or deny that she has had, or had not had a meeting with this lady?

2270 **Hon. Miss S J Sacramento:** Mr Speaker, I actually pride myself in having a very good memory. I think that if I had had a meeting with someone from a homeless shelter a year ago, I would remember. I confess that of course I may be mistaken, but I certainly do not recall having ever met anybody from a homeless shelter in La Linea ever.

2275 The hon. Gentleman has just mentioned a name, the name does not sound familiar to me at all. It may be that I have spoken to someone from La Linea, that person from La Linea but if that person did not tell me that they were management of the homeless shelter, then I am none the wiser.

Mr Speaker, it is not my intention to mislead this Parliament at all –

2280 **Hon. F R Picardo:** But why would you deny it?

2285 **Hon. Miss S J Sacramento:** But why would I deny it? Mr Speaker, I have never had a meeting, whether formal or informal, with anyone from a homeless shelter in La Linea in their capacity as management from the homeless shelter in La Linea, to my knowledge. Maybe that... I go to many places, I meet many people on social occasions. That person may have come to me and said hello – and may just have said hello and goodbye, without me knowing who that person was. (*Laughter and interjections*) I genuinely do not recall ever having met that person nor is there any record of me meeting anybody in my office. But maybe the hon. Gentleman and I can have a chat later on and he can enlighten me, because there may be, you know –

2290 **Hon. Dr J E Cortes:** No, he will tweet it now! (*Laughter*)

Mr Speaker: Next question.

Q298/2014
Monument to women of Gibraltar –
Details of sculpting and erection

2295 **Acting Clerk:** Question 298 the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality say when the winning design of Ruth Macias Greenburg, selected in March 2013 for a monument to the women of Gibraltar, will be sculpted and erected in a prominent place in Gibraltar and where it will be erected?

2295 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, Government is in the process of identifying a suitable location. Once the location is identified, we will then commission for the sculpting and erection of the monument.

2300

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say when the monument will be sculpted and erected? Is it within months or within a year?

2305

Hon. Miss S J Sacramento: Mr Speaker, as I said when we find the suitable location, because it will all depend on the location.

Mr Speaker: Next question.

**Q299/2014
Domestic Violence Forum –
Meetings and strategic plan**

Acting Clerk: Question 299, the Hon. Mrs I M Ellul-Hammond.

2310

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality say if the new Domestic Violence Forum as outlined in Question 790/2013 has officially met, giving the date or dates of meetings and what strategic plan to eliminate domestic violence in Gibraltar has been decided on?

2315

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the parties have not met formally as a forum, but I continue to work with individual parties in the meantime.

2320

Hon. Mrs I M Ellul-Hammond: Mr Speaker, last December in Parliament, the Hon. Minister said the forum would formally meet in the New Year. Can the Minister say when will that be?

2325

Hon. Miss S J Sacramento: Mr Speaker, the forum will meet when the forum is ready to meet. This is something, Mr Speaker, that is – the hon. Lady can laugh, you know, but the hon. Lady may want to recast her mind back to prior to December 2011, when there was never an intention to have a Domestic Violence Strategy so actually, the hon. Lady should be grateful of the initiatives that we are now having, to make sure that we have strategies and policies in place – things that happen all over the world, but we were operating in a vacuum in Gibraltar.

2330

This is certainly a very, very important policy and because I recognise the importance of this policy, I am working very closely with all the parties involved. Let me explain, for example, Mr Speaker, we have got the halfway house and the homeless shelter for women which is primarily funded by Government, but there was never even any instrument regulating how that works. That is one of the things that I have had to deal with. There are so many things, so many gaps, so many holes there, so many things that I have to deal with, that my strategy is that, before we all meet as a forum, to make sure that every single party who is going to form part of the forum have their own ducks in order.

2335

But Mr Speaker, the hon. Lady can rest assured that this is a strategy that is very important to me and a strategy that will succeed. (*Banging on desks*)

2340

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I only asked the question because she did say last December that they would formally meet in the new year and we are already nearly four months into the new year. Mr Speaker, the Minister mentioned that there was no instrument regulating the Women In Need shelter in place. Can she then say what the instrument that has been devised by the Minister, what instrument has been put in place by her?

2345

Hon. Miss S J Sacramento: Well, the Minister and her office are in the process of devising an instrument. Mr Speaker, yes, because I think it is very important when a substantial amount of taxpayers' money is passed over to this organisation, which of course is an important and a valuable organisation and it fits into the puzzle of dealing with domestic violence, I think it is very important that we need to have a *modus operandi* in order so that... you know, things need to be regulated and things need to be above board.

Q300/2014
Women in the workplace –
Collection of data

2350 **Acting Clerk:** Question 300, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, as per the Minister for Equality's statement in the *Chronicle* on International Women's Day, can the Minister give further details on the statistics that are being collected on women in the workplace in different sectors of the economy by (a) who is collecting the data; (b) how is the data being collected; (c) how large is the sampling frame, i.e. number of women and number of workplaces surveyed; (d) which sectors of the economy are being surveyed; (e) who will be analysing the data to highlight any trends in earnings; and (f) when the data will be ready for inspection?

2360 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, this is a study that is in process. A preliminary collation of information is being undertaken by researchers employed by the Graduate Research and Development Company.

2365 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say whether this pilot study has been completed by the graduates?

Hon. Miss S J Sacramento: No Mr Speaker. It was started some months ago and it is still, as I have said in my first answer, it is in the process of...

2370 **Hon. Mrs I M Ellul-Hammond:** And Mr Speaker, does the Minister have any idea after this pilot study has been looked at, how it will be rolled out to the wider economy?

Hon. Miss S J Sacramento: Not until I know what the study says. I will consider it at that stage.

Q301/2014
Empowering women and girls –
Further details

2375 **Acting Clerk:** Question 301, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, as per the Minister for Equality's statement in the *Chronicle* on International Women's Day, can the Minister give further details on how, through Social Services, 'young girls and women will be empowered'?

2380 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the article actually states:

'Through Social Services we are looking at empowering young girls and women in different ways.'

2385 Therefore what I mean is exactly that, that we are looking at initiatives that we can draw on so as to empower young women. As these initiatives are undertaken, they will be announced as and when appropriate.

2390 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say what initiatives are being looked at?

Hon. Miss S J Sacramento: Mr Speaker, Social Services are looking through a wide range of services that can be made available, for example to girls through the Department of Education. One of the things that we are looking at, for example, at the moment is to do with eating disorders. As I said, this is a work in progress. Again, going back to the similar answer to my Domestic Violence Strategy, it is about having strategies – strategies that never existed, strategies that were never there and it is strategies that we are starting from the drawing board.

2400 Now because we are starting from scratch, these are things that we are looking at, we are looking to see what the needs are and that is then when we will look and see how we will prioritise the different initiatives that we are doing. We have identified a couple of initiatives that we need and what we are doing is now we are in the process of... well, we already have met with the Department of Education and the Health Authority to see how together, where necessary and where appropriate, we deliver these strategies.

Q302/2014

**Convention of the Elimination of all Forms of Discrimination Against Women –
Extension to Gibraltar**

Acting Clerk: Question 302, the Hon. Mrs I M Ellul-Hammond.

2405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Minister for Equality's statement in the *Chronicle* on International Women's Day, can the Minister give further details on the practical applications of the Government's formal request for extension of the Convention of the Elimination of all Forms of Discrimination Against Women to Gibraltar?

2410 **Acting Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2415 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Convention Against All Forms of Discrimination Against Women (CEDAW) has been described as an international bill of rights for women, as it defines what constitutes discrimination against women and it sets up an agenda for national action to end such discrimination.

By requesting the extension of the UK's ratification of the Convention to Gibraltar, Her Majesty's Government commit themselves to undertaking a series of measures to end discrimination against women in all forms.

2420 The aim of the Convention is to provide equality between men and women through ensuring women's equal access to and equal opportunities in political and public life and education, health and employment – sorry, Mr Speaker, I think I am reading from the wrong paper. Sorry yes, under the Convention, national reports are required to be submitted on measures that State Parties have to take to comply with their treaty obligations. Reports are submitted at least every four years and Her Majesty's Government shall on extension have a reporting obligation.

2425 Sufficient laws and policies are in place in Gibraltar for the purposes of implementing and complying with the Convention obligations.

2430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister clarify what exactly the Government will be reporting on?

Hon. Miss S J Sacramento: Mr Speaker, as I said the report is in relation to compliance with Treaty obligations.

2435 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, which are exactly what?

Hon. Miss S J Sacramento: Mr Speaker, the Treaty obligations are all outlined in the Convention. The hon. Lady is free to read them at her leisure. It is a public document, Mr Speaker.

Q303/2014

**Dr Giraldi inquiry –
Costs so far**

Acting Clerk: Question 303, the Hon. D A Feetham.

2440 **Hon. D A Feetham:** Mr Speaker, can the Government please state what has been the cost to the Taxpayer so far of the Dr Giraldi enquiry?

Acting Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2445 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, given that the inquiry remains ongoing, the Government does not feel it appropriate to comment on anything in relation to the inquiry at this stage.

2450 **Hon. D A Feetham:** Mr Speaker, I am not asking the hon. Lady or the Government to comment on the substance of the inquiry or anything that could possibly impact on the inquiry or that could possibly cause any kind of prejudice to the inquiry. I am just simply asking what the cost to the taxpayer has been so far of the Dr Giraldi inquiry. Now, is there a reason in principle why you ought not to provide that information which cannot possibly impact on the inquiry?

2455 **Hon. Miss S J Sacramento:** Mr Speaker, my answer was very clear. This forms part of the inquiry. The inquiry is not over and the position of the Government is that the information will not be provided until the inquiry is over.

2460 Quite frankly, Mr Speaker, I am surprised at the inconsistent approach taken by the Opposition, because this is the third time that this question has been asked, but on the two previous occasions when I gave the same explanation as to why I did not think it appropriate that the information be given at this stage, the question was withdrawn.

The same question was put to me last month and only last month it was withdrawn. There have been no changes from last month to this month; therefore I do not understand this question.

2465 Furthermore Mr Speaker, the answer to this question will not change at the end of the inquiry. This answer can perfectly be provided when the inquiry finishes, Mr Speaker.

2470 **Hon. D A Feetham:** Well, Mr Speaker, whether a colleague of mine has decided to ask and then withdraw this question on the basis of some conversation that he has had or she has had with the hon. Lady, is, I think, neither here nor there. I have made the decision that I believe that this is an appropriate question at this stage and I am asking it.

2475 With respect to the hon. Lady, she is not answering my question. Why does the cost...? Why does the cost or the Government providing me with the cost so far of the inquiry have any impact at all on the inquiry, prejudice the inquiry? What reason in principle is there for the Government not to provide this information, other than the Government says well, I am not providing it to you now, I am going to provide it to you at the end?

2480 **Hon. G H Licudi:** Mr Speaker, the answer has clearly been given and it is reflected in the last comment by the hon. Member. The information will be given at the end of the inquiry. This is an inquiry which is ongoing. It has not finished. It is not appropriate to engage in public debate or discussion on any matter concerning the inquiry, either on the floor of this House or through the media or outside or anywhere. It is in the hands of the Chairman who has been appointed. He still has to give a decision. Nothing has changed since last month when the same question was asked and withdrawn quite properly.

2485 The fact that the hon. Member does not speak to other Members and does not know apparently that another question was asked and withdrawn, the same question asked and withdrawn, the hon. Member says is neither here nor there. Well, it is very relevant because the hon. Member to his side recognised last month that it was appropriate to withdraw and nothing has happened at all since last month because we are still awaiting the Chairman's report.

2490 So for those reasons it is entirely inappropriate to engage in any kind of public discussion or debate on any aspect of the inquiry and for those reasons the costs which exist today and which may exist next month, will be given at the end of the inquiry and not now.

2495 **Hon. D A Feetham:** Well, Mr Speaker, I have spoken to my hon. Friend. He took a decision last month to withdraw this particular question after a conversation, I cannot remember whether he said it was with the hon. Gentleman or with the hon. Lady, I think it was the hon. Gentleman. I have since reviewed the situation. I do not believe there is any substance at all in the argument that providing me or the Opposition with the cost to the taxpayer of what this inquiry is costing, that that can possibly prejudice, have any impact at all on the inquiry or that it impacts or infringes the *sub judice* rule and clearly, what the Government are doing is not in relation to this case only, it is in relation to other areas where we have asked questions of a similar nature, is using and abusing the *sub judice* rule in order to prevent the Opposition from obtaining information to which the Opposition is perfectly entitled.

2500 So really the answer in a nutshell, Mr Speaker, is and I ask the hon. Gentleman, is that the Government just simply does not... there is no really cogent reason why this ought not to be provided and the Government just simply says no to the Opposition, 'we will provide it to you at the very end of this inquiry'. That is the long and short of it, is it not?

2505

Hon. G H Licudi: Well, Mr Speaker, the hon. Member has either not heard or understood the answer that I have given and he says that the answer I have given has no substance, there is no basis for it. Well, the hon. Member to his right accepted that there was substance in that answer last month and withdrew the question (*Interjection*) on two occasions and now the same question is asked.

2510 All I can do is repeat what I have already said, that we consider it is entirely inappropriate to engage in any public discussion or debate on any aspect –

Hon. D A Feetham: I am not asking you to –

2515 **Hon. G H Licudi:** On any aspect, including the issue of cost, on any aspect of the inquiry until the inquiry is over. And it is not as if the costs are going to be hidden anywhere or going to disappear. The costs which exist today are going to be the same costs as of today that will be given to the hon. Member and to the public at large, whenever the inquiry comes to an end. That is the decision that the Government has taken. It is the right decision and it is entirely appropriate. The hon. Member may not be satisfied but that does not mean that he has not been given an answer or the reason (*Interjection*) or that there is any abuse. What is the question of abuse, the Government considers it inappropriate, it is our view. We are the Government, we have taken that view, but the information will be given. So it is not a question of the Government refusing to give information; the information will be given at the appropriate time.

2525 **Hon. S M Figueras:** Mr Speaker, if I may just by way of clarification, I spoke to the Hon. Minister at the time when I had filed the question and during that conversation it was one single conversation over the telephone and I certainly I gave the Minister the benefit of the time to discuss the matter. My initial view at the time was indeed that it was not entirely inappropriate for me to withdraw the question in the circumstances but, following further discussions with my Hon. and Learned Friend, the Leader of the Opposition, that view has changed, Mr Speaker, and I just thought it was necessary to make that position clear.

2530

Mr Speaker: Next question.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q304/2014

Government rental homes – Unpaid rents written off 2013-14

Acting Clerk: Question 304, the Hon. E J Reyes.

2535

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details of how much has been written off in respect of unpaid rents pertaining to Government rental homes during the financial year 2013-14?

2540

Acting Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, during the financial year 2013-14, a total of £41,708.46 has been written off.

2545

Hon. E J Reyes: Mr Speaker, does the Minister have any details available? Have they been written off because of time expired debts or is it due to other reasons that perhaps he can furnish us with the information?

2550

Hon. P J Balban: Mr Speaker, there are a number of write-offs and just to give by way of example, in one case there was a tenant who, due to unhygienic conditions of the tenant living directly above that person, a complaint was lodged that there was damage created to his flat due to the amount of animals living upstairs. Hence this gentleman refused to pay his rent, he was moved out, he was decanted from his flat and the Financial Secretary saw that this was a legitimate claim. That is one of the examples.

2555

Another example dates back to the times of the prefabs, and certain individuals who refused to pay rent due to the conditions which they felt were practically uninhabitable. There are other cases as well of other persons who have suffered things like water ingress and severe dampness who refused and these were all taken up and their cases agreed.

2560 There is also, the vast majority of this money comes from tenants who were admitted to places like the Elderly Care Agency, Jewish Home or King George and then the rent was unrecoverable because family members decided that they were not liable to the Council. There are a number of reasons for the amount that has been written off.

2565 **Hon. E J Reyes:** Yes, Mr Speaker, I can start to understand that there are a variety of reasons and therefore not a simple clear cut answer. Given that I believe that the House will not be meeting next month, can I, in a gentleman's understanding, leave it in the hands of the Minister perhaps when he can forward me like a little schedule with some sort of breakdown similar to what he has now been trying to explain? Or Mr Speaker, if he so wishes, would he rather that I pose it into a formal question, perhaps even as a written question next time round? Whichever he prefers, so that it is not just information one wants now but rather something that we can monitor and work together in the future. He knows that at the end of the day, we
2570 both have the same vested interests and so on. So can I have some indication from him how he would rather work this one.

I know I am placing a workload on him and his Ministry, but let us be co-operative so I get the information and make the task as easy as possible for him and therefore more efficient for my reception.

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might just be of assistance, I think it is absolutely right that this information should be public and I think what we can do is put this information on the website also, anonymised. For example, the hon. Gentleman actually has the names of the individuals he is dealing with, but it would be inappropriate to share them. It should be on the website. There is another question on the Order Paper about the exercise in respect of the historic arrears to the Government. This is not that type of write-off that we are looking at. These are almost, if the hon. Gentleman will share my view
2580 of how this has been done, it is as a landlord dealing with arrears and there are many good reasons why tenants may sometimes, under the contract, have a good reason to say, 'Look, you are not keeping to your side of the bargain, there is this problem and I am withholding rent for a particular purpose.' That is an area of the law which is very defined, it has to be just the right sort of claim. There are some times when individuals have claims against the Government and they think that they can set off their rent in respect of those claims and their claims have nothing to do with tenancies, for example. Therefore, it is inappropriate and you have to take a completely different attitude to those.
2585

But I am quite happy that we should all, as a community, see what is going on in respect of these issues and therefore I am quite happy to ask the hon. Gentleman to ensure that these things are put up on the website and that the hon. Member should have notice of when they are going up in an anonymised form, in other words in 'a tenant' form, rather than with the name or address provided.
2590

Hon. E J Reyes: Yes, Mr Speaker, in fact I take the opportunity, I thank the Chief Minister. He did commit himself in the previous parliamentary session that the question of unpaid outstanding rent would actually be put up on the website and with the assistance of the Clerk, we found it, so I did not need to pose that question.
2595

What I want the Chief Minister, and the Minister for Housing as well, to understand is that as an amateur, one can look at statistics and say, 'Ah well, compared to the previous month, there has been an addition of £50,000 more in outstanding unpaid rents.' But that figure £50,000 is only conditional. You have got to add into that how much has been written off or not. So in order to get a more complete and accurate picture, I think the Chief Minister is starting to understand why we need to have these figures, so that together we can both work and make sure that those tenants who for unjustified reasons are withholding payments of rent, that they pay up, because it is only fair on those law abiding citizens that everyone be treated equally.
2600

2605 So I look forward to co-operating with the Minister for Housing in the future in that respect.

Hon. Chief Minister: Yes, Mr Speaker, I could not agree more. I could not agree more and I am not going to get into the political ding-dong of how the arrears have risen in the time that they were in administration. We had that ding-dong last time. But I want him to understand that the figure fluctuates for many reasons and I cannot recall if the hon. Gentleman has ever held the portfolio of Housing but just so he understands, given that he indicates that he did not, the figure fluctuates both in terms of this sort of write-off, and these are not common write-offs – in other words, he has asked for the year 2013-14, I think there are four individual cases and then the rump relate to cases involving, as the hon. Gentleman has told him, admissions to Mount Alvernia and admissions to KGV. Really, we are talking about difficult cases in those instances.
2610

2615 So it is not that he is going to have to be reconciling monthly this type of write-off. This is an infrequent type of write-off. The management list of the arrears in relation to rent works in different ways. For example, you may have some people – I confess I do not know what has been put on the website and how

2620 the calculation has been done – but there are some people who pay quarterly, there are some people who
pay monthly, the amounts go up weekly in some estates, they go monthly in other estates, so the list is
sometimes not moving in terms of debt as it is in terms of credit. So you have got to look at almost each
individual account in order to be able to do a reasonably accurate reconciliation.

2625 So what he will have to understand from what is going to be published, he will be able to see a trend,
right, but he may not be able to reconcile one against the other in some instances.

Mr Speaker: Next question.

2630 **Hon. E J Reyes:** Yes Mr Speaker, I am very grateful for that, I will be able to see the trend and then if
need be, one can then home in with the Minister for any particular clarification. I think we are both singing
now from the same hymn sheet.

Mr Speaker: Next question.

Q305-306/2014
Mid-Harbour Estate –
Update on works to be completed

2635 **Clerk:** Question 305, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question 170/2014, can the Minister for Housing provide
updated details, together with estimated completion dates in respect of works still to be completed at Mid-
Harbour Estate?

2640 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer
this question together with Question 306.

2645 **Clerk:** Question 306, the Hon. E J Reyes.

2650 **Hon. E J Reyes:** Further to the answer to Question 171/2014, can the Minister for Housing provide
details of what further actions are being considered in order to curtail non-compliance of house rules at
Mid-Harbour Estate?

Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

2655 **Hon. P J Balban:** Mr Speaker, further to the answer given to Question 170/2014, it is envisaged that
infrastructure works to allow installation of the remaining cameras on the podium and promenade levels are
expected to be completed by the end of this month.

The integration of podium and promenade level cameras to the existing public CCTV system and RGP
control room at New Mole House are expected to be completed shortly, after which the system will be
tested and commissioned.

2660 As previously advised, it is expected that with the measures being taken, the incidents relating to anti-
social behaviour will minimise. We will continue liaising closely with the RGP as we take incidents of anti-
social behaviour very seriously.

Hon. E J Reyes: Yes, thank you, Mr Speaker.

2665 So the Minister has given me an update of what he has mentioned before about the cameras, the
completion and so on. More specifically in Question 306, I was re-asking because I think I have asked in
the past, does he have any further actions planned? Because although I accept that certain things he may not
be able to finalise until the cameras are in operation and so on, I believe he has had meetings with the
Tenants' Association or whatever from the Estate and they may have put ideas forward.

2670 So is he in a position to be able to enlighten us in sort of saying which ones are being considered? I use
the words 'being considered' rather than a firm commitment. Is there anything in particular that is being
considered and that way we even help to have a more cross floor approach to resolving this problem which
again is something that both sides seem to be sharing as a grave concern?

2675 **Hon. P J Balban:** Mr Speaker, I have had meetings and continue to have meetings with the Tenants Association of Mid-Harbours and their concerns have been taken on board and we will obviously, we do believe that with the installation of CCTV cameras, a lot of the anti-social behaviour that they complain about will actually be targeted.

Mr Speaker: Next question.

Q307/2014
Making empty homes suitable for reallocation –
Update details

2680

Clerk: Question 307 the Hon. E J Reyes.

2685 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of all expenditure incurred since the answer to Question 172/2014 in respect of contracts awarded for making empty homes suitable for reallocation stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment as well as indicating if the services contracted were for either repair works or cleaning services?

2690 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

Answer to Question 307

Contractors	No. of Properties	Cost
CEPRANO LTD	1	£3,000.00
CIAP CONSTRUCTION	1	£8,860.00
RIBEIRO	1	£3,565.00
AVANTI	1	£2,500.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

2695

Mr Speaker: This is a short schedule, I will allow the hon. Member to have a quick look at it and if he does not have any supplementaries, perhaps if the Leader of the House is happy, this might be a convenient point at which to recess to this afternoon at 3.00 p.m.

2700 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker. Thank you.

2705 **Hon. E J Reyes:** Mr Speaker, the only one I think I normally ask every month: there is a full list of companies referring to four properties. Can I double check that these are four completely separate properties and not that two companies worked on the same one property? Am I correct in that assumption again?

2710 **Hon. P J Balban:** Mr Speaker, yes there are four separate properties and the other thing which I forgot to mention is that all services contracted were for repairs and none were for cleaning, as per every other month.

Hon. E J Reyes: Yes, thank you, Mr Speaker. Although the Minister may not have said it verbally it is written in the schedule that they were all for repairs, so I am grateful for the updated information Mr Speaker.

2715 **Mr Speaker:** The House will now recess to this afternoon at 3.00 p.m., when we shall be dealing with Chief Minister's Questions.

The House recessed at 1.00 p.m. and resumed its sitting at 3.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 7.06 p.m.

Gibraltar, Thursday, 20th March 2014

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Welcome by the Chief Minister to HMS Astute and her crew

Acting Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, before we launch into this afternoon's session of Question Time –

5

Mr Speaker: 'Launch' is the appropriate word.

10

Hon. Chief Minister: – 'launch' being the appropriate word, given what I am about to say – may I just ask the House to join me in welcoming to the Naval Base, *HMS Astute* and her crew. As hon. Members may know, *HMS Astute* is the first of the eponymously named Astute Class Submarines of Her Majesty's Royal Navy, and she is visiting Gibraltar on what is her maiden operational deployment, and Gibraltar is her first port of call, as I understand it, outside the United Kingdom. I shall be aboard *Astute* later today, Mr Speaker, and I will extend a warm welcome on behalf of the people of Gibraltar. (*Banging on desks*)

Questions for Oral Answer

CHIEF MINISTER

Q337-338/2014

Private consultants/independent contractors – Numbers engaged by Government; details

15

Acting Clerk: Answers to Oral Questions continued.
Question 336, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to Question No. 706/2013, that was answered in writing – (*Interjection*) Sorry?

20

Acting Clerk: My mistake, sir.
Question 337.

25

Hon. J J Netto: Mr Speaker, can the Government state the number of private consultants engaged by Government during the financial year 2013/14, specifying the name of each consultant, their respective areas of work and the cost to Government for the provision of such services?

Acting Clerk: Answer, the Hon. the Chief Minister.

30

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 338.

Acting Clerk: Question 338, the Hon. D A Feetham.

35 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a schedule setting out the legal drafting work done by every independent contractor engaged by the Government, including the amounts paid to that individual, his company or firm?

Acting Clerk: Answer, the Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the cost of private consultants and legal drafting is already online. The process of preparing the additional breakdown, which has been requested, is now ongoing. Online data will change when ready to reflect the information requested by hon. Members.

In relation to legal drafting, Question 338 has been formulated with no time limit, so I have caused that it be answered as from 2008.

45 **Hon. D A Feetham:** Mr Speaker, does he have a schedule there of any of those costs? But of course, there cannot be any doubt that I am asking about the present Government's term in office, because surely they are only responsible for their own term in office in relation to legal drafting work, but it makes no difference to me. Does he have the information at all with him or does he intend to just simply post that on the website, as and when it becomes available?

50 **Hon. Chief Minister:** Mr Speaker, I have some information with me, but I cannot tell him that it is the completed information. It is being completed and will be put on the website when completed. I do not think it is going to take very long to be put up, and it will be put up in that way from now on too.

55 So in relation to his question, it is going to mean that the data already available is going to be added, going back to 2008, and going forward with this further information, and in relation to the hon. Gentleman's question for the period that he requested, it may already be online.

60 **Hon. J J Netto:** It is just that I am not quite clear, because it seems to me that the Hon. Chief Minister is concentrating his answer in relation to my hon. Friend, the Leader of the Opposition's question, but I am not quite sure as to my question. When is that information going to be given?

Hon. Chief Minister: In relation to his question, Mr Speaker, I think the information is already online.

65 **Hon. D A Feetham:** Can I, Mr Speaker, ask him to provide me with whatever information he has, that I may have it with me? Of course, if there is anything else that may arise from the information that he has posted on the website, then I will ask in two months' time when we are next here in Parliament.

70 **Hon. Chief Minister:** Mr Speaker, I am not confident that the information that I have with me is complete and that it is directly what he is requesting, so I am not going to give it to him; but the information, which is the answer to his question, is either already or will be about to be online.

I know that further work was being done on the information to ensure it was complete at the time that I was given these schedules before I finalised the text of my answers, so I do not know that this is correct and final. Therefore I would rather he obtain the information when it is certified as correct and final by those who provide me with the information.

Q339/2014

British Gibraltar Territorial Waters— Number of Spanish fishing vessels entering

75 **Acting Clerk:** Question 339, the Hon. D A Feetham.

80 **Hon. D A Feetham:** Mr Speaker, excluding innocent passage, can the Chief Minister please provide a breakdown on a monthly basis of how many Spanish vessels, fishing vessels, have entered into British Gibraltar Territorial Waters in the last six months (a) accompanied by Spanish State vessels; and (b) unaccompanied by Spanish State vessels?

Acting Clerk: Answer, the Hon. the Chief Minister.

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member a schedule with the information requested.

ANSWER TO QUESTION 339

Month	Unaccompanied	Accompanied
September 2013	58	0
October 2013	49	0
November 2013	9	0
December 2013	4	0
January 2014	7	0
February 2014	17	0
March 2014	2	0

Hon. D A Feetham: Mr Speaker, I happened to hear an interview with the Patron of the *Cofradia* of La Linea a week and a half ago on Canal Sur Radio, where he said that he was quite happy with the way that things were going. That the situation, as far as Spanish fishermen was concerned, had reached normality to the situation it was prior to 2012.

90 Indeed, I have received representations as well from members of the public here in Gibraltar, who are interested in fishing, telling me that there are Spanish fishermen that are coming into British Gibraltar Territorial Waters unchallenged and are fishing as if there were no legislation in place to actually restrain them from doing so. Are these the reports that the Hon. the Chief Minister is also receiving in relation to this?

95

Hon. Chief Minister: Mr Speaker, I do not tend to listen to Canal Sur Radio and therefore I am afraid I cannot say that I have had that report. Neither have I had similar reports to the ones the hon. Gentleman is saying he has received from local people, but the schedule does not suggest that, as he will see.

100 **Hon. D A Feetham:** Mr Speaker, when does the Hon. the Chief Minister envisage that the Government will be in a position to formalise the law in relation to this area, because he made an announcement last year that he was going to be changing the law in order to allow fishing, with regulated fishing with EU-compliant nets? The law was... the principal legislation was then amended to allow for regulations to be introduced and that was, as I understand it, in November/December of last year. So we are talking about
105 three or four months from when the principal Act was amended and it does appear to be more than enough time for the Government to have at the very least come to a policy decision in relation to this. I just wonder whether the Chief Minister is now in a position to advance the matter further, in terms of information provided to this House and to the public?

110 **Hon. Chief Minister:** Mr Speaker, we will be ready when the Minister signs the regulations into law and there is no question of us procrastinating when that can happen. This is a complex area in order to get right. As soon as it is ready, the Minister will be signing the regulations into law and they will then be published as is the normal way.

115 I cannot imagine that the hon. Gentlemen would believe that we are in any way trying to delay something which the Government is working on. It is just sometimes in order to get things right you have to do them properly and that takes a bit of time.

Hon. D A Feetham: And can he confirm that the Cabinet is united in relation to the Government's
120 approach in this area?

Hon. Chief Minister: Mr Speaker, the Cabinet behaves in a collegiate fashion. That means that it is entirely united in all the decisions it takes. I refer him to the Westland case and Mr Michael Heseltine's departure from the Cabinet in the United Kingdom, as to what it is that Cabinet responsibility, *joint* Cabinet responsibility means.

125 So therefore, he can take it that if a piece of legislation is signed on behalf of the Government, it is signed on the basis of that which we on this side consider to be a collegiate and Cabinet style of Government. I do not know whether he had any experience of that in the four years he was in office.

130 **Hon. D A Feetham:** Well, Mr Speaker, I do not obviously need a lesson from the hon. Gentleman in relation to constitutional law. I perfectly understand that Cabinet decisions, once reached, are the decisions of the Cabinet and that therefore any dissenting voices within that Cabinet, if they feel strongly about it, they leave; and if they do not feel that that is a resignation matter, they have got to defend the policy.

What I am asking is whether the Cabinet has actually come to a decision? Is the Cabinet, before it has come to a decision, united in relation to its approach in this area?

135 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman says he does not need constitutional advice from me, and yet he asks a question which flies in the face of what is the constitutional model of Cabinet that I understand is in place. If a piece of legislation is signed and a Minister does not resign, it must be that the whole Cabinet is united on the subject. But, I do not see what it is he is trying to get at. What tittle-tattle has he heard that he is trying to turn into a question?

140

Mr Speaker: I think that hon. Members must be careful not to get carried away.

We have started with a question, which is a purely statistical. The answer is purely statistical regarding the number of monthly visits, shall I say, by Spanish fishing vessels into British Gibraltar Territorial Waters, and now we are going in to the deep fundamental principles of collective responsibility. I think it has got nothing to do with the original subject.

145

Hon. D A Feetham: Yes, Mr Speaker.

150 Mr Speaker, in relation to the decision as to whether to allow Spanish fishermen to fish in Gibraltar Waters with EU-compliant nets and whether that will involve some form of application to be licensed here in Gibraltar, can he at the very least tell me whether in principle that is what the Government has agreed to do and that is what the...? He does not have to go into much more detail than that. Can he confirm that is the decision that has been reached, either unanimously by the Cabinet or with dissenting voices?

155 **Hon. Chief Minister:** Mr Speaker, I have read a lot of the comics that he puts about to people, including the nonsense that he sends to his alleged Members every month (*Laughter*) where he suggests that he knows the answer to this question. He has said on a number of occasions, in interviews on television, in interviews elsewhere and in communications, that he understands that Spanish fishermen are not going to have to apply for licences to fish in British Gibraltar Territorial Waters.

160 Well, if that is what he understands, I do not want to contradict him – perish the thought. I will leave it to the Hon. the Minister for the Environment, who is the Minister responsible, when he signs the legislation, when it is ready, to put us all out of our misery and let us see what it is that the new rules require.

Hon. D A Feetham: Mr Speaker, I am trying to be very restrained in the way that I ask the questions and the way that I am engaging the Hon. the Chief Minister, but he really has to be consistent.

165 This morning, he decried the Punch and Judy show, but that is precisely what the Hon. the Chief Minister is now leading this House into through the answers that he has given me.

Can he at least confirm to this House that the legislation has been drafted? That all it needs is a signature from the Minister for the Environment?

170 **Hon. Chief Minister:** Mr Speaker, he does not like to be called Judy, he said this morning, and he does not like to throw a punch. So he does not like the idea of a Punch and Judy show, when having said that something was nonsense, I accused him of drawing the House down into a Punch and Judy show. He obviously thought that the word ‘nonsense’ should not relate to such Parliamentary ding-dongs, as might be described as leading to a Punch and Judy show. When I use it, he feels perfectly free to say that one is engaging in a Punch and Judy show. Well, one is getting used to the sort of political hypocrisy that we see emanating from them, even in relation to these issues.

175

I am not going to give him either a blow-by-blow account of which section has been drafted and which has not been drafted, and whether the legislation is just sitting on somebody’s desk to be signed or whether it is with a draftsman who needs to tidy up numbering. Mr Speaker, he will know that the legislation is published when he sees it in the *Gazette* and then he will know that it is finished. I am not going to give him a management account of the process of regulations.

180

Hon. D A Feetham: Mr Speaker, is the reason why the Government is procrastinating, in relation to this issue, because it remains deeply divided over this issue?

185 **Hon. Chief Minister:** No.

Mr Speaker: I am not going to allow that question. It does not arise from the original.

190 **Hon. Chief Minister:** I have answered it.

Mr Speaker: We move on to the next question.
I am very sorry for the Leader of the Opposition, but really he is straying a bit too far.

Q340/2014

**Government rent arrears –
Amounts to be written off**

Acting Clerk: Question 340, the Hon. D A Feetham.

195 **Hon. D A Feetham:** Mr Speaker, has the Government completed the exercise allowing it to make a decision as to how much Government arrears it is to write off, on the grounds that recovery of such amounts is statute barred?

200 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the work of doing this analysis is still ongoing as a large number of accounts need to be analysed individually. Already it would appear that a figure in the region of £1 million is likely to be entirely unrecoverable as a result of failure to pursue debtors within the six-year limitation period, that number may increase or decrease as the analysis continues.

205 Steps are already underway to recover debt that is recoverable, something that should have been ongoing.

Hon. D A Feetham: Well, Mr Speaker, I am glad that it is £1 million. Large as £1 million is – and I have to say that it is a very large amount – the last time round he, of course, indicated that it might have been £3 million. Mr Speaker, may I perhaps invite the Hon. the Chief Minister to reverse his intended policy of writing off this amount? I will explain why and ask him whether he agrees with this or he does not.

I quite understand that if a debt is statute barred the Government will not be able to sue for that debt, but it does not prevent the Government from saying to, for example, a tenant, even if the debt is statute barred, 'Well, look, we are taking into account the fact that you owe x amount... statute barred, but it is x amount'. When that person then turns round to Government and says, 'Well, I want' for example 'an upgrade from a two bedroom to a three bedroom', then in my view it would be a perfectly reasonable decision by a public authority to say, 'Unless you enter into an agreement to pay what you owe, statute barred as that may be', and of course the legal effect of that is that the debt is acknowledged and then the limitation period would begin to run all over again. That, at the very least, it would allow some leverage, in my view, *proper* leverage in relation to the recovery of these debts in the future from people who have not paid.

Hon. Chief Minister: Well, Mr Speaker, it may still be £3 million. It may still be £3 million, but with the analysis done to date, it is up to £1 million. But I have told him that we have to analyse each account individually, because in some instances, although the figure may be high and it may go back more than six years, there may have been agreements done at different times, and therefore time may start to run again. But it does not seem that they were very proactive when in Government in pursuing this, other than in respect of the people who moved to Mid Harbour and there, there were some such agreements.

230 The Government's thinking today is much like their thinking in relation to those issues. If somebody owes an amount of money and they want something out of the Government, then there may be a price to pay and that may include amounts which are beyond the six-year period; but only when somebody wants something out of the Government.

235 You see, Mr Speaker, what has happened is that under them there has been an *a mi me pertenece* culture gone wild like never before. (**Hon. Miss S J Sacramento:** Yes.) They have not been pursuing people for liabilities to the Government. They have been presiding over a regime where hard-working people paid their dues and people with *cara dura* got away without paying. They started 13 claims for recovery in 16 years. They disbanded a central arrears unit that took up these issues (*Interjections*) and now they want us to wipe up after them.

240 Well, Mr Speaker, a very good job we will do too. (**Several Members:** Hear, hear.) (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, I am so very, very glad that he mentions the *a mi me pertenece* culture in such a wound-up way that he has. (*Laughter*) I now know that really I am on the right track. (*Interjections*) I am on the right track in making it a central feature of GSD policy, just simply from the hon. Member's reaction today. But, Mr Speaker, I do not want to look back. What I want to do
245 (*Interjections*) is get to a situation – (*Interjections*) yes, absolutely – get to a situation that the correct decisions are made for Gibraltar.

I am just simply alarmed that the Government is considering just simply writing off £1 million to £3 million, just like that – in other words, rewarding the people, who do not pay... rewarding them by writing off. That is wrong. It is wrong in relation to hardworking people in Gibraltar, of which there are many, and that is why, in the spirit of constructiveness, I am asking the Hon. the Chief Minister to consider and reverse the policy that he announced last time round of writing off this money, which appears to me to just simply be a policy devised in order to embarrass this side of the House and keep that debt on the books. Not to write it off and to basically keep it on the books, and then say to people, 'If you want anything from Government in the future, you have got to enter into agreements to repay what you owe', that is different
255 from writing off the money on statute limitation grounds.

Hon. Chief Minister: The hon. Gentleman, Mr Speaker, does not know what he is talking about, and I am very sorry to say it, because he likes to describe himself as a senior partner of a firm that I have very close to my heart. This is not an issue of policy, Mr Speaker. This is an issue of law.

The statute of limitation... the Limitation Act provides that debts due more than six years after they accrued are not recoverable. Now, of course, Mr Speaker, one can, as a matter of policy – and he did not pick it up when I told him before – say to people, 'Although I am not legally entitled to recover this from you, you want this from me and therefore this is the price for it', and I have said that there is mileage in that and it is something that we will pursue; but not everybody wants something from the Government.

Or is it that the hon. Gentleman is saying that because of *his* Government's failure to recover debt when it was within the limitation period of the Limitation Act, I should tell a youngster, who goes to have an appointment with the doctor or goes to the dentist, 'Mummy and daddy did not pay rent 10 years ago. The GSD did not follow them up for it, you are not having your teeth looked at' or 'you are not having your health provided'? Surely that he cannot say is right for me to have to visit on innocents *their* negligence, *their* failure to follow up, *their* clear electoral politics. Their electoral politics was, 'I side with *el cara dura que no paga* in order not to turn him against me... I side with the hard faced individuals, who do not pay, in order not to turn them against me'.

Well, Mr Speaker, we will do it the right way. We will pursue debt within the limitation period and we will seek to recover that which is outside the limitation period; but that which is not recoverable outside the limitation period, he should know we have no recourse to law for, and keeping that amount on our accounts is simply to create a false account of what may be recoverable to hide *their* failure and to spare *their* blushes. We will not do it, Mr Speaker.

We will behave properly. We will behave honourably. We will clean up after them as much as we can, but there is some mess they have made that is just indelible. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, the hon. Gentleman really has this wonderful quality, I have to say, and I have to compliment him about it, when the sky falls on his head, he takes refuge in absolute waffle, and that is what he has given us now in the answer that he has –

Mr Speaker: The hon. Members are now beginning to debate. They are beginning to throw across the floor of the House fancy sounding phrases, which really have got nothing to do with what is on the Agenda, so I am giving them notice that I shall be bringing these exchanges to a close before very long.

Hon. D A Feetham: Mr Speaker, I am very grateful for Mr Speaker's intervention, but does he not understand that there is a distinction? It is a distinction that even a junior lawyer would understand, let alone a senior lawyer, and I have never described myself as a senior partner in Hassans (*Interjection*) No, I have not.

But it would be understandable, even by a junior lawyer, that if you write off something you cannot revive it, and that is what I am saying. If you write something off, it is zero; whereas the technical legal position in relation to debts is that you may not be able... indeed, you may be able to sue and the defence is an absolute one, which is the limitation period has expired, but it does not render the debt null and void *ab initio*. It is a defence and what I am saying is do not write it off. It would not be in the Government's interest. Keep it on the books, because in the future it may well be that within reasonable circumstances that the Government may be able to say to somebody, 'If you want something from the Government', for

300 example, an upgrade in Government housing, ‘you are going to have to enter into an agreement with the Government to repay what you owe historically’.

Hon. Chief Minister: Mr Speaker, I do not think he wanted to hear what I said the first time or the second time about that aspect of what he is saying.

305 I am very clear in what the position is legally. I did not need him to explain it to me. All of this, Mr Speaker, that we are seeing is the usual dissembling in order to hide the huge embarrassment that hon. Members opposite must feel, because under them, *under them*, debt to the Government went up from £600,000 to close on £4 million under them. That huge embarrassment which they have, siding with those who are on the *a mi me pertenece* side of the balance sheet, against those who work hard and pay their debts. That, Mr Speaker, is the huge embarrassment that they have to deal with today and this is what we are seeing. All this dissembling has to do simply with trying to hide that.

Hon. Sir P R Caruana: Mr Speaker, I wonder if the Hon. Chief Minister could help me with this.

315 I have heard criticism expressed of the fact that – not here, I mean in the street by others – the previous Government, that is us, were insufficiently selective in who we allocated houses to in the new housing estate in Mid Harbour and that too many people were put there because they were at the right place in the waiting list who the Government should have known may have had difficulty keeping up with the rents. Of course, leaving to one side the debate that he has just had with the Hon. the Leader of the Opposition about statute barred or not statute barred Government debt, there is no doubt, I suspect, that there is particularly in respect of the Mid Harbour Estate, although others as well, an increasing problem of rent arrears accumulation.

320 Would the hon. Member consider, in terms of the opportunities that the Government has to oblige people to pay their rent, particularly in the more desirable estates like the newer ones of which the latest is Mid Harbour, exercising the rights that I believe the Government’s tenancy agreements give the Government to rehouse people from the more desirable estates to the less desirable estates, if they fall into arrears of their rent?

325 Now that, it seems to me, if the Government wants to avoid the same trap as he thinks that we fell into of shameful allowing of arrears of rent... I mean if they spend long enough in Government, it may happen to them if they do not come up with some mechanism to prevent people from accumulating rent arrears on the new estates as well. Would the Hon. Chief Minister consider using the power to rehouse, contained in all Government tenancy agreements?

330 **Hon. Chief Minister:** Mr Speaker, if I may say so, the hon. Gentleman, when he dealt with the Mid Harbour Estate, created, perhaps inevitably, some issues in that estate because of the people who were moved into there having certain rights under the Housing List. But, again, in having this debate, Mid Harbour Estate actually is helpful to the current Government because one of the criteria for moving was that people should sign arrears agreements that recognise their liability for that rent arrear; therefore, time has started to run again in respect of those rent arrears. The amount of rent arrears that is associated with the Mid Harbour Estate, which is £371,000 when I last looked at it last month, does not actually represent in very great measure rent due from tenancies in that Estate, but rent carried over and brought by tenants into that Estate.

340 There is, for example, one account that sticks in my mind which is £17,000. If I may say so, with respect to the hon. Gentleman, I think that is the sort of case that enabled him to do what he is proposing to me now, which I think is laudable, namely the £17,000 represents rent due for more than six years, but there has had to be an acknowledgement by the person who has moved of that amount and therefore the six years run again because that person wanted the advantage of moving. That is not to say that one would have been able to sue for the whole of that £17,000, without that person wanting something from the Government, and hence why... What the Hon. Gentleman does not appear to have wanted to hear from me was my agreement that if somebody wants something from the Government, we would be able to revive those arrears, but it is otherwise not sensible to carry those arrears as live debts to the Government, which is what it appears to be today in the books of the Government and what the Principal Auditor is saying is really quite unacceptable.

345 But there are also, if I may say so, other mechanisms that allow the Government to act in relation, for example, to some of the people at Mid Harbour Estate, who have let him and Gibraltar down, because they have moved, signed an arrears agreement, and then stopped paying again – that is not everyone, there are some who signed an arrears agreement and honourably have been discharging their arrears agreement and their current rent. There are good people and less honourable people in every estate in Gibraltar.

350 There are other tools that Government can use, which do not just involve saying to somebody, ‘Well, you are moving back to a particular area’. Something which is moving somebody out of a home is not easy to do and it would require all sorts of bailiffs and forcing people etc, and that is very hard to do. There are other mechanisms that Government can use, given the services that are provided in any estate, such as Mid

Harbour, which can make it very unattractive for people not to have paid their arrears, and those are the things that the Government is looking at very carefully.

365 If I may say so, Mr Speaker, given that the hon. Members opposite are now given to talking about how things have changed, he will excuse me for having decried the practice in the past 16 years that gave rise to this increase in arrears. Mid Harbour was actually a shining example of managing them, in some respect, because it is not just me that decries what used to happen 16 years ago. Even on the hon. Member's Twitter account at GSD Gibraltar I saw a couple of days ago, two years in Opposition transformed GSD. Sixteen years in opposition, same old GSLP. Even they are not proud of his legacy, and I am very sorry. He did some very good things for Gibraltar.

370

Mr Speaker: Next question.

Q341/2014
Bullying at work –
Extent of abuse

Acting Clerk: Question 341, the Hon. D A Feetham.

375 **Hon. D A Feetham:** Yes, can I remind the Hon. Mr Selwyn Figueras that he has not retweeted. Out of all the MPs, he has not retweeted that particular tweet from the GSD. *(Interjections and laughter)*

Does the Chief Minister agree that bullying at work is a form of abuse of those who are at the receiving end of such bullying and that the extent of that abuse is a question of fact and degree?

380

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, after this House passed the Employment (Bullying at Work) Act 2014, the hon. Member's question is really asking for legal advice. I can refer him to a good lawyer if he wishes. *(Laughter)*

385

Mr Speaker: Next question.

Q342/2014
No. 6 Convent Place –
Refurbishment; cost to taxpayer

Acting Clerk: Question 342, the Hon. D A Feetham.

390 **Hon. D A Feetham:** Mr Speaker, what has been the cost to the taxpayer of the recent refurbishment at No. 6 Convent Place?

Acting Clerk: Answer, the Hon. the Chief Minister.

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the cost of the refurbishment to the entrance to No. 6 Convent Place has not been costed as a separate part of the ongoing works of refurbishment and extension of No. 6 Convent Place.

Hon. D A Feetham: Mr Speaker, it may be costed separately, but does he have the cost there at hand so that he can provide me with the figures?

400

Hon. Chief Minister: No, I do not, Mr Speaker, but it is something that we will be looking at, I am sure, during the course of the appropriation debate.

405 **Hon. D A Feetham:** Mr Speaker, the reason why I have asked this question is because the Government keep on – as indeed they have done today, in relation to Dr Giraldi, and they have done today as well in relation to Commonwealth Park – seem to be drawing the distinction between providing costs when a project is ongoing and providing costs when the project is finished. The Government's position in relation to the two examples, that I have just outlined or just mentioned, is that they will provide the cost at the end.

410 This appears to have concluded... this refurbishment. What is the problem of providing me with the information now so that I do not have to wait until the Appropriation Bill, other than that it is the answer that he just simply wants to give me on a whim?

415 **Hon. Chief Minister:** Not at all, Mr Speaker. The refurbishment of the entrance has not yet finished in fact. There are parts of it which are still ongoing and parts of it which are connected very much to the wider refurbishment of Convent Place, and therefore I do not want to fall into trap of giving him a figure, which he then says is not actually the figure of the entrance and I should have given him something else, and then face one of these whimsical allegations that he makes once in a while, when he gets out of the wrong side of bed, that I have misled Parliament. So I would much rather give him the full set of figures when they are ready and he can then choose and determine for himself which part he calls the entrance, and which part he does not call the entrance. If he says it is just the façade, then it is just the façade. If it is the façade and the security guard, then it is the façade and the security guard. There is the area behind, which is the new waiting room, the corridor, the two offices on the side and the connection just behind.

420 What is the entrance, Mr Speaker? Is it the fixing of the old side entrance to No. 6? All of those issues, Mr Speaker, could be determined to be the entrance to No. 6, and I do not want to give a figure which misleads the House. I will give him the figure for the whole of the works at No. 6 and then he can look at the breakdown and decide what it is that he wants.

425 He is right, Mr Speaker. I am resisting giving him a management account of the works. I will give him all the account of the works.

430 **Hon. D A Feetham:** Mr Speaker, no, I am not being whimsical, either on this particular occasion or on previous occasions. When I actually accuse the hon. Gentleman of misleading the House, it is because he has actually misled the House, and that there are real whoppers of misleading the House that he has uttered.

435 **Hon. Chief Minister:** A Point of Order, Mr Speaker.
That is an accusation, Mr Speaker, in the clearest terms, that I have misled the House, and the hon. Gentleman has a mechanism in order to do that, and it is to bring a motion. I invite him to do so. I will demonstrate to him in the motion, Mr Speaker, that he is not just whimsical when he makes these allegations, he is wrong. When I do that, I expect he will want to give me an apology.

440 **Hon. D A Feetham:** Mr Speaker, yes.
Mr Speaker, when I make allegations of this nature I am very careful in making them, and I make them when I have got grounds. Every single time I have said to the Hon. the Chief Minister that he has misled the Parliament it is because I believe that I am correct in doing so. And indeed, on the one occasion – because it is one occasion that I have done so – most of the people of Gibraltar, in my view, also agree with me.

445 But if I have offended, Mr Speaker, the procedure of this House by saying to him that he has misled the House without bringing a motion, I apologise to Mr Speaker.

450 **Hon. Chief Minister:** With respect, Mr Speaker, and I would ask that you rule on this. The hon. Member has got away, in that phraseology before now, of saying the words that he seems so keen to say, that I have misled the House.

Well, look, Mr Speaker, if we are going to play it that way, I will be putting to him constantly that he repeatedly misleads the House and the people of Gibraltar, but that I just do not have time to bring motions to demonstrate the number of occasions when he does so. That is not what Parliament is and what the Parliamentary Rules are about.

455 If you are going to make a statement, you have to follow it up with a motion. I throw down the glove and the cudgel to him. Bring the motion and I will show you how wrong you are. You have not done so before, Mr Speaker, I put it to him before, because he knows the minute he brings the motion I will wipe the floor with him. (*Interjections*)

460 **Mr Speaker:** As hon. Members are aware, I have ruled that I have no power to investigate any allegations of misleading... Parliament being misled and that therefore the only avenue is for Parliament itself, by debating and voting on a motion, to decide the issue.

465 So, in so far as that is concerned, I have no power to impose anything, but allegations, such as those, if hon. Members ask that such allegations be withdrawn on an honourable basis, that is a matter really for them. I cannot interfere directly, but I would wish that hon. Members were able to overcome such problems themselves.

Hon. Chief Minister: Mr Speaker –

470 **Hon. D A Feetham:** Mr Speaker –

Hon. Chief Minister: – it is out of order to put –

Hon. D A Feetham: Mr Speaker, I am on my feet –

475 **Hon. Chief Minister:** So am I.

Hon. D A Feetham: – and I have the microphone. (*Interjections*) I figure that I have the advantage because I have got the microphone – (*Laughter*)

480 **Hon. Chief Minister:** That is technology. It has got nothing to do with the Rules of this House. I was up first –

Hon. D A Feetham: I will give way. I will give way –

485 **Mr Speaker:** Very well.

Hon. D A Feetham: – to the Hon. the Chief Minister.

490 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, thank you.

I do not recognise that the hon. Gentleman has given way to me. (*Laughter*) I am speaking because I have asked to speak (*Laughter*) and they can laugh as much as they like, Mr Speaker, but the Procedures and Rules of this House are essential for the workings of our democracy and they are not to make a mockery of them.

495 One should not put... in fact the Rules say one must not say that another individual is misleading the House, other than upon motion, and therefore it is out of order for the hon. Gentleman to have said that of me or of any other Member, other than upon motion. He should not be allowed, Mr Speaker, to say, ‘and I am not going to bring a motion to say it’. This Rule is essential to the working of every Parliament, which is governed by the Westminster principle, and I ask, Mr Speaker, that you rule on that.

Hon. D A Feetham: Mr Speaker, may I?

500 Mr Speaker, the only reason why I have not brought a motion is a reason of principle. I have not brought a motion because I believe that it is fundamentally wrong in a modern democracy for a Member of Parliament to... there is an allegation that the Member of Parliament has lied and there is no independent adjudication of that allegation, but that it has to be dealt with by way of a motion in relation to which it will always get defeated by the Government, because the Government has an inherent majority.

510 And I equally throw down the gauntlet to the Hon. the Chief Minister. Go to independent adjudication in relation to whether he lied or did not lie in relation to Credit Finance. But what I am not going to do is bring a motion to this House, which he knows that he will defeat because he has a majority and that is not... in my view that serves no purpose at all in a modern democracy (*Banging on desks*)

Mr Speaker: May I say that having mentioned that the only recourse that hon. Members have is to bring a motion, that of course immediately raises a question that it is very much in the nature of things that any motion which the Opposition bring can be defeated by a Government majority. That happens in all Parliaments, but that is not the purpose, surely. (*Interjection*) It is not entirely the purpose of bringing a motion. They very rarely succeed.

520 In the House of Commons there has been one instance of an allegation of a Member misleading the House, and that was the late John Profumo, and there has been one instance in the last, what... 15 years, of an Opposition motion of confidence succeeding and that was when Mrs Thatcher defeated the then Government, other than that, it just does not happen. But surely, that is not the purpose. The purpose is this is a debating Chamber and whether a motion is carried or is not, it gives an opportunity for Members to air public issues. This is what I have been encouraging them to do, and I am not being entirely successful.

525 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has made other allegations. He has said that I have lied. He has said it now in relation to Credit Finance.

I am going to say categorically and clearly to this Parliament. I have never misled it and I have never lied to it. I have too much respect for the mace, for the Speaker and for everyone in this Chamber, including Members opposite, ever to utter an untruth from this Chair or from when I was sitting over there. If the hon.

530 Gentleman wants to taint my character, he should have the courage to have the debate with me which allows him to make those statements. He knows he cannot. He knows, Mr Speaker, he is the liar.

Mr Speaker: Next question.

Q343/2014

**Long-term resident British citizens –
Review of Gibraltar Status Act**

535 **Acting Clerk:** Question 343, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what does the Government intend to do about the situation facing long-term British citizens, who live in Gibraltar, love this country, consider themselves to be Gibraltarian and in some instances even represent this country in international competitions, but are not considered Gibraltarian for the purpose of the Gibraltarian Status Act?

540 This question crossed over with a press release that the Hon. the Chief Minister or the Deputy Chief Minister issued on this particular topic.

Acting Clerk: Answer, the Hon. the Chief Minister.

545 **Chief Minister (Hon. F R Picardo):** Mr Speaker, long-term resident British citizens, who are not Gibraltarians under the existing and outdated statutory definition, are in this Government's view very much Gibraltarians, as they are here because they have Gibraltar in their hearts as much as any registered Gibraltarians do.

550 Mr Speaker, if 25 years was a long time in the 1950s, it is an extraordinarily long time in the digital world of 24-hour news, and instant communication. Today, most people can move and live where they wish in the European Union or elsewhere in the world and a 10-year commitment to Gibraltar means as much as a 25-year commitment all those years ago.

555 For that reason, Mr Speaker, and as we committed ourselves to do at the election, late last year this Government commenced the process of reviewing the Gibraltarian Status Act with a view to (a) enabling such long-term British citizens who lived in Gibraltar for more than 10 years to register as Gibraltarians at an earlier time; and (b) equalising the relationship between both parents of illegitimate children.

With this in mind, sections 3 and 9 of the Gibraltarian Status Act have been reviewed by the pertinent Department and draft amendments are being considered, which will be brought to this House in due course.

560 **Hon. D A Feetham:** Mr Speaker, as I said publicly, I welcome that the Government has taken this decision. It is only just and proper in our view that British citizens, who have lived for a considerable period of time – and 10 years is a considerable period of time – ought to be able to qualify, under the Gibraltar Status Act, as Gibraltarians. There are many, many people living in Gibraltar of British citizenship who consider themselves being Gibraltarian by choice, and I think that it would be very welcome indeed by those people also.

565 But, Mr Speaker, there has been an element of confusion in my view and conflating of the term 'Gibraltarian', for the purpose of the Gibraltarian Status Act, and the qualifying criteria for the purposes of somebody going on to a Government Housing List. Does the Chief Minister agree with me that in fact one is not necessarily connected to the other, and that somebody who is British, that has lived here in Gibraltar for 10 years or over, will also be able to qualify for Government housing and then obviously qualify to purchase the Government's affordable homes?

Hon. Chief Minister: Mr Speaker, I do.

575 I think the position is extraordinarily clear. The form, which has to be filled in, contains both the criteria, as disjunctive criteria, namely... are you a registered Gibraltarian or a British citizen resident in Gibraltar for more than 10 years.

580 It is so clear, Mr Speaker, that there are hundreds of the... I will happily disclose this afternoon, Mr Speaker, hundreds of the 3,000, almost, applications received which relate to just such people, and therefore it is very clear that the Rule has been interpreted properly by those who wish to apply. Given that there are 854 flats, Mr Speaker, and given that there are 3,000-odd applications, it would appear that this has not prejudiced anyone who read the form.

Q344/2014
European Single Sky legislation –
Gibraltar’s exclusion by European Parliament

Acting Clerk: Question 344, the Hon. D A Feetham.

585 **Hon. D A Feetham:** Mr Speaker, what representations has the UK Government made to the Gibraltar Government as to what it intends to do following the exclusion of Gibraltar from the new European Single Sky legislation by the European Parliament on Thursday 12th March?

Acting Clerk: Answer, the Hon. the Chief Minister.

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will not be providing a detailed account of the representations that the UK Government has made to the Gibraltar Government as to what it intends to do on this or on any other matter, save that the hon. Member can assume that this is an area of constant communication between both Governments. In fact the exclusion referred to, Mr Speaker, was not to a new European Single Sky piece of legislation, but to a draft regulation which amended or sought to improve upon an existing measure. The Gibraltar exclusion clause was included by the European Commission in this draft Regulation because it was also included in the regulation that it so seeks to amend.

595 The Córdoba Agreement commits Spain to cease to seek the suspension of Gibraltar Airport from any EU Aviation measure not yet adopted. However, the Single European Sky is not a new measure.

600 The commitment contained in the Córdoba Agreement that covers existing measures, as opposed to new ones, is a different clause. This provides that not later than six months from the date of its signing, Spain would join the UK in procuring the formal lifting of Gibraltar’s Airport’s suspension from the application of all EU Aviation measures.

605 It is regrettable that the formal lifting of Gibraltar’s Airport’s suspension from all EU Aviation measures did not materialise between March 2007, i.e. six months after the signing of the Córdoba Accords in September 2006, when the procuring was sought, and November 2011, when the *Partido Popular* was elected into Government. Indeed Mr Speaker, if the suspension clause had been lifted from past aviation measures, as the Córdoba Agreement envisaged, it could not have been put forward by the EU Commission in this one.

610 Finally, Mr Speaker, the question incorrectly refers to the vote of the European Parliament as of Thursday 12th March. For the record, the correct date is Wednesday 12th March.

615 **Hon. D A Feetham:** Mr Speaker, he says he is not going to provide what representations the United Kingdom Government has made to the Gibraltar Government as to what it intends to do, and that the communication is fluid between the two Governments. Is he satisfied that the United Kingdom Government will do everything that it can do, that is within its power, in order to ensure that this is not repeated when the legislation goes before the European Council?

620 **Hon. Chief Minister:** Mr Speaker, I am satisfied that that is the intention evinced to us, but I will not be satisfied until this matter has been dealt with. As I told the Foreign Affairs Committee, who came to take evidence from me in Gibraltar two weeks ago at the Garrison Library, I believe that we should really judge these issues on the basis of results, and if we continue to be excluded, then in my view not enough has been done.

625 **Hon. D A Feetham:** But, Mr Speaker, has he... so that I can assess how far the Government is itself satisfied on some objective basis, has he been told, ‘We are going to be doing everything that we can’ or has he been told, ‘Look, we are going to be doing x, y and z. This is what we are going to be doing. We believe this is enough and the Government of Gibraltar agrees with that’? I mean what is... which of the two?

630 **Hon. Chief Minister:** Mr Speaker, I am not going to get into what I consider to be confidential diplomatic communications between the Government of Gibraltar and the Government of the United Kingdom, but I will say that we know in detail what is being done and we are involved in that detail. We are not just being told, ‘We will do lots to try and help you’. We are actually involved in determining what can be done and how the process will be followed through to ensure that each of those opportunities is taken to do something about this.

635 **Hon. D A Feetham:** Mr Speaker, thank you very much.

640 So given that the Government is involved in essentially that road map as to what the United Kingdom is
to be doing in order to hopefully ensure that this is not repeated in relation to Gibraltar within the
European Council, is he satisfied that that road map is a sufficiently robust road map to reach the goal that
he and I both obviously want for Gibraltar?

645 **Hon. Chief Minister:** Mr Speaker, this is European politics. The hon. the now backbencher described
European politics – I think when he was leader of the Opposition – as essentially, at European Council
stage, a horse trading table, where unfortunately one particular state might not be able to get its way even if
it wanted to, especially when measures rely on qualified majority voting to be finally adopted, given the
new procedures of the EU.

650 So, Mr Speaker, I am not going to shift from my own view as I have expressed to the Foreign Affairs
Committee and I have expressed to this House a few moments ago, that until the exclusions are lifted the
Government of Gibraltar will not be satisfied.

Hon. Sir P R Caruana: Mr Speaker, would the Hon. Chief Minister agree with me that it is disgraceful
and lamentable that the result of the vote in the European Parliament, to which this question relates, was
brought about, in part, with the support of British Members of the European Parliament?

655 Indeed, of a party that formed the Government of the United Kingdom at the time of the Córdoba
Agreements with whom Spain agreed not to do this, and whose Foreign Secretary sat with me accepting
Spain's undertaking and agreement not to do so, and if the hon. Member agrees with me that it is
lamentable that British Labour and other parties and MEPs have contributed to this outcome for Gibraltar,
is there anything that he believes that Gibraltar should do to mobilise in the context of the forthcoming
660 European Parliamentary elections in the United Kingdom to point out to constituents of those MEPs that
have perpetrated this perfidy of British interests, that this is the apparent duplicity to which their Members
have... yes, Mr Speaker, because this is not even inter-party UK politics. It was a British Prime Minister
and a British Foreign Secretary that did this agreement with us and that they had clearly violated and voted
in favour of Spain, violating the agreement that their own party did with Spain when they formed the
665 Government of the United Kingdom. I am astonished that this aspect has not...

Hon. Chief Minister: Mr Speaker, I am grateful for that intervention from the hon. Gentleman, but I
am afraid I do not recognise that what he is saying is entirely correct.

670 The information that the Government has is not that British Labour MEPs voted against Gibraltar's
interest. It may be that Members of the PES, the Party of European Socialists, which includes Irish
Members, who have names which might appear to be British, may have voted in some respects against
Gibraltar, but the information the Government has is that there are no British Labour Party MEPs that voted
against the measure.

675 The hon. Gentleman may wish to bear with me as I tell him that the way the vote went was not exactly
as anticipated. (*Interjection*) Right, in fact the Hon. the Deputy Chief Minister confirms to me, if you will
just bear with me, that the information available to the Government is that all United Kingdom MEPs of all
parties, apart from two Members of the Green Party, voted for Gibraltar. And, if he will bear with me, it
appears that there was some confusion involving one particular group in the Parliament because an
680 amendment was moved which was favourable to Gibraltar. Therefore voting down the Spanish amendments
required a whip that said to all Brits and those supportive groups, 'Vote against amendments'; but yet, some
well-meaning knight in shining armour turned up with a pro Gibraltar amendment and that may have upset
the applecart in some ways.

685 Some people might have thought they were supporting Gibraltar by supporting an amendment, which
they had been told to turn up to do... you know, vote in respect of an amendment relating to Gibraltar. The
vote had to be no to all amendments, except that it was this pro-Gibraltar amendment that crept up and may
have made some people think that they had to vote in favour of all amendments to be in favour of Gibraltar,
because only one of them mentioned it. So this is the difficulty. So, if he will allow me, the information the
Government has in relation to British MEPs is that, and I would ask him not to press me further as to what
690 might happen next.

Hon. Sir P R Caruana: Well, I will not. But, Mr Speaker, that is not how it has been reported, and it is
important that if the facts that he is now laying before the House are true, that that information hopefully
will be spread.

695 I, for my part, on the basis that what he is now saying to the House is true, which I have no reason to
doubt, I of course withdraw my own observations on the matter, but I suspect that public opinion in
Gibraltar does not understand this because of the way the matter has been reported here.

700 **Hon. Chief Minister:** If I may say so, with respect to the hon. Gentleman, Mr Speaker, I had not picked that up from any of the reporting I had seen. I actually thought it had been accurately reported and that is why I was so surprised to see him really mount his white charger in the way he had.

He can rest assured that if it had come to my attention that any Member of the British Labour Party had voted against Gibraltar, I would already have done very much about it, not least because, as he rightly points out, they were in Government at the time that the Córdoba Agreements were entered into.

705 He will know, Mr Speaker, from his time occupying the post I now occupy, that the Chairman for many years of the relevant Committee in Brussels is a British Labour Member, Mr Brian Thomson MEP, who has been extraordinarily helpful to Gibraltar throughout his tenure. Unfortunately we lose Brian in May, because he is not standing again, having had a great career in Brussels for over 20 or 30 years. So, Mr Speaker, he can rest assured that in relation to any British Member, who might, with malice aforethought, want to act contrary to the interests of Gibraltar, there would have been a huge campaign mounted by Gibraltar.

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Q345/2014
UK membership within EU –
Renegotiation; impact on Gibraltar

Acting Clerk: Question 345, the Hon. D A Feetham.

715 **Hon. D A Feetham:** Mr Speaker, has the Chief Minister had any discussions with the United Kingdom Government over the last year about the impact on Gibraltar of the British Prime Minister's attempts to renegotiate UK membership within the EU?

Acting Clerk: Answer, the Hon. the Chief Minister.

720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Mr Speaker, I will remind the hon. Gentleman there is a motion that was passed unanimously by this House calling on the Chief Minister to keep the Leader of the Opposition apprised of all developments in relation to any discussions that he has had with the United Kingdom Government.

725 Whilst I do not want to extract information that he may feel may be embarrassing across the floor of this House, obviously he has not briefed me in relation to any of these issues and I am asking him whether anything arises in the last year that he thinks he ought to brief me, bearing in mind that motion that was agreed unanimously by this House over a year ago, in fact?

730 **Hon. Chief Minister:** Mr Speaker, no, sir.

Hon. D A Feetham: Mr Speaker, is he satisfied, because I gather from that that these exchanges could not have possibly been of any seismic... or information that has been communicated to the Chief Minister could not have been important, otherwise, no doubt, bearing in mind the unanimous approved motion of this House, he would have communicated to the Leader of the Opposition?

735 Is he satisfied that Gibraltar's position is being protected as much as possible, difficult as the situation is, in those discussions between Mr Cameron and the EU attempting to renegotiate the United Kingdom's terms of membership within the EU, because as far as we are concerned, the issue is not Gibraltar participating in a referendum, which effectively is going to be a *fait accompli* of a renegotiated package hopefully... negotiated by Mr Cameron, it is about trying to influence that package so that it does not impact adversely on Gibraltar? Is he satisfied that the United Kingdom has that point firmly in its grasp and that that is what is going to happen?

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Hon. Chief Minister: Mr Speaker, I am tempted to just get up and say, 'yes, sir' again. But the hon. Gentleman needs to understand that I am not going to be briefing him on things that are public. I assume he is not expecting me to call him and read him *The Times*. When things are public they are public. There are hugely important issues at stake for Gibraltar, but there are also hugely important issues at stake for the United Kingdom, and he, I assume, is following that debate. There is no renegotiation.

745 Angela Merkel the Chancellor of the German Federal Republic addressed both Houses of Parliament in Westminster Hall two weeks ago and said, 'There is no renegotiation. I am not here to give support to a renegotiation'. One of the biggest criticisms of the Rt Hon. the Prime Minister is that he has talked about a renegotiation, but he is not renegotiating because he is not enjoying traction with anyone in respect of that.

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The hon. Member knows – and it is now public – that Gibraltar will vote in any such referendum should there be a Conservative Administration after 2015. That issue, to an extent, is not going to be hugely advantageous to Gibraltar if we get to a situation where the United Kingdom was to pull out of the EU. We have said we do not want out. We vote as one more of an electorate of 40-odd million people and then the majority vote out. So what use might that be to us?

But, there are, Mr Speaker, I have told him before, earlier chickens coming home to roost, where again these issues are public, and I must assume that the is aware of them. For example, in relation to the Justice and Home Affairs issues, the Balance of Competences review, which the United Kingdom is holding a public consultation on and consults the Government of Gibraltar on as well, involving what were known in the old days as fifth pillar measures.

Those issues are hugely concerning and they require a lot of interaction between the Government of Gibraltar and the Government of the United Kingdom, but that is to an extent almost administrative interaction about how to protect Gibraltar's interests in the context of those issues, where the United Kingdom made choices at the time that these things were created to be able to review its position x number of years down the line. Those are more actual and those are potentially just as dangerous to Gibraltar as what the hon. Gentleman is talking about, which is the renegotiation, which is what the motion is about.

But, again, I am assuming that everything I am saying he is aware of, because this is in the public domain, and he does not expect me to call him to read him *The Times*.

Hon. D A Feetham: Mr Speaker, even when I try to keep the temperatures of these exchanges as cool as possible, the hon. Gentleman makes it very difficult because he peppers every single answer with personalised, unnecessarily personalised barbs. (*Interjection*) Of course I read the press. I may not read *The Times*, but I certainly read the press.

But, what is he saying to me, Mr Speaker? That he is confident. That Mr Cameron is not going to be able to renegotiate anything with the European Union and that is why he is not concerned about it? Because quite frankly, I would have thought that bearing in mind European politics being what it is, that I do not think that one can say with absolute certainty that Mr Cameron is not going to be successful in his attempts to renegotiate, and what I am asking is...

Well, look, if he takes the view the Government's position is we are confident none of this is going to happen, therefore it is not relevant. But look, if it is potentially it might happen, is he satisfied that Gibraltar's position is being protected? Is he satisfied that the UK Government have all Gibraltar issues at the forefront of their minds, so that we do not end up with a situation where we are presented with a *fait accompli* when the time comes? I think it is a perfectly reasonable logical question.

Hon. Chief Minister: Mr Speaker, I just do not recognise that I have said anything barbed, even when I give him the benefit of the doubt. I have said I assume he reads the paper and he does not want me to call him to do that, and so I have given him the benefit of the doubt, but he sometimes somehow feels that I have slighted him though. Perish the thought, Mr Speaker.

What I am saying to him is not that I do not think that this will happen, because if I were to say that Mr Speaker, then I would be venturing an opinion as to the result of the next General Election in the United Kingdom. I am not doing that. I do not know who is going to win the Election in the United Kingdom, therefore I do not know whether we are going to get to an in/out referendum in 2017, or whether in fact the party leaders will all be, as they have been up till now, favouring a yes vote to stay in the EU.

What I am saying to him, and I am saying this as objectively as possible for him to verify, if he is reading the newspapers... and I said *The Times*. Okay, he can read whatever he likes, but I find the coverage in *The Mirror*, *The Sun* and *The Daily Express* is not as in depth as *The Times* in relation to these issues; but anyway, it might be that he reads the tablet or the FT.

Mr Speaker, the fact is that the renegotiation is not happening. There is nothing to influence in that respect at the moment, because the Rt Hon. the Prime Minister's attempt to prise open the renegotiation has not yet yielded results. There is therefore nothing to consult beyond the consultation that we have had already about being involved when the process begins. But he has also heard me say, Mr Speaker, and I say it here as I said it to the FAC, as I said it outside of Gibraltar in Brussels when I have been there, and he no doubt has heard me say it in the press as a result, that there are some instances where Gibraltar may want more Europe than the UK wants.

Even today, outside of a renegotiation, those things have to be explored, and he will have heard me say on a number of occasions that the issues as to Schengen are issues where Gibraltar may want a different result than the United Kingdom has wanted for some time. I cannot say that we do, but we may, and it is an issue for determination and investigation. The issues as to membership of the Common Customs Union and Excise Union etc are issues which bear, if not constant, because constant means every day, then periodical review, because the undoubtedly right decision made by the Administration of Sir Joshua Hassan in 1973, when Gibraltar joined the Union, to stay out of the Common Customs Union then when the rest of the

815 European Economic Community, as it then was, ended at Four Corners and started again in the Pyrenees, might not be the right decision today, given how the world has changed and how commerce has changed. It is now to a very great extent powered online and so all of those things are relevant, looking forward to our relationship to the European Union, in some degree.

820 But the renegotiation, which is what he is asking about, is not happening, and that is what I am telling him. It may happen after 2015. It may start to happen tomorrow and we may find ourselves then involved; but at the moment it is just not happening.

825 **Hon. D A Feetham:** Mr Speaker, the reason why I have asked this question is precisely for the very reason that he has explained. It may well be that Gibraltar's interests on many of these issues may not be completely *ad idem* with the interests of the United Kingdom, and it is precisely because I want to ascertain whether the Government of Gibraltar is (i) alert to this, but (ii) actually communicating with the United Kingdom Government in such a way that it is making them *aware* of our own, effectively, position in relation to some of these issues so that they can take them on board when they engage with the European Union on these issues.

830 But, can he help me with this? Is it that the Government has already communicated the Gibraltar position, if I may call it that, to the United Kingdom Government when the Hon. the Chief Minister met with UK officials at the beginning of last year and that he is satisfied that if the process were to continue – in other words, the process of renegotiation with the European Union – that the Gibraltar Government has already said everything that it needs to say in relation to Gibraltar's position, and that he is satisfied that the United Kingdom Government has actually taken those on board?

835 **Hon. Chief Minister:** Mr Speaker, a long time ago. Not just at the beginning of last year, but when the spectre of renegotiation was raised and when analysing Gibraltar's membership of the EU with officials in the United Kingdom because of issues that relates to transposition of directives, as much as relating to frontier flow, even before some of the current issues that we are seeing at the frontier.

840 But it is not just interests, Mr Speaker, that may not be perfectly aligned between the United Kingdom and Gibraltar, it is politics, and politics and interest can sometimes be very different things, and the politics of the European Union in the United Kingdom is to a very great extent poisoned, in many respects, by some of the attitudes that people in the United Kingdom might have to the European Union, which may not necessarily reflect what their interests may be, and hence why the three party leaders are all saying we should stay in, but renegotiate, and many people, and if you believe the polls, more than half would say we want out.

845 Who is right about where the interests of the United Kingdom are? So there is a lot of politics here as well. Our politics is different. I have said repeatedly, Mr Speaker, that we are exchanging views with the United Kingdom in this respect and in respect of the ongoing issues. We have put our position in respect of renegotiation, but renegotiation has not moved.

850 But what I am saying to him, Mr Speaker, and he should be more concerned about, is that other things have moved and other things are moving, and there we are very confident that the United Kingdom understands what our position is. But, I would not accept from him, Mr Speaker, what he has said about when they go they are aware of what our position is, as if they – meaning the United Kingdom – are the people who are going to represent us in this, full stop.

855 My view is, Mr Speaker, that Gibraltar has expertise in European Union issues and that in many instances it is important that we are there when those changes... let us not call it renegotiation, which is the treaty aspect, but changes, like the fifth pillar measures etc, issues are being dealt with, and we may need to be there, not the negotiator, but with the negotiating team, because we are able to point out when things arise that that new issue matters to Gibraltar, because otherwise we may find that something is presented to us three weeks after it has become a draft in Brussels. Once it has become a draft in Brussels, it is much harder to shift, and I see the hon. Gentleman, the hon. the backbencher indicating that he would more or less agree with me in this respect.

860 If you look at what it is that has happened with the Single Skies, it is much harder to shift a draft once it has gone against you, and it is much easier to ensure if you are there at the time that things do not creep into drafts, which are dangerous. So I do not even accept that they, the United Kingdom, should be solely responsible for what happens, and that we should have people who know about Gibraltar issues intimately – and nobody knows that better than the Gibraltarian expertise that we have in EU matters – if possible, as part of teams when these issues are being dealt with.

870 **Mr Speaker:** next question.

Q346/2014

Europa Point –

Proposed site for UEFA football stadium

Acting Clerk: Question 346, the Hon D A Feetham.

Hon. D A Feetham: Mr Speaker, is the Government satisfied that Europa Point is the best location for the proposed new UEFA football stadium?

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Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

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Hon. D A Feetham: Mr Speaker, has the Government together with the GFA explored alternative sites? Is it a case where this is really the only site where a football stadium can be located? Are there other sites or it is just that this one is, in the Government's view and the GFA, a preferable site?

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Hon. Chief Minister: Mr Speaker, given the geography of Gibraltar, there are not many sites, and this is the only site, which in the Government's view, is viable. You could reclaim more and create a stadium. You could have one a mile and a half off Eastern Beach if you were prepared to spend the money. You could have one on the Eastern Beach reclamation if you are prepared to forego the huge economic advantages for Gibraltar of developing the East Side in a different way. But given the responsibilities that he would have if he were sitting – perish the thought – in my chair, which involves looking not just at how to play football and where best to play it, but also to ensure that Gibraltar's socio-economic needs are met, then this is the best site for the job.

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Hon. Sir P R Caruana: Mr Speaker, overlooking the fact that 'perish the thought' is the language of Punch and Judy, I accept what the hon. Member has just said that it is not as if we are spoilt for choices of sites, and the question of the opportunity cost of other sites is also an important factor to take into account.

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On the other hand, the hon. Member must be aware, and I hope concerned about the fact, that there is a groundswell of public opinion that deeply regrets and indeed is strongly opposed to the Europa Point expansive site being used for this purpose.

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I wonder whether the hon. Members have considered, and it may be that they have and either because it is too small or for other reasons rejected it, but I wonder if the hon. Members have considered the site where we were going to build the power station – and apparently they are no longer going to do so, unless they are at some point – in other words further up the slope where the stadium would be, sort of, less obtrusive, in the sense that it would be disguised by the immediate cliff backdrop behind it, which is one of the reasons why it was acceptable to us to build a power station there. This is basically using the site of the old Lathbury Barracks parade ground. It may not be big enough. It is just a thought. Being further up the cliff it would be much less obtrusive and much less visible on the Gibraltar profile. It is just a thought, but I just wondered whether the hon. Members are still open to alternative sites or whether this has now moved beyond that point?

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Hon. Chief Minister: Mr Speaker, nobody likes to do something which is unpopular, and if the Government found a site which was more popular with some, or with the majority, then we would be delighted to have been able to find it. But I do not recognise that there is such a huge groundswell of opinion. I recognise there are many people who think it is the wrong site. Many of those who have expressed a view as to the site have then said, 'Well, actually, if it looked slightly different, it might be alright even there'.

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So there are views – and the hon. Gentleman has done my job for 16 years and if it is difficult to draft a letter by a committee of three, imagine how difficult it is to find a space for a stadium the size of this one if you are consulting 30,000 people – there are views about many aspects, but if you go into the changing rooms of the GFA, for example, everybody is of the view that it is lovely. It should go at the Lighthouse and we should start breaking ground tomorrow.

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But let us understand what the process here has been. The GFA has approached the Government to work with it and with UEFA to identify sites, and we have done so looking at size, and not just size, but size is hugely important here. From recollection, I think at Lathbury it did not fit, in particular because he will recall that that area is slightly higgledy-piggledy because there are things that the MOD have retained. Accessibility is through a single corridor at the moment, Devil's Bellows, and when you are trying to get between eight and 12,000 people in and out of a stadium, that could be very dangerous indeed. There is, dare I say it, I think a green lane which is (*Interjection*) a green corridor which is relevant to the Barbary

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Partridge, that is so close to the Hon. the Leader of the Opposition's heart. We would not for one moment want to interfere with that and it is therefore not the right site.

930 We have looked at many other potential sites. I am not an architect and I am not a designer, and I may or may not like the design of the stadium more or less, but that is much different to accepting that Europa Point, as it is today, is an iconic site. There may be aspects of what Europa Point is today that are iconic, but there are many parts of it which are simply almost a waste ground, because the cricket ground is really just a flat earth area with a pitch that we would not want our people playing on if we could provide something better. So to take just that site and perhaps have a much better design, in some ways that is more

935 in keeping with what people might like to see there, may in the end be the right option.
People say, 'Well, what about the Victoria Stadium, could you not do it there? Is it because Spain objects because it is on the Isthmus?' Well, look, I think I have read something that others have said, that this Government really would not put much store by an objection by Spain as to where we play football, and I dare say that the hon. Gentleman would not have either, when he was Chief Minister. If that was the right place, then that is the right place. Gibraltar is one and indivisible – (*Interjection*)

940 **Hon. Sir P R Caruana:** If the hon. Member will give way. It was not Spain that had objected, but UEFA that had said it could not be on disputed territory.

945 **Hon. Chief Minister:** Well, Mr Speaker, that has never been put to me, because what they would get from me would be a tongue lashing, because Gibraltar starts at Four Corners and ends in the middle of the Straits, where our waters end; but the issue is slightly different.

950 First of all, area wise, although it is good for traffic and it is close to the frontier where you assume many visiting supporters would be entering from, it is a multi-use facility, and part of the plans that would have been required there, if you are not moving the road and you have got a problem with the tunnel and the timing of these issues is all relevant, would involve demolition of part of the new Tercentenary Sports Hall, and would involve the children from Bayside Comprehensive, St Anne's and Notre Dame, that make very good use of the stadium, never being able to use it, because one of the UEFA requirements is that the stadium cannot be multi-use. It is literally just football, and it can only be played on by teams that are part of the GFA's leagues or the national football team. So you would then, if we were to build something slightly smaller at Europa to be the new Victoria Stadium, have to be taking kids from Bayside and Notre Dame and St Anne's up to that multi-use facility and demolish part of the Tercentenary Hall. So he, perhaps more than most, understands that Gibraltar is a jigsaw puzzle with one piece missing and you have to move everything around to ensure that you get the right result.

955 There is, of course, a rifle range in the area where the GFA are making the proposal to the Government and the Government has said it is prepared to lease that land to the GFA. There is a negotiation and a relocation to be done of the rifle range. This is not throwing an egg to fry, to use a loose translation of another language. There are many opinions. I am not an architect.

965 But what I will say for the GFA is that they have been brave, because this is a very big development. They have not simply wanted to get it into the DPC as soon as possible, get DPC consent as soon as possible and get breaking ground as soon as possible. They have actually been courageous in saying to the community, *weeks* before they went to the DPC, 'This is what we are thinking of doing. What do you think? How can we improve it?' Many in the community have reacted by saying, 'Oh my God, that is awful. We have been presented with a *fait accompli* of an area that we all love and this is now going to be completely ruined'. Well, actually, that is not what has happened.

970 The GFA have said, 'Gibraltar, what do you think? It is your stadium. It is your national football stadium. Before we go to DPC give us your views'. They are now going to DPC armed with those views. The DPC is going to give them feedback as DPC. There will be environmental issues to deal with. There will be lots of issues to deal with, and it may be that the final result that comes out from DPC is actually much more acceptable to absolutely everyone. Of course, the DPC is not an architect with 10 heads, but it can ask people to go back and think about how things look and how they blend into a particular area.

975 Some of the elevations that I have seen actually demonstrate that the stadium there, with the sort of height that is being proposed at the moment, blends into the cliff completely. While some of the elevations I saw of what it might have looked like in other places actually blighted the landscape. So this is a very difficult thing to achieve. It is a testament to Gibraltar and to the GFA that having now been in UEFA, we are working very hard to ensure that we can fulfil UEFA's requirements in respect of what a category 4 stadium will look like and where it should be, but all of this within the need to ensure that Gibraltar continues to develop socio economically with its prime land saved for that purpose.

985 I saw the Hon. the Leader of the Opposition refer to the stadium as it has been represented, as I do not whether he said fourth division or third division stadium in the UK. Well, look, everyone is entitled to their opinion. I have described it as if the millennium falcon had landed at Europa Point because it actually looks a little bit like that spacecraft from the *Star Wars* series. I did not necessarily mean that in a praiseworthy

990 sense, but that is the architecture. If the architecture can be got right, then I think this may actually turn out to be hailed by people as the right place to do it.

And, if I may say so, people should also realise that a lot of work has gone into ensuring that the very popular parts of Europa Point, like, for example, the Children's Park that was developed in that area, although it was developed with the wrong plants, it has now got the right plants in it and therefore it is not so much of a problem, and the old Battery etc are preserved, and some ideas have come out of this which
995 are very positive indeed.

So whatever the stadium looks like, I very much like the idea, as a citizen, and I suppose as the person who represents the landlord, I think actually it is quite enticing that the top of the stadium should have a walkway, which is also going to be accessible to tourists, to give also different views of the Straits of Gibraltar and of the Rock. So you are adding an opportunity there for people to look at the Straits, not just
1000 from where they can look at them today, but also from somewhere else, and if they open them during match days they will be the best seats in the house for sure.

A difficult decision. We have got to get it right. Those are the reasons why at the moment we think that is the only site that can accommodate the criteria that UEFA puts to us.

1005 **Hon. D A Feetham:** Mr Speaker, I entirely agree with the Chief Minister that it is a decision that we need to get absolutely right, and in determining whether it is a decision that has been well thought out, I would have expected, and I am asking the Hon. the Chief Minister to confirm, or say no, as to whether the Government obtained or commissioned any kind of study as to the areas that were available as alternatives to this particular site, or perhaps that is wrongly phrased... as to the various alternatives that at the time
1010 were available to the Government or is this just a situation where the GFA and the Government looking around for a particular site, say, 'Well, the Europa Point seems to be a good site to have the location of the stadium'. Has there been a formal study, by either Government officials or independent contractors, as to the various sites where this particular stadium could have been built?

1015 **Hon. Chief Minister:** Yes, Mr Speaker, although I would not call it study, and as I told the hon. the backbencher, my predecessor, there has been a lot of work done by the GFA, by UEFA and its experts, and by the Government in order to identify the correct sites.

But let us be very clear. Let us not pretend that we control Texas. There are two or three potential sites – that is it. We could do it in different places if we demolished vast tracts of homes etc and bought people out
1020 and spent years relocating people; but assuming that you want to do it in an area that is relatively greenfield or brownfield, and you want to be able to move relatively quickly, and you are going to try and limit the number of relocations that you do, there are very few sites that you can really talk about. Those sites have been looked at. Each of them has been looked at individually.

The Hon. Mr Reyes asks in meetings of this House about cricket and rugby as well, and that has been a consideration as well, because if we cannot put the stadium, or the UEFA stadium there, can we put the rugby there or can we put the cricket there? All of this, as I told him before – and I have answered questions about this from him – is the ongoing process of finding room for everybody else. One of the areas where we may put cricket and rugby, as he knows, is the Western Beach reclamation. I do not know whether this is an issue that crossed the hon. Member's desk at any time, but you have got the Victoria Stadium to the south
1030 of the runway. Okay, I forget if left or right, to the south of the runway. You would have thought if you were going to set up a sports facility to the north of the runway that as long as you have cleared your lines with the MOD as to the mechanism for reclaiming land there, because as the hon. Gentleman will recall from his time in office, you cannot use dredged material because it could attract birds...you have got to use landfill etc. You get that right and you can set a stadium up there at any time.

1035 The Military Aviation Authority will say to you, 'Ah, but you have got grandfathered rights in respect of sports facilities to the south of the runway, but this is a *new* application for sports facilities to the north of the runway and we would have to look at whether this is now possible and the risk assessment that we have to do'. So although it is not the right place for the stadium, you cannot actually put the stadium there because of traffic issues etc, and because of the height of the stadium you may not even be able to put a flat pitch, because the MAA may say, 'Well, you can only have within this radius something that is built up to at least two storeys to protect people in the event of there being an accident'.
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So this is very difficult indeed and has been looked at in great detail. To a very great extent this is harder than fitting a rich man through the eye of a needle, but we will get there and we will get it right. It will be the right result for this community. Our involvement will be as landlord to cede the area when the time comes, and through the DPC to ensure in respect of those who represent the Government there that they give the feedback that properly represents the community's views as to the architecture being proposed.
1045

Hon. D A Feetham: Mr Speaker, in terms of the sites that the Government has considered in this 'study' that it has conducted to see what is the most appropriate site, as I understand it the sites have been

1050 Europa Point, Victoria Stadium, the land reclamation on the East Side and Lathbury Barracks. There have not been any other sites, apart from those that the Government has considered as potentially appropriate for the location of the stadium.

1055 **Hon. Chief Minister:** Mr Speaker, this dates back some months now. I cannot remember exactly what were the areas looked at. There is a Government analysis of these things. I am given the analysis and the recommendations.

I think at one stage the naval grounds were looked at as well as a potential area, but of course there are leases in place there; but in may not have been the right place anyway.

1060 So a lot of areas have been looked at. There are not that many. I think he may have enumerated most, if not all of them. There may or may not be others.

Find me an area of open ground of that size in Gibraltar that is not prime development land, like the East Side is, which is hugely important to the economic development of Gibraltar etc, and if he can find it, I will have a look at it.

1065 **Hon. D A Feetham:** The problem with the Victoria Stadium, which most people seem to mention in relation to as an alternative to Europa Point, the problem with that, as I understand it is, that the stadium could not be constructed without demolishing the facility next to it, the Millennium Hall – *(Interjection)* Sorry, the Tercentenary Hall, without demolishing that, the stadium could not have been constructed.

1070 There is no way in which, for example, the majority of the seating could have been accommodated on the opposite side, on the opposite side of where the Tercentenary Hall is so that that particular hall did not have to be demolished. In any event it is a judgement call on the part of the Government, because of course that could have been relocated somewhere else, but was there no possibility of actually maintaining the stadium there without demolishing this particular hall?

1075 **Hon. Chief Minister:** Mr Speaker, it is not just a judgement call on the part of the Government, although of course at the end it might be.

1080 The demolition of part of the Tercentenary Hall, if it is at a particular angle, it is interference with roads. If it is at another particular angle, it is the fact that you are going to lose the multi-use facility. If you lose the multi-use facility, you have to recreate the multi-use facility. Where do you recreate it? At Europa Point. So if the objection is you are going to have to have a stadium at Europa Point, well, then you might as well build once, you might as well get it right, you might as well make sure it looks good, and whether it looks like the multi-use would look like or the UEFA one would look like, what it looks like is not part of the UEFA criteria; it is what identifies access and what identifies size etc that is relevant.

1085 Then the other thing I have said before when I was answering questions from the hon. the backbencher is that you would lose the multi-use facility from next to the school. So Bayside would lose its football pitch and so would Notre Dame and St Anne's lose its ability to access that area. Even Westside is quite close to or much closer to Victoria than it is to Europa and (a) what do you do in the interim; (b) do you then bus school children all the way up to Victoria when they need to have – **(A Member:** Europa.) to Europa when they need to have their sports, and then what do you create at Europa? You must also create something at Europa, so the objection that there is going to be a structure there disappears.

1090 Mr Speaker, in those circumstances, that is how we are driven to Europa as the possibility where the stadium is going to fit. All of those issues I think are fairly understandable if you apply your mind to them and you work out that this is, at the end of the day, the likely location that you are going to be, if you like, stuck with, because it may be that if we all had the choice, we would do it somewhere else.

1095 **Mr Speaker:** Next question, the Hon. –

1100 **Hon. E J Reyes:** May I, Mr Speaker, just to develop something further with the Hon. the Chief Minister?

1105 He did say in the very early part of his answer, the Chief Minister said that if you were to ask in the changing room of the GFA they would all say, 'Right. When can we start... tomorrow?', and so on. Is the Chief Minister aware that within the Gibraltar Football Association there is not that unanimous a consensus, more so not only on the location, but even so on the design?

1105 I have heard comments from well-known regular first eleven players, and I think the Chief Minister is probably aware that certain clubs through their presidents and so on are not quite happy with the set up. Obviously, I cannot press the Chief Minister further because it is not his political responsibility to answer, but will he at least confirm to me that he will look into it just to make certain that he does have the full cross-section view of all the Gibraltar Football Association members, and not just its executive committee, because sometimes when you sit in a position of such responsibility as the Chief Minister, people only tell

1110 you what they think you want to hear and not necessarily the whole picture of what is being said behind the doors in the changing room.

1115 **Hon. Chief Minister:** Mr Speaker, thank you to the hon. Gentleman for that intervention. There is no ivory in my door or in my windows and my office is not so high up that it is a tower. I am fully aware of the fact that there are some clubs in the GFA whose presidents have said that they... but what they have said is that they do not like the design, and some others have said, 'I do not like the place', and some have said, 'I do not like the place or the design' (*Interjections*) and of the players that I have spoken to, all the ones... all the players I have spoken to have said *no vea lo bonito que esta el stadium* 'Oh, my God, isn't the stadium going to be lovely'. So there are completely different shades of opinion and, for many different reasons, I also understand that there are some who have representation in the GFA who have felt that they could bring a better deal to the table in terms of construction, for example. Well, look, that has got nothing to do with us. It is going to be a GFA development, but we are aware of those issues. To a very great extent those are internal GFA issues and despite not being in an ivory tower, at the end of the day I have to sign documentation as landlord with the GFA Council.

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1125 What they have done and what I think they should be commended for by the community, and they appear to be being condemned for, is open themselves up to responses from the public. So the reception that they held at Casemates Vaults, where they presented the stadium, was explicitly one of presentation for views, and many in our community – and this I think I said earlier – have taken it as a presentation of a *fait accompli*. It may or may not have to be a *fait accompli* as to location, because of all the issues that we have discussed, that it just does not fit anywhere else when you start to look at the nitty-gritty. But, as to design, as to aspect, all of those things to a very great extent are in the hands of the DPC insofar as the law provides for it, and in the hands of the architect and GFA as developer to another extent.

1130
1135 But I think that the GFA have the sensitivity to have heard what has been said by the public in the consultation, even if the public have responded by thinking that they are not being consulted and giving their views as to what some people have described as awful *fait accompli*. Well, they have then gone and say it is awful because *a, b, c*, and therefore the GFA have the benefit of those views when they are now going to take this to the next level.

1140 It is well-nigh impossible, I must tell the hon. Gentleman, in my view, to draft a letter with two people sitting with a pen, let alone design a stadium with 30,000 people having opinions as to where it should be located and who should be designing the seats.

1145 The Hon. the Leader of the Opposition has just said we could have one stand higher than the other. I mean perish the thought that we might actually have to design things in that way. To an extent we have to make decisions in our respective legal capacities. We are here as the landlord. We have to make decisions as to location. The GFA have to make decisions as to architecture and look, and the DPC have to respond in that respect. The public have a huge role to play in making sure that landlord and developer are fully aware of their views and make sensitive adjustments to reflect those where possible.

Hon. D A Feetham: Mr Speaker, in relation to the cost –

1150 **Mr Speaker:** I am going to allow one other supplementary, because really we have now been ventilating this matter for well over an hour. I am aware of the fact that it is an important public issue, in which I, myself, take a great interest, but I do not think we can take the matter very much further than what we have done this afternoon.

1155 I will allow the Leader of the Opposition to –

Hon. D A Feetham: Thank you very much, Mr Speaker.

1160 Mr Speaker, in relation to the cost, (i) is there going to be a cost to the Government in relation to the construction of this particular stadium; and (ii) has there been a cost to the Government in the actual design of the stadium? Has the Government contributed anything in relation to the cost of the design to the designers?

Hon. Chief Minister: Mr Speaker, all the costs of the designing of the stadium and the development of the stadium are for the GFA. It is a GFA stadium and will be owned by the GFA.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q308/2014

**Government rental homes –
Assignment; repairs to be carried out**

1165 **Mr Speaker:** Question 308, I think we will now deal with.

Acting Clerk: Question 308, the Hon. E J Reyes.

1170 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 173/2014, indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

Acting Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1175 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 173/2014, 17 flats have been assigned.

The repairs are to be undertaken by the following: Housing Works Agency – 2; subcontractors – 5; the assigned tenants themselves – 10.

Q309/2014

**Government rental homes –
Urgent decanting of tenants**

Acting Clerk: Question 309, the Hon. E J Reyes.

1180 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question 174/2014 indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

1185 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 174/2014, no further tenants have required urgent decanting from their homes.

Mr Speaker: Next question.

Q310/2014

**Government rental homes –
Allocation and assignments**

1190 **Acting Clerk:** Question 310, the Hon. E J Reyes.

1195 **Hon. E J Reyes:** Can the Minister for Housing say how many residential homes, since the answer to Question 175/2014, have been (a) allocated; and (b) assigned, showing the room composition of the respective homes?

Acting Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1200 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question 175/2014, 40 flats have been allocated and assigned as follows:

Allocated: 1RKB – 1; 2RKB – 7; 3RKB – 11; 4RKB – 3; 5RKB – 1; 6RKB – None. A total of 23.

Assigned: 1RKB – 1; 2RKB – 10; 3RKB – 4; 4RKB – 1; 5RKB – 1; 6RKB – None. A total of 17.

Q315/2014
Affordable housing scheme –
Change in allocation rules

Mr Speaker: We are now going to take Question 315.

Acting Clerk: Question 315, the Hon. D A Feetham.

1205

Hon. D A Feetham: Mr Speaker, does the Government intend to change the allocation rules for affordable homes, it is in the process of constructing, so that divorced spouses, who do not have care and control of their children or residency orders in their favour, can apply to purchase flats that take into account the number of children they have, so any sleepover contact is meaningful?

1210

Acting Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Government's affordable housing schemes are designed to be allocated based on the room composition eligibility provisions, which have been established for decades; but life has obviously changed and divorce is an issue we must catch up with.

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Having left office in 1996 with a housing waiting list of 400, it would have been possible then to try to make changes to better reflect changing social values. Having inherited a housing waiting list of almost 1,500 16 years later, a 275% growth, it is not so easy, but we are keen to allow people whose family composition may include children of a dissolved marriage or terminated earlier relationship to buy homes based on that composition once the housing list allocations have been met.

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The first projects launched by the Government have been extraordinarily successful, with nearly 3,000 applications received for 850 flats. We will shortly start the process of making the relevant allocations and then of exchanging contracts. Shortly thereafter, further co-ownership schemes are likely to be launched.

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We will not fall into the trap of allowing the waiting lists to grow exponentially as the previous administration did.

Hon. D A Feetham: Mr Speaker, I am not sure that he has answered the question.

My concern is, because I am aware and I do accept that the housing rules go back decades, not only covering the previous GSD Administration, but also the GSLP Administration of the early 1990s, late 1980s, and also as well the Hassan Administration.

1230

But it does appear, and it has appeared to me for some time, that there is a potential injustice in the way that... or there is an injustice in the way that these rules operate, because invariably, when marriages break down and there is a divorce, the husband very rarely gets either care and control of the children or a residency order made in his favour, because the children live with the wife. The rules at the moment, the way they are operated and applied, is that in that situation, despite the fact that the father has, say for example, three children, because the children live with the wife and only stay with the father at weekends, for example, in contact, the Housing Allocation Committee says, 'Well, no. You are effectively single. You are only entitled to a one bedroom. You are not entitled to a two or a three bedroom'.

1235

I can understand there are arguments to say... well, why should that family effectively be entitled to two properties at Government expense, with one for the wife – sometimes they are Government tenants – and also one for the husband? I think that does not reflect the realities of an unfortunate situation. Nobody wants to get married and invariably it is husbands and fathers that are hit very badly. One would have thought that although there is some rationale in relation to – which I do not agree with and I do not criticise the Government because this goes back years and years – in relation to Government housing that if somebody wants to buy his own house in order to provide his children or a suitable accommodation for him to be able to have meaningful contact with his children, that the Government ought not to effectively just simply replicate the housing allocation rules and allow that father, with those three children, to apply – after all he is buying – to apply for a three bedroom, in that example, flat.

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Hon. Chief Minister: Well, Mr Speaker, we agree with the concept, that the hon. Gentleman is espousing, entirely, and we are acting in that spirit; but we have to act in that spirit in the context of the housing allocation rules and in the context of the housing list, and the issue is how do you go out of that? How do you fairly move people out of that?

1255

So if you have got a family that are entitled to a three bedroom and they are on the housing waiting list in that composition, how do you allow somebody who is on the housing waiting list for a one bedroom to jump over them and access that property? So what is going to happen, Mr Speaker, in the context of breaking the back of the housing list, which is the process that we are in now again, is we are going to

1260 ensure that as we go down in priority on the housing list, if somebody is entitled to a particular composition, but would if he had his children be able to aspire to another composition, we are going to allow them buy, if those who are on the housing waiting list before with an actual composition that reflects that right have not already bought. Therefore, to a very great extent, I hope the hon. Gentleman will welcome what we are going to do.

1265 As the housing list is further eroded, it will be even easier to deal with these issues and adopt to the modern problems that Gibraltar has, just like the rest of the world has in respect of co-ownership. This is our position. We are very keen, Mr Speaker, to ensure that fathers or mothers – and the hon. Gentleman I hope was just generalising... I hope he will recognise that there are some mothers; it is man bites dog, but there are some mothers in exactly the same position, who find themselves in this predicament – can aspire to co-ownership homes in this way, as I have suggested and as we are ensuring will be the case, insofar as possible, given the overwhelming demand and given that people may have direct rights because of where they are on the housing list.

1270 The hon. Gentleman has said in his first answer that there are likely to be more co-ownership schemes launched by this Government. I do hope that we will be able to do so very shortly after the allocation of the existing co-ownership scheme, which has been already, Mr Speaker, a huge and overwhelming success from the numbers of applications which have been filed.

1280 **Hon. D A Feetham:** Mr Speaker, is he saying, or does he expect that this particular rule change, because it is a change in the rules... you are not doing it at the moment. You said, the Hon. the Chief Minister said at the beginning of his answer that we are doing it within the spirit now. Well, that is not the case.

The present position is that if you would qualify for a one bedroom Government house, that is all you are entitled to apply for if you purchase. I just want us to send a glimmer of hope to all those people in this situation, the majority of which are fathers, but I accept there may also be mothers, a minority, but nonetheless deserving cases, where there will be a glimmer of hope for them, where they will be able in the future to buy affordable homes of a size that is obviously going to mean that they will have meaningful contact with their children.

1285 For example, is he suggesting that the rule is going to come in when the Government basically makes an announcement in relation to further affordable homes that he may announce in the future? Or does he think that it will also apply to these particular developments? Because in relation to these particular developments, I cannot see that it is actually going to apply, bearing in mind the size of the waiting list and the commitment the Government has made.

1290 **Hon. Chief Minister:** Mr Speaker, I am not just offering them a glimmer of hope. I am telling them that I will open the doors of these opportunities to them because they should be entitled to, and they should never have found themselves in the situation in which they find themselves. We are on the side of people who are suffering these problems, and there are no rules to follow here, Mr Speaker, because the rules are the housing allocation rules that apply to Government tenancies.

1300 The hon. Gentleman is asking about affordable homes, where we have set out what priorities we will follow in allocation of homes, but these are not rules. We are there as developer. We will say, as I have said initially, we are looking at the housing waiting list; but after that, we are looking at how we can allow people in this predicament to access those homes.

1305 But, Mr Speaker, I am afraid I have to say to him, he has to understand what we inherited. Just in respect of the people who are on the housing waiting list on 9th December, a huge number of people, like he describes, on the 1RKB list, and a huge number of people are on the 3, and on the 2, and on the 4, and on the 6, and so you have got to deal with the whole problem. Some of it we may be able to deal with now and some in respect of future developments, but our commitment is to deal with it, to once again break the back of the housing problem, not just on the basis of the letter of the list, but on the basis of these real social problems that affect people on the list that we need to have and to be conscious of.

1310 But, Mr Speaker, rule changes are not so relevant in relation to affordable housing. What we have to do, is make sure we get this right so that fathers, mothers of broken marriages, of broken relationships, whether there has been a marriage or not, the important thing here, Mr Speaker, is that they should be with their children, because it is not their right to be with their children, it is the children's right to be with their parents and we must facilitate that insofar as we are able.

1315 **Hon. D A Feetham:** Well, Mr Speaker, I associate myself entirely with that sentiment and that is precisely why I have asked this particular question.

I was not able, I have to say, when I was a Government Minister to persuade my other colleagues about the wisdom of actually changing the housing allocation rules in order to allow divorced fathers, or indeed mothers, who are also divorced, but do not have either care and control or residency, to actually be treated,

1320 what is in my view, in a fair way, which is to allow them to be allocated housing that is commensurate with their need, bearing in mind the size of their family, because unfortunately divorce is all too a reality in this modern society. So is the Hon. the Chief Minister saying that he is also going to be changing the rules for allocation of Government housing in order to basically allow that state of affairs to happen?

1325 **Hon. Chief Minister:** Mr Speaker, I do not agree with the hon. Gentleman when he uses the word ‘divorce’. Divorce is irrelevant here, because there are many people in this situation who are fathers or mothers who have never been married to a partner. So we are talking about broken relationships, and in some instances we are talking about relationships that may only have occurred to give life to an individual and there has never been a cohabitation; but does that mean that that father has not also got a right to reside with his child at some stage or a mother’s right to reside with her child? So divorce should be completely outside the hon. Gentleman’s – (*Interjection*) I will in a second.

1330 Divorce should be completely outside of the hon. Gentleman’s lexicon in this respect. We are talking about children, however they are brought into the relationship, whether it is a relationship consecrated in marriage or a relationship which might otherwise loosely be called a common law relationship.

1335 I will give way.

Hon. D A Feetham: Yes, the reason why I am using the term ‘marriage’, and the hon. Gentleman should understand that I was involved in some of these issues, because we also reformed our Matrimonial Laws and also reformed the Magistrates’ Court Act that dealt with judicial separations.

1340 The reason why I am referring to marriage, and I could have also referred to judicial separation, is because the Housing Department has a policy of basically asking for Court Orders when it makes a determination of these issues – that is the reason why I am talking about this in that context.

1345 The Housing Department – and again it is not a criticism of his Government because it is a long-standing practice – asks to see what is the Court Order. When you say that your relationship has broken down, where is the Court Order and what type of Order do you have in relation to your children? That is the only reason that I have phrased it in the way that I have.

Hon. Chief Minister: Mr Speaker, in fact I should have said that of course now I understand why it is that they tweet about being a completely different GSD, given that he wanted to change things before, which he was not able to change and he has changed them now I understand.

1350 Mr Speaker, our position is I think extraordinarily clear now. It is a question of *how* to do this, and a question of *when* to do it, and whether it can be done in the first of these developments, or whether it is done in the process of moving from the first to the second, but it is going to happen.

1355 We are going to make sure that we deal with any of these unfairnesses, for the sake of the children as much as for the sake of the fathers and the mothers. Parents and children hopefully will end up much better off as a result of these developments which the GSLP Liberals are going to see now developed in Gibraltar, and the next ones, and then it will be much easier to change housing allocation rules when it comes to Government tenancies, although I note that they have had a policy announcement in respect of some aspects of that already in respect of a means testing, but I will not say more about that at this stage.

1360 **Hon. D A Feetham:** Mr Speaker, my final supplementary in relation to this, and he will decide to answer it or he does not answer it.

1365 I understand what the Hon. the Chief Minister has said in relation to developments, the affordable housing, but can he just provide me with a straight answer that he does in principle agree with the need that the housing allocation rules ought to be changed in order to allow fathers or mothers, in the situation that I have described, to be able to apply for larger properties so that they can have meaningful contact with their children? Housing allocation rules, not the affordable homes.

1370 **Hon. Chief Minister:** Mr Speaker, I think I have answered this extraordinarily clearly and how it will be done, and the answer is yes, because we believe in the rights of parents and we believe principally in the rights of children. How it is going to be done and the mechanism is what we have been exchanging views about.

1375 This is a hugely important part of Gibraltar’s social and demographic development. We have to understand what is happening and we have to provide for it. This is not just to look after people today, it is about looking after people tomorrow, and the Government is going to make sure that children can have contact with their parents, because that contact, in our view, will produce a better adult in the long term, and it is a pity that for some time now these issues have not been dealt with.

1380 He will allow me to say that not having reviewed in the past 16 years and allow the housing waiting list to grow as it did... these rules, has caused a lot of the problems that we are now dealing with. I think he recognises that and I think he supports what we are doing.

Q311/2014
Housing Works Agency employees –
Numbers retired, transferred and seconded

Mr Speaker: Go back to Question 311.

Acting Clerk: Question 311, the Hon. E J Reyes.

1385 **Hon. E J Reyes:** Can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been (a) retired; (b) transferred; and (c) seconded, either from or into the Housing Works Agency, since the answer to Question 176/2014?

1390 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer given to Question 176/2014, no employees have retired, transferred or seconded from or into the Housing Works Agency.

Q312/2014
Laguna Estate –
Water ingress through windows

1395 **Acting Clerk:** Question 312, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question 180/2014, can the Minister for Housing say if there have been any further reports of water ingress through windows at Laguna Estate and, if so, provide relevant details inclusive of estimated cost and completion dates?

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Acting Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer given to Question 180/2014, there have been no further reports of water ingress through windows at Laguna Estate.

1405

Q313/2014
Blue Wave House and Mid Harbour Estate –
Lift breakdowns

Acting Clerk: Question 313, the Hon E J Reyes.

Hon. E J Reyes: Further to the answer to Written Question W35/2014, can the Minister for Housing explain what circumstances led to the two separate lift breakdowns on 15th January 2014 in respect of both lifts at Blue Wave House, Mid Harbour Estate, with a further explanation for the lift breakdown within the same block of flats on the 16th January 2014?

1410

Acting Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the breakdown on 15th January 2014 in respect of lifts at Blue Wave House was due to a power surge to the electrical supply of the lifts.

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The lift breakdown dated the 16th January 2014, should have read 'Sea Wave House' and not 'Blue Wave House'. This was due to a typographical error.

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Hon. E J Reyes: Thank you, Mr Speaker, can I double check on two things really? What my question was referring to on looking at the schedule on 15th January, both lifts at Blue Wave House were reported broken at 12:40 and then although they were repaired by 14:23, they were again

1425 reported at 20:08 and 20:09. Are both occurrences of breakdown on the same day both because of power
surges? In other words, power surge at 20 past 12 midday, and then for the same reason again at eight
o'clock in the evening.

1430 **Hon. P J Balban:** Mr Speaker, as I have said, the information I have received from technical staff is
that on 15th January, in respect of Blue Wave House, is that the lifts, it was both lifts... due to a power
surge to the electrical supply. The error came that on 16th January it was not the same lifts, it was lifts from
Sea Wave House and not Blue Wave House, and the reason for that I am not entirely sure whether it was
due to another surge in electricity or for another reason.

1435 **Hon. E J Reyes:** I do not think I have been able to explain myself properly, Mr Speaker.
I understand now that the breakdown on 16th January is in respect of Sea Wave. In fact, I already
have... just about that one, Sea Wave at 16:51, but I have not tackled that part yet. I am referring to, if one
looks at the date of 15th January, at 12:40 there is a report of Blue Wave lift and also at 12:40 another
report of Blue Wave lift, which I have interpreted as their being two lifts within Blue Wave. It is both lifts.
Someone has said both lifts are broken, so it was reported and therefore it has to go down twice.

1440 When it comes further down the page, again Blue Wave at eight minutes past eight in the evening, one
lift is reported as broken still in the same block, and at nine minutes past eight another lift is broken. So the
same two lifts seem to have broken twice.

1445 The Minister said he had been told it was due to a power surge, and I am saying power surge to what,
the one that broke at 12:40 or the one that broke at eight minutes past eight o'clock in the evening, or was it
that the power surge happened twice on the same day? It is information that his technician should have been
able to provide for him. I wonder if he has it.

1450 **Hon. P J Balban:** Mr Speaker, yes, I see what the hon. Gentleman is referring to. I will need to check
that for him, because as far as the reply given to me by technical staff is what I have told the hon. Member,
but I do see that the same lift seems to have broken later on that same evening, but I will have to look into
that for him and revert.

1455 **Hon. E J Reyes:** Yes, I understand that, Mr Speaker, the Minister needs to go back, but whilst he is
doing that and then reverting back to me, can I then take him to the beginning of page 2 of the written
answer he gave me last time?

1460 The first item there was Sea Wave on 16th January broke down at 16:51 and was repaired by 20:48. In
amending his previous answer, he has told me that the one that read before 'Blue Wave' should now read
'Sea Wave'. So it seems that Sea Wave broke at 16:51, but has broken before at 14:34. Given that he has
had to amend that, that information is no longer clear.

1465 I do not know if I am explaining myself, Mr Speaker, I may need your hand on that. Does that mean that
then both lifts at Sea Wave were broken on 16th in the amendment or is it only one and the timings are
wrong? Can I give the Minister some time to check it out so that he actually reviews this thoroughly with
technicians and we will get it correct.

1465 **Mr Speaker:** In a few minutes time, we are going to have a recess of about 20 minutes.

Hon. E J Reyes: That is fine, Mr Speaker. I can be patient. As long as I get the information, I am
willing to wait.

1470 **Mr Speaker:** What I suggest is that we now deal with Question 314 and Question 316, which is the
only one that the Hon. Albert Isola has – (*Interjection*) Perhaps one later on, but then there is quite a
lengthy list of questions, which the Hon. Minister for Justice and Education will have to deal with, and that
we can do after the recess. Okay?

1475 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I was in
fact going to suggest that Mr Isola will have two questions, the one that is listed and another one that he
will be answering. So we can deal with those two questions before the recess and then recess for 20 minutes
when we come back for my questions.

1480 **Mr Speaker:** Okay.

Q314/2014
Government rental homes –
Numbers vacant

Mr Speaker: So we are now at Question 314, the Hon. Mr Reyes.

Acting Clerk: Question 314, the Hon. E J Reyes.

1485 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing say how many Government rental homes are currently vacant, providing details of the dates from which such homes have been unoccupied and stating how many of these are Pre-War and Post-War homes?

1490 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1495 **Mr Speaker:** It is a very lengthy schedule, I will allow the hon. Member to study it and then come back later on.

Answer to Question 314

There are 219 Government rental homes vacant. Below please find breakup of Pre-Wars and Post-Wars flats with dates.

PreWar Table with Dates

PreWar	22/01/2014	PreWar	08/10/2013	PreWar	28/01/2014
PreWar	02/05/2013	PreWar	16/01/2014	PreWar	09/09/2013
PreWar	17/07/2004	PreWar	21/05/2013	PreWar	09/09/2013
PreWar	18/09/2008	PreWar	14/01/2014	PreWar	05/02/2014
PreWar	21/07/2004	PreWar	21/05/2013	PreWar	28/01/2014
PreWar	14/09/2009	PreWar	20/05/2013	PreWar	22/01/2014
PreWar	04/04/2011	PreWar	15/10/2013	PreWar	28/01/2014
PreWar	07/06/2010	PreWar	15/10/2013	PreWar	28/01/2014
PreWar	17/06/2011	PreWar	04/06/2013	PreWar	28/05/2013
PreWar	20/07/2011	PreWar	28/09/2012	PreWar	03/02/2012
PreWar	23/05/2006	PreWar	04/11/2013	PreWar	23/01/2014
PreWar	03/12/2008	PreWar	31/10/2013	PreWar	23/01/2014
PreWar	06/08/2013	PreWar	26/02/2014	PreWar	24/01/2014
PreWar	07/12/2010	PreWar	07/11/2002	PreWar	24/01/2014
PreWar	11/10/2004	PreWar	21/03/2000	PreWar	24/01/2014
PreWar	07/02/2011	PreWar	12/03/2014	PreWar	23/01/2014
PreWar	15/09/2011	PreWar	21/02/2014	PreWar	18/09/2008
PreWar	04/10/2011	PreWar	14/03/2014	PreWar	14/02/2014
PreWar	09/01/2013	PreWar	18/02/2014	PreWar	12/07/2011
PreWar	04/04/2011	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	22/03/2012	PreWar	16/07/2013	PreWar	08/02/2012
PreWar	11/01/2007	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	02/05/2013	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	06/06/2012	PreWar	28/01/2014	PreWar	03/02/2012
PreWar	18/09/2008	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	15/02/2006	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	15/02/2006	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	02/05/2013	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	15/09/2011	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	25/02/2014	PreWar	22/01/2014	PreWar	18/06/2010
PreWar	04/10/2011	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	16/01/2014	PreWar	28/01/2014	PreWar	22/01/2014
PreWar	23/05/2013	PreWar	28/01/2014	PreWar	18/06/2010
PreWar	30/07/2013	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	16/01/2014	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	21/05/2013	PreWar	22/01/2014	PreWar	20/01/2012
PreWar	11/02/2014	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	11/10/2013	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	30/01/2014	PreWar	28/01/2014	PreWar	03/02/2012
PreWar	02/09/2013	PreWar	18/02/2014	PreWar	03/02/2012

PreWar	03/02/2012
PreWar	03/02/2012
PreWar	03/02/2012
PreWar	03/02/2012
PreWar	03/02/2012
PreWar	01/11/2004
PreWar	29/07/2006
PreWar	17/07/2004
PreWar	03/07/2004
PreWar	17/07/2004
PreWar	23/02/2004
PreWar	29/03/2005
PreWar	23/02/2004
PreWar	18/02/2014
PreWar	04/06/2004
PreWar	19/06/2013
PreWar	18/02/2014
PreWar	19/06/2013
PreWar	19/06/2004
PreWar	29/07/2006
PreWar	26/04/2004
PreWar	19/06/2004
PreWar	23/02/2004
PreWar	23/02/2004
PreWar	23/02/2004
PreWar	14/04/2010
PreWar	26/09/2000
PreWar	14/07/2004
PreWar	14/07/2004
PreWar	18/02/2014
PreWar	22/10/2003
PreWar	19/06/2013
PreWar	19/06/2013
PreWar	30/08/2007
PreWar	04/06/2004
PreWar	25/02/2004
PreWar	23/02/2004
PreWar	19/06/2004
PreWar	03/07/2004
PreWar	23/02/2004

PreWar	08/07/2013
PreWar	22/10/2003
PreWar	18/02/2014
PreWar	16/06/2004
PreWar	04/06/2004
PreWar	04/06/2004
PreWar	15/07/2004

PostWar Table with Dates

PostWar	14/01/2014	PostWar	13/03/2014
PostWar	07/03/2014	PostWar	16/07/2013
PostWar	11/02/2014	PostWar	04/03/2014
PostWar	30/01/2014	PostWar	11/10/2013
PostWar	07/03/2014	PostWar	27/02/2014
PostWar	25/02/2014	PostWar	07/01/2014
PostWar	25/02/2014	PostWar	29/11/2013
PostWar	15/11/2013	PostWar	18/12/2013
PostWar	08/10/2013	PostWar	06/02/2014
PostWar	04/03/2014	PostWar	11/02/2014
PostWar	12/03/2014	PostWar	21/01/2014
PostWar	21/11/2013	PostWar	13/01/2014
PostWar	20/01/2014		
PostWar	04/02/2014		
PostWar	22/11/2013		
PostWar	13/02/2014		
PostWar	03/03/2014		
PostWar	28/02/2014		
PostWar	28/02/2014		
PostWar	05/03/2014		
PostWar	01/10/2013		
PostWar	09/12/2013		
PostWar	30/01/2014		
PostWar	11/12/2013		
PostWar	02/09/2013		
PostWar	11/09/2013		
PostWar	02/12/2013		
PostWar	06/12/2013		
PostWar	15/10/2013		
PostWar	21/02/2014		
PostWar	18/09/2013		
PostWar	03/03/2014		
PostWar	03/03/2014		
PostWar	19/08/2013		
PostWar	28/10/2013		
PostWar	26/02/2014		
PostWar	26/02/2014		
PostWar	16/10/2012		
PostWar	13/01/2005		
PostWar	21/05/2013		

FINANCIAL SERVICES AND GAMING

Q316/2014

Ince's House –

Update on refurbishment for GIB

Mr Speaker: So we will proceed with the next question, which is Question 316.

Acting Clerk: Question 316, the Hon. D J Bossino.

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Hon. D A Feetham: Mr Speaker, I have not morphed into Mr Bossino. As Mr Bossino's firm is professionally engaged, so he has asked me to ask this question.

Can the Minister for Financial Services state what progress has been made in connection with the refurbishment of Ince's House and when the Government expects it will be ready to house the Gibraltar International Bank.

1505 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the appointed Chief Executive Officer and Chief Operations Officer of the Gibraltar International Bank are in discussions with the designers on the proposed layout and operation of the Bank premises, with work expected to commence in April 2014, following its presentation to the Development and Planning Commission and subject obviously to their deliberations. The proposed completion date of the works will be known once the proposed design works are finalised and agreed, costed and approved.

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1515 **Hon. D A Feetham:** Mr Speaker, is the Government's decision to house the Gibraltar International Bank within the Ince's Hall complex, if I can call it that, a firm decision or is the Government looking at alternative sites even at this stage in the announcement, so to speak, that the Government has made in relation to the Bank?

Hon. A J Isola: No, Mr Speaker, the decision is a firm decision.

Q317/2014
Finance Centre development –
Islamic Finance and Shariah-compliant financial products

1520 **Mr Speaker:** Next question.

Acting Clerk: Question 317, the Hon. S M Figueras.

1525 **Mr Speaker:** But, is not Question 317 also... which is directed to the Minister for Justice. But according to the information that I have is going...
So we will now call Question 317.

1530 **Hon. S M Figueras:** Yes, Mr Speaker, the question was indeed addressed to the Minister for Justice because he had answered himself in his capacity for Financial Services at the time of the original question mentioned.

Can the Minister for Justice say, further to his answer to Question 166/2012, what development, if any, has been experienced in the development of the Finance Centre as a centre for Islamic Finance and Shariah-compliant financial products?

1535 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

1540 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, as the hon. Member is aware, our Finance Centre is already able to deliver Shariah-compliant products in accordance with the Laws of Gibraltar. The Government has recently published the Executive Summary of its business plan for the further development of Gibraltar's Financial Services Sector, on which it has consulted with the Finance Centre Council following extensive direct consultation with law firms, accounting and audit firms, fund administrators and fund managers, banks and licensed firms.

1545 The strategy outlined in the plan does not include specific reference to Gibraltar being promoted as a centre for Islamic Finance, although this remains under consideration, as the business plan is a live document.

Hon. D A Feetham: Mr Speaker, if I may?

Mr Speaker, this is something that I have been involved in, not in a ministerial capacity, but in a professional capacity, just before I became a Government Minister in 2007.

1550 Of course, it is right, as the Hon. the Minister points out, that Gibraltar can offer Shariah-compliant products now; indeed, any jurisdiction in the world can offer Shariah products.

1555 The thinking pre 2007, and it was the thinking of a Committee that had been put together by the then Chairman of the Financial Services Commission, Marcus Killick, who chaired it – I was a member of that Committee and there were a number of other bankers and a number of other professionals – was that what we ought to do was produce a piece of legislation that formally regulated Shariah products. So, for example, any Shariah product that is offered from Gibraltar, and it can be offered, had to comply with Shariah Law and obtain a clean bill of health from an expert in Shariah Law, because this is how these things are done, that is my understanding, that the actual product that was being sold complied with Shariah

1560 Law. It was an added way in which we felt that it could provide Gibraltar with an edge in terms of marketing these products from Gibraltar.

1565 Unfortunately, I became a Government Minister, and as Minister for Justice my attention was elsewhere not on this. I do not know why this never got anywhere. It may well be that in fact the horse has already bolted, because in 2006 or 2005 had we done this, perhaps we could have ridden the crest of the wave because that is when really these products really exploded onto the scene, and that perhaps now the Government takes the view that there is no advantage in doing that. But is that something that has in fact been considered by the Government? Is it a live issue or really it is not something that is within the Government sights at all?

1570 **Hon. A J Isola:** Mr Speaker, I acknowledge and agree that the potential benefits of incorporating any legislation within our Laws, which are specific to Shariah, are hugely valuable in the marketing and the development of that business, notwithstanding the fact of course that those products, as you have acknowledged, can be done anyway.

1575 During the course of the past seven months since I was elected, I have consulted extensively with individual law firms, individual accountancy firms, fund administrators, managers, banks, every single category, even insurance managers to see if it touched on there either. Not one of the meetings that I have attended has raised the potential of Shariah Law and therefore in terms of what we are focussing and when we are talking about a real partnership between the sector and the Government and the Regulator, it is not something that we have included in this year's business plan.

1580 As I said in my answer, the document is a live document and if representations were to be made by the private sector asking us to reconsider and relook at this, we would happily do that; but what I can tell the hon. Member is that in all the time that we have been in detailed discussions with individual firms, and of course, the Finance Centre Council, it has not once been mentioned, and hence it is slightly falling off the list of priorities that we have been dealing with over the past months and paid attention to in the business plan.

1585 **Hon. D A Feetham:** If it would assist the hon. Gentleman, a Bill was actually drafted. A Shariah Law Bill was actually drafted and it ought to be available. If the Hon. Minister is interested in this particular area, perhaps he ought to talk to Marcus Killick and he is probably in a better position than I am, at this stage, because I am rather disconnected from this issue from when I was really heavily involved. He is the best man to tell you whether there is any mileage in us pursuing this particular issue now, several years after the initiative really began.

Hon. A J Isola: Yes, Mr Speaker, I am grateful.

1595 The main sector of the industry I would have thought, would be certainly initially involved, would be the fund sector. [*Inaudible*] who I have met with and talked to regularly have not raised that as a potential area that they are interested in. We are working with them on a number of other initiatives which are of great interest to them. That has not been mentioned by them either, but were it to be, we would certainly be happy to resuscitate and take the steps that you have suggested that we should.

1600 **Mr Speaker:** I think this is a convenient time to adjourn for, to recess for...
Yes.

**Q314/2014 continued –
Government rental homes –
Numbers vacant**

Hon. E J Reyes: Thank you, Mr Speaker.

Just a very short supplementary that you had invited me to before.

1605 The Minister, in providing me with the details of the 219 rental homes here, he has divided for me the first two pages refer to pre-war properties and the last page to post-war, but I see that the dates are not in any given chronological order and there is more than one flat to the same vacation date and in different columns. Is there a logic behind these dates, which he may be aware and I am not? Does it refer to... for example, the first one listed became empty on 22nd January of this year, is it there because that is a smaller sized property as opposed to the one towards the end of the second page, which is of an earlier date? Is there some logic behind it or is it just the way that the typist happen to input this information into the spreadsheet?

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I do not know where there is any logic at all in this. This is just a list provided with the information that the hon. Member requested. He did not mention whether he wanted it in a specific order. It is just a list. (*Interjections*)

1615

Hon. E J Reyes: Mr Speaker, I have to accept that since I had not requested it in any particular order, I think your experience as and when the file has been picked up. I will probably have to write to the Minister if I want it in any particular order and give him due time to sort it out.

Thank you, Mr Speaker.

1620

Mr Speaker: We will recess for 20 minutes.

The House recessed at 5.20 p.m. and resumed its sitting at 5.45 p.m.

1625

**Q318-319/2014
School computers –
Repairs and maintenance programme**

Acting Clerk: Answers to Oral Questions continued. Question 318, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, sir, can the Minister provide details of how many school computers intended for pupils' use are currently awaiting repairs, together with details of how long these computers have been out of service?

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Acting Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer together with Question 319/2014.

1635

Acting Clerk: Question 319, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of the ICT maintenance programme for school computers?

1640

Acting Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the total number of computers in the First School sector for use by students is 219. As of last Friday, there were two computers out of the 219 out of service in that sector.

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Of these two computers, one has been out of service for three months. It has been serviced twice during this period but continues to have software issues which need to be addressed. The other computer has been out of service for six months. It has been serviced regularly since September 2013 but continues to have networking faults. This computer is under warranty so a replacement under the warranty is being requested of the supplier.

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The total number of computers in the Middle School sector for use by students is 101. As of last Friday, there were no computers out of service in that sector.

The total number of computers in the Secondary School sector, including the College, for use by students is 557. As of last Friday, there was one computer out of the 557 out of service in that sector. That computer has been out of service for one month. It has been serviced during that time but continues to have networking faults. This computer is also under warranty and a replacement under the warranty is being requested from the supplier.

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Mr Speaker, as of 9th December, 2011, there were serious issues with breakdowns and servicing of computers in schools. Very early on in our term of office, I visited each and every school to meet the heads and staff and to see at first hand any issues affecting the school. By far the biggest issue brought to my attention concerned breakdowns in IT equipment, and the time it took for these to be looked at and addressed. This was in fact, a consistent theme in all or practically all of the schools.

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Only Bayside and the College at the time had IT technicians available. ICT maintenance and repairs in schools was therefore a major issue, in December 2011. The main problem was that issues with school computers were not dealt with by the Government's IT and Logistics Department, so whilst the Government's IT and Logistics Department would attend to computer issues at the Department of

1665

Education, schools had no recourse at all to the resources and expertise of the IT and Logistics Department. It was left to an arrangement with the supplier of the computers who had one technician who would be called out whenever there was a breakdown but who could clearly not cope with the demands of our schools, leading to substantial backlogs in repairs that needed to be carried out.

The inadequacy of the system was even more evident when it came to addressing issues with school networks. These had been set up by different firms at different times with no common infrastructure.

I am glad to say, Mr Speaker, that the situation has changed dramatically and the upkeep of ICT systems in schools has seen a significant and marked improvement.

In fact, as I have indicated as of last Friday we had only three computers out of 877 for use by students out of service. That in itself is a success story, although I would clearly like to see that there are no computers at all out of service.

Mr Speaker, the dramatic change in the situation now from what it was when we were elected into Government is clearly not an accident. It has resulted from a concerted effort and commitment by this Government to redress the poor situation which existed – a poor situation which had already been identified by the GSLP Liberals before the elections.

In our manifesto, under the heading ‘Computer Resources and Upkeep in the Education Section’, we stated:

‘With many classes now equipped with interactive whiteboards and these being used much more effectively in lessons by all teachers, the repair and upkeep of IT equipment is of utmost importance. The increased resources that we will provide in respect of Government IT generally will specifically provide for maintenance of the IT in schools.’

The increased resources came about in the form of extra technicians as well as increased technical support. The Department of Education was given access to the IT and Logistics infrastructure and support for our schools. It is extraordinary that as at December 2011 Bayside had an IT technician but Westside did not. There was no technician at all engaged for the First and Middle Schools.

The position now is very different. There is one qualified IT technician permanently based at Bayside. Another is also permanently based at Westside with four other technicians attending to the needs of First and Middle Schools, as and when required. The College has its own ICT technician support as part of its staff complement.

When we came into Government, schools were asking for a system that provided a faster response time when equipment broke down. At the time, schools had to go through a requisition and local purchase order system, which also made this a slow and cumbersome process. Faults are now reported directly to the IT and Logistics Department by e-mail. As a result of the significantly increased resources available for IT in schools and a change to how these resources are accessed we have seen a very marked improvement in the service provided.

In a nutshell, Mr Speaker, our manifesto commitment has been given full effect and we now have a system that works. The effect of a more resilient and effective ICT support and maintenance system for our schools is dramatic. This benefits the education of all children.

I trust that hon. Members opposite will recognise and applaud these improvements. *(Banging on desks)*

Mr Speaker: I will allow Members to wave their Order Papers. *(Laughter)*

Hon. E J Reyes: Mr Speaker, it is good news for the students concerned. Yes. Can I double-check a couple of things that I hope I have got my notes right. Towards the end the Minister for Education said that they had engaged the extra technicians and support staff, so that means there is now one technician permanently based at Bayside, one at Westside, one available for a combined First and Middle Schools? *(Interjection)* No? I got that wrong. Can I have a slow repetition of just those figures, so I know the technicians.

Hon. G H Licudi: Mr Speaker, with your leave, I will repeat the whole of the answer. *(Laughter, interjections and banging on desks)* Perhaps I will just concentrate on what the hon. Member is asking.

The position now is there used to be one at Westside and the College had its own ICT technician as part of their own complement. Now, as part of the IT Department, we have one technician for Bayside, one technician for Westside and four other technicians for the First and Middle Schools. But these are technicians that are engaged by the Government’s IT and Logistics Department and are seconded for the purposes of being at Westside, being at Bayside and being available to meet the requirements of all the schools. The support that existed at the College continues to be there as part of their own school complement. So in effect, apart from the College we have seen support increase from one technician to six technicians. And I am grateful for the words of the hon. Member in opening his supplementary that he is glad – certainly the whole community should be glad.

1730 **Hon. E J Reyes:** Thank you, Mr Speaker.

1735 Just one quick thing again, I do not know whether I have got the right detail noted down. In respect of the two computers pertaining to the First School sector, one had been out of service for six months but this was under warranty from the supplier so I suppose that is on-going. Was I correct in noting that the other one was out of service for three months but it seems to be just a question of simple software that needs to be amended? Or have I got my note wrong?

1740 **Hon. G H Licudi:** Mr Speaker, I am not an IT geek, and I do not know whether these things are simple or not, but there is one computer that has been looked at on a couple of occasions over the last three months that is the other computer and it seems to have software issues that still need to be addressed. So that is an ongoing issue that they are still looking at that computer to try and redress those software issues. I do not know how complicated... If they were not complicated, it would have been put right on the first occasion, but the fault seems to be recurring. But clearly there will come a time that if the computer continues to be at fault, we will need to replace that computer.

1745 **Mr Speaker:** Next Question.

Q320/2014
Ship arrests –
Number undertaken in past 12 months

Acting Clerk: Question 320, the Hon. S M Figueras.

1750 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide this House with details of the number of ship arrests undertaken in Gibraltar, broken down month by month for the past 12 months?

Acting Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

1755 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will attempt to be brief.

The number of ship arrests in the last 12 months is as follows: March 2013 – two; April 2013 – one; June 2013 – one; October 2013 – three; February 2013 – three.

1760 **Hon. S M Figueras:** Sorry Mr Speaker, he started – the Minister started with March 2013 and then ended with February 2013. Did he mean 2014?

Hon. G H Licudi: Sorry, the last one is February 2014 – three.

1765 **Hon. S M Figueras:** Mr Speaker, perhaps the Minister... I am grateful for his answer. Perhaps the Minister can, and I have not given notice of this and certainly I should have done upon reflection – requested some kind of comparison with older figures.

But is the Minister in his experience – and again I acknowledge he might not have the information before him – able to say whether there is any trend identifiable, any downward trend identifiable in terms of the number of ship arrests being conducted in Gibraltar?

1770 **Hon. G H Licudi:** Mr Speaker, I do not have the figures and I had the same thought as the hon. Member, that it is information that would have been useful, particularly because in another question I do have the figures that I am being asked for and I am also comparing with previous figures. I do not have the figures but I am happy to obtain them for the hon. Member.

1775 With regard to trends, certainly no trend has been brought to my attention. It is always difficult to try and identify the trend in these matters, because it really depends on the needs of owners, mortgage holders, and sometimes figures could be misleading. Because if you have a fleet arrest for example, you may have a relatively large number which upsets the figures and does not really show any particular trend.

So I do not have the figures for the previous year, but I am happy to obtain them.

1780 **Hon. S M Figueras:** And I am grateful to the Hon. Minister, I will take the opportunity of just writing directly to him in order to request that information.

1785 **Hon. D A Feetham:** Is the Hon. the Minister for Justice satisfied that Gibraltar remains competitive in relation to ship arrests, not only in relation to the charges imposed by Government but also in all the other services that are also offered and that may play a role in the owners of vessels making a decision to come to Gibraltar to have their ships arrested in Gibraltar?

1790 **Hon. G H Licudi:** Yes Mr Speaker, we are satisfied that Gibraltar remains a very competitive jurisdiction for that purpose. It is an area that I have discussed with Members of the legal profession through the Bar Council and in particular, practitioners involved in this particular area. I have also had discussions with my colleague the Minister for the Port, because it relates to Port issues and services provided through the Port in relation to ship arrests, such as the marshals on board and all that.

1795 I have had discussions with the Admiralty Marshal on these issues and generally the position seems to be that there is always room for improvement and there are always things that we can do, we can always lower charges, but ultimately this is a matter that remains a viable proposition for Gibraltar. Certainly when there is a ship arrest and there is a sale, there is a percentage that clearly goes to the Government, so we would certainly want to do everything possible to encourage the use of the Gibraltar Port or Gibraltar generally, as a jurisdiction for decisions when decisions have to be made. Sometimes these things happen by accident, but usually they tend to be planned and we would certainly want to carry on encouraging Gibraltar as a port for ship arrests.

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Mr Speaker: Question 321.

Q321/2014
Prison occupancy –
Figures for last 12 months

Acting Clerk: Question 321, the Hon. S M Figueras.

1805 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Justice provide this House with prison occupancy figures on a month by month basis for the last 12 months?

Acting Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

1810 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I do not have a schedule for this but I will give the information to the hon. Member.

The daily average prison population expressed on a month by month basis over the last 12 months, rounded to the nearest person is March 2013 – 55; April 2013 – 54; May 2013 – 46; June 2013 – 45; July 2013 – 46; August 2013 – 49; September 2013 – 43; October 2013 – 46; November 2013 – 49; December 2013 – 48; January 2014 – 50; February 2014 – 52.

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This represents a daily average prison population of 49 over the period.

Mr Speaker these figures can be contrasted with the daily average prison population of 71 in 2011 and 75 in 2012 and there can be a number of factors. I have only been asked for the figures. If the hon. Member wants to go into issues as to what can contribute, I am happy to go into those matters, but the question relates to the figures and that is what I have provided to this House.

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Hon. S M Figueras: Yes indeed Mr Speaker, I am grateful to the Minister for the very helpful answer. I would certainly want to take up the offer and explore what issues the Hon. Minister might be able to talk to us about in relation to what might have had that effect on, really, that rather significant effect on prison population figures since 2011.

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Hon. G H Licudi: Well Mr Speaker, it is difficult, but not impossible to ascribe any one particular cause to the change. We have seen clearly what can be described as a significant drop 71 or 75 down to 50, a 33% drop effectively in that year.

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In order to analyse the whole issue and understand why this happens, we would need a criminologist to identify the matter. But there are a number of factors that we can look at and see as possible causes, and factors for explaining this particular trend.

One issue which I can certainly say is not a factor is that there has not been a mass exodus of prisoners on the basis that many of them or many more are now being given parole than has previously been the case. In fact the figures on parole are fairly consistent. In 2013, for example, sorry 2012, there were 23 prisoners given parole and that can be compared with 20 in 2013. Maybe that is the other way round, but for the last

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two years it has been 20 and 23 so the numbers are fairly consistent so there has to be a combination of factors to which the small numbers are attributable.

1840 There are a number of facts that we have which can help us understand. If we look at admissions to the prison, in terms of people who have been sentenced and sent or remanded in custody, in 2012 we had 281; in 2013 we had 179 – that is a drop of over 100 in one year. There is still the question as to well why that drop, why that significant...? That is a very significant drop, of over 100 prisoners being sent, or being received in the prison and there are a number of factors that we can consider as contributing to this.

1845 First of all, as from the beginning of 2012 we had a fourth judge, specialising in criminal law, Mr Justice Barrington Black who is due to retire next month and I would like to take this opportunity to acknowledge the work and contribution that Mr Barrington Black has made to the community and to the Judiciary generally, and wish him a happy retirement.

1850 But he came in – it was a policy of the previous administration, I acknowledge that – and he was engaged by the previous Administration that commenced subsequently. He came in at the beginning of 2012 and a system of two criminal courts running concurrently was devised. That was intended to clear a backlog that existed and therefore in 2012 there were large moves to clear the backlog. A lot of that was done successfully and therefore there was not that much backlog to clear later on, which again might have contributed to the fall in numbers.

1855 The other figure that can be given is that the recorded crime over last year is down by 18%. Those are actual figures given to me by the Royal Gibraltar Police, and that is 18% down on the previous year, which itself was down 13.5% over the previous year. So the trend of recorded crime going down is evident. Why again, we can consider that there has been a new policy of neighbourhood policing, more visible policing in the community, and the professionals that I have asked on these issues suggest that that is working and is effective in reducing the offending, and reducing the re-offending also, in our community.

1860 We have also had the public CCTV project, which as Members will recall when it was announced, not only which was originally planned by the hon. Members, we actually put it in place and we have had this debate before, in 2012. We know that that not only provides a tool when crime is actually reported, to actually detect who the culprits are and use that as evidence, but it provides a positive deterrent and that can certainly be a factor. The other issue is that we have seen less re-offending so repeat offenders are down and that is a very, very positive sign.

1865 Last month, I gave details of the measures that are being taken in prison to rehabilitate offenders with vocational courses and counselling that is provided, that might account for the less numbers re-offending. One particular issue that is of crucial importance in this area, Mr Speaker, is that once offenders are rehabilitated they can obtain employment, come back into society and are part of the community. That reduces any kind of incentive or any need for re-offending, not that there is ever a need for re-offending, but certainly gives them the incentive to start behaving properly and not offend.

1870 Hon. Members will remember that as part of our policy, although it had been enacted previously by the previous administration, we very quickly commenced the rehabilitation of offenders provisions in the Criminal Procedure and Evidence Act. That is something that we gave a lot of importance and we did that early – that was in fact the very first part of that Act that we enacted. That allowed certain convictions to be regarded as spent and not have to be disclosed for employment purposes and makes it easier for offenders to obtain employment.

1880 It is interesting, Mr Speaker, that only last week, in fact as of 11th March, we have new periods for rehabilitation of offenders in the UK and listening to the media reports last week, quoting experts would suggest that the lower the rehabilitation periods the quicker the offender can obtain employment and that that has actually been seen to have a very positive effect in the re-offending numbers, because people can get back into employment.

1885 I can tell the hon. Members that as a result of those studies and those changes which have come into place in the UK as of last week, we have now looked at our own rehabilitation periods, and we will be making changes in order to bring them more in line because there is now a big disparity with the UK. So we will be making changes to the schedule and those tables.

1890 So all in all, there are quite a number of factors, including lower crime, neighbourhood policing, CCTV, less re-offending, the rehabilitation of offenders, all those factors we believe contribute. But this is not a science, and it may be that things change in the next few months, we certainly hope that the Government's Criminal Justice Policy and all the law enforcement agencies that are involved in preventing, detecting and deterring people from committing offences, that the very good work will continue and that we will continue to see crime falling in Gibraltar. (*Banging on desks*)

Q322/2014
Detention of juveniles –
Plans for provision

1895 **Acting Clerk:** Question 322, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Justice provide this House with details of how the Government plans to provide for the detention of juveniles, other than in HM Prison?

1900 **Acting Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government has no immediate plans for the detention of juveniles, other than at HM Prison. Government is however, prepared to consider alternatives to HM Prison for the detention of juveniles, should this be considered necessary.

1905 I should say Mr Speaker that the number of juveniles received into prison custody is, I am very glad to say, low. As an example, in the whole of 2013 we only had one juvenile received at HM Prison during that time.

1910 **Hon. S M Figueras:** I am grateful, Mr Speaker.

I asked this question in the context of an incident a couple of weeks ago involving, as I understand it, a juvenile where I also understand immediate action was taken to accommodate the juvenile in a manner more appropriate to his or her age. I wonder whether perhaps the Minister is able to say how, given the fact that and my acknowledgement, certainly, that there is thankfully a very, very low number of instances where this is even relevant, what in the interim between now and developing a permanent solution... how it is that these persons are in fact dealt with currently?

1915 **Hon. G H Licudi:** Yes, Mr Speaker, I am happy to give the hon. Member details of that, but let me just correct... and I do not want to go into an argument or any discussion about the case that the hon. Member has mentioned. It is not the case that that particular juvenile was dealt with in a different way, that juvenile should not – or it was considered, should not have been sent to custody in the first place. That issue was resolved but there may be ongoing issues in relation to that case and I certainly do not want to go into that.

1920 The hon. Member asks how juveniles are actually dealt with and as hon. Members opposite should... well, will know – particularly the Leader of the Opposition, because the Prison Act was introduced by him during his time as Minister for Justice – there is a provision in section 25 which stipulates that so far as accommodation in the prison renders it practicable, prisoners under the age of 17 will be kept separate from other prisoners. There is a separate provision which says that this should not result in an undue deprivation of contact with other prisoners.

1925 So when a juvenile is received into prison, consideration is given to his age, his current circumstances, and the current circumstances in the prison itself when deciding to what degree the juvenile will need to be segregated. Juvenile prisoners are never housed in a cell with an adult prisoner. That simply does not happen. They are either housed in a separate wing or in a wing where other prisoners are located, albeit the best behaved prisoners who are currently in prison. In any event, the juvenile is always under the supervision of a prison officer throughout the day and never left on his own with other prisoners.

1930 We have a vocational instructor that is available and used exclusively for juveniles when they are in custody. They spend... When I say 'they', last year we only had one individual, but juveniles spend most weekday mornings under the care of that particular vocational instructor. We also have a qualified teacher available exclusively for juveniles and who will impart the necessary lessons, so that the education side of the juvenile is also taken into account whilst he is in custody.

1935 There is a range of other professionals and agencies that are necessarily engaged to provide services, depending on the particular case, including psychologists, Care Agency support, and that particularly arises if that juvenile is already known to the Care Agency. So what the professionals will do is produce a care plan for the juvenile for the purposes of meeting his needs whilst in prison, and ensure that every day that is spent in custody is as purposeful and engaging as possible.

1940 The prison we currently have does not have a dedicated juvenile wing. I am advised that one of the wings, a 10-bed wing, was in fact earmarked as a possible juvenile wing. This wing was subsequently reclassified as a vulnerable person's wing, but it can be used for juveniles if there are no sex offenders or other vulnerable prisoners in custody using that particular wing. There is in any event another separate small wing, a 12-bed wing that can also be used to house prisoners. It is dependent upon the population of the prison, but since the population has fallen dramatically in the last 12 months, it is certainly possible to vacate this section and use it exclusively for juveniles if it is deemed necessary.

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So by and large the prison, although without a dedicated wing, is adequate and has adequate facilities and additional resources are brought in to support the juvenile whenever there is a juvenile in custody.

1955 **Hon. S M Figueras:** I am grateful and whilst acknowledging that clearly, given the current prison occupancy figures and the fact that this is seldom something that is required and also the Hon. Minister's first answer that there are no immediate plans, are there any plans whatsoever that the Minister can share with us at this stage?

1960 **Hon. G H Licudi:** Mr Speaker, I said there are no immediate plans but it is something we are prepared to consider if it is deemed necessary.

Hon. Members will know that we have a commitment to look at and procure a secure unit and that is in connection with particular provision in the Children Act which has not been commenced yet, and which will provide for secure accommodation for children.

1965 That is not intended to be a youth detention centre; it is intended to be a secure unit for other purposes. But it is perfectly possible and feasible if we wanted to develop that to have as a wing, a self-contained unit which could almost double up as a youth detention centre if we wanted to go down that route.

1970 We do not have immediate plans to do that. We do not believe that it is necessary, we are working on a secure unit and when we do that, we will be considering whether that can also be used for other purposes, but the intention at the moment is that that secure unit is not going to be used as a youth detention facility because of the circumstances that I have already described, which we consider are adequate and as provided for in the legislation.

Q323/2014

Registered sex offenders – Number for last 12 months

Acting Clerk: Question 323, the Hon. S M Figueras.

1975 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details to this House of the number of registered sex offenders in Gibraltar on a month by month basis for the last 12 months?

Acting Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

1980 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there are currently eight persons on the sex offender's register. Of these, two were registered in April 2013, one in July 2013, one in December 2013, three in January 2013 and one in February 2014. Sorry, I should have said January 2014.

1985 **Hon. S M Figueras:** Mr Speaker, just one supplementary. Is the Minister able to say whether of the eight currently on the register, whether there is any that have been reported, or rather who have reported for registration, other than in circumstances of being convicted in Gibraltar?

1990 **Hon. G H Licudi:** Mr Speaker, I do not want to go too much into who is in and who is out and the circumstances and all that. Hon. Members will recall that when we had discussions previously and debate previously about the sex offenders register. There was this issue as to whether there were sufficient powers in the Act to deal with people outside Gibraltar, or even people who had committed offences before the coming into effect of the Act.

1995 I can certainly confirm to the hon. Members that those powers are being exercised and are being used and the eight are not all related to convictions in Gibraltar which would automatically qualify for nominations.

2000 **Hon. D A Feetham:** So it follows that some of those are effectively people who have been convicted of sex offences outside, so the conviction is outside Gibraltar but there has been some form of application, I cannot remember the exact mechanics now off the top of my head, but there has been some form of application to get them registered onto the list here in Gibraltar. Can the Minister tell us how many of those eight are in that category, in other words that are sex offenders convicted outside Gibraltar?

2005 **Hon. G H Licudi:** Mr Speaker, as I said, I do not particularly want to go into an argument –

Hon. D A Feetham: No, I am not going to have an argument.

2010 **Hon. G H Licudi:** – as to who is in and who is out. There are different circumstances, the hon. Member has mentioned the possibility of making applications. There is a sexual offences prevention order that can be obtained, there is a risk of sexual offences order that can be obtained, and powers have been exercised in respect of that, including – and I do not want to go into numbers, but including – in respect of offences committed outside Gibraltar.

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q324/2014

Employment Service – Registered employers

Acting Clerk: Question 324 the Hon. D J Bossino.

2015 **Hon. D J Bossino:** Can the Minister for Employment provide up to date details of the employers registered with the Employment Service by industry group?

2020 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2025 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the number of employers registered with the Employment Service by industry group as at December 2013 was as follows: electricity supply – 5; water supply – 2; ship building – 32; other manufacturing – 67; construction – 679; wholesale trade – 100; retail trade – 506; hotel trade – 10; restaurants and bars – 222; repairs of consumer goods – 68; sea transport and related services – 93; air transport – 9; road transport – 218; post and communications – 18; banking, finance and insurance – 1,175; public administration and defence – 9; police and fire service – 24; sanitary services – 7; education 41; medical and health service – 150; other services – 827.

2030 **Hon. D J Bossino:** Mr Speaker, I am grateful for that. Can I ask the Hon. Minister if there is any reason why the information has not been updated in the website, because the information was available on a monthly basis...? Actually not on a monthly basis, I am not sure on what basis. It started in March 2011, then there is a jump to September 2011 and then since the hon. Member took office, it has been on a monthly basis in 2012 all the way through to December 2012.

2035 Can I ask why that practice seems to have stopped in terms of putting that information online?

Hon. J J Bossano: There is no particular reason that I know of. It is just that whoever does that job has not done it.

2040 **Hon. D J Bossino:** Do I take it that from that answer, there is no difficulty in the Government updating this information, in other words from December 2012 to the information which he has just given across the floor of the House? It would be very useful to see the trend and I am sure he will appreciate that and then I do not need to ask this type of question in the future. I am grateful.

2045 **Hon. J J Bossano:** I see no reason for not doing it, but I will find out when I get back to the Department, Mr Speaker.

Acting Clerk: Question 325, the Hon. D J Bossino.

2050 **Hon. D J Bossino:** Sorry, may I have a supplementary? I was just consulting with the Leader of the Opposition in relation to Question 324. There has been an increase, I think pretty much on a monthly basis in the industry group relating to construction. Does the hon. Member have an explanation for that?

2055 **Hon. J J Bossano:** Well, the Member may have noticed that there is actually no construction work going on – (*Laughter*) more scaffolding, more people working – and he will see that is reflected in the statistics when they are finally published. In the construction industry, there is more activity now than there was a year ago, but in any event I think he needs to understand that although this is a register of employers,

2060 it does include people who are self-employed who, in the system that we have in Gibraltar, can actually be employers as well as being self-employed. So you may find that the increase is not an increase in big firms; in many cases it is an increase in people who are really working on their own and maybe employing a mate as a labourer or something like that.

Q325-332/2014
Future Job Strategy –
Salaries paid to trainees; type of training given; finances

Acting Clerk: Question 325, the Hon. D J Bossino.

2065 **Hon. D J Bossino:** Can the Minister for Employment provide details of the expenditure in terms of salaries paid to the trainees in the FJS since it started in February 2012 to date, broken down on a monthly basis?

2070 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 326 to 332.

2075 **Acting Clerk:** Question 326, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state whether the trainees in the graduate scheme have been paid their yearly increases above the minimum wage, as promised in the GSLP manifesto?

2080 **Acting Clerk:** Question 327, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state whether any training is being provided under the FJS in relation to Port-related activities?

2085 **Acting Clerk:** Question 328, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state how many employees each of Construction Training Company Limited, ETCL, Graduate Research Development Company Limited and STCL have had, broken down by months, since February 2012 to date?

2090 **Acting Clerk:** Question 329, the Hon. D J Bossino.

2095 **Hon. D J Bossino:** Can the Minister for Employment provide details of the number of private employers which have employed FJS trainees, with details of how many trainees have been employed by each employer, broken down by months, since February 2012 to date?

Acting Clerk: Question 330, the Hon. D J Bossino.

2100 **Hon. D J Bossino:** Can the Minister for Employment state the industry area of the private employers which have to date employed trainees under the FJS scheme?

Acting Clerk: Question 331, the Hon. D J Bossino.

2105 **Hon. D J Bossino:** Can the Minister for Employment state how many of the trainees who have been employed under the FJS remain employed to date?

Acting Clerk: Question 332, the Hon. D A Feetham.

2110 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether there have been any allegations of financial irregularities in relation to the management of the Future Job Strategy or in relation to anyone exercising that role?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2115 **Mr Speaker:** Before the Hon. Minister answers all these questions, may I make what I hope will be a useful practical suggestion. There is a great deal of statistical information in the answers – one, two, three, four, five, six, seven and a half pages.

2120 It would save the Hon. Minister a lot of breath, it would save a lot of time, may I make the suggestion that I arrange for these pages to be photocopied and circulated to Members of the Opposition and while we are waiting for that, we can proceed with Question 333 and then come back and answer and deal with any supplementaries arising from all these pages.

Hon. D A Feetham: Mr Speaker, it is an excellent suggestion.

2125 **Mr Speaker:** Is the Hon. Minister happy with that?

Hon. J J Bossano: Not at all Mr Speaker. I am not happy. (*Laughter*)

2130 **Mr Speaker:** You are not happy?

Hon. J J Bossano: No. (*Laughter*)

Mr Speaker: May I ask why?

2135 **Hon. J J Bossano:** Certainly, because the hon. Members have got the choice of seeking an oral answer or a written answer, and if they want a written answer, they wait until the end of the session and they get the thing in writing. They are trying to have their cake and eat it and therefore (*Laughter*) as far as I am concerned, they are not going to get that cake and eat it from me.

2140 So, since they want an oral answer... Let me say, Mr Speaker, that it was my view, when I was at the other side of the House, that if I asked for an oral answer, I should get an oral answer and it was the view of the then Government that questions asking for statistics should be put down for written answer. They do not practise in Opposition what they preached in Government, and I am going to do in Government what I asked for in Opposition. So when I am asked for an oral answer, I give one.

2145 **Mr Speaker:** Now with due respect to the Hon. Minister, if photocopies are made of his answer to all these questions and they are circulated, that can be deemed to be an oral answer. The only thing is that we are saving the Minister 15 or 20 minutes of having to read a whole series of figures out. (*Interjection and laughter*) I mean, it is ultimately up to him but I am trying to be sensible, I think. (*Interjection*)

2150 **Hon. J J Bossano:** Well, Mr Speaker, whether one is sensible or not is always a subjective judgement, (*Laughter*) but of course oral answers are for the benefit of a crowded gallery and everybody watching us on television, (*Laughter*) and I would not want anybody to be deprived of the opportunity of listening to all these statistics to which the Opposition attach such importance that they have almost paralysed the Department working out everything over the last two years. So if you will indulge me, I will continue giving the answer.

Hon. D A Feetham: Could I, Mr Speaker, it would be –

2160 **Chief Minister (Hon. F R Picardo)** Could I suggest to provide assistance to both sides –

Hon. D A Feetham: Well Mr Speaker, I have stood up –

Hon. Chief Minister: [*Inaudible*]

2165 **Hon. D A Feetham:** I was stood up before. (*Laughter*) I gave in last time.

2170 Mr Speaker, what I was going to suggest is that perhaps the Hon. the Minister can read it out, then he can have his oral answer, but if you could provide photocopies of what he is going to be reading out, at the very least we can follow. Because the problem with this particular practice, is that you are bunching up an awful lot of questions with an awful lot of statistics and it is actually very difficult for Opposition Members to then start taking notes (*Interjection*) and it would help us, indeed, in relation to our supplementaries, but also to understand the answer if photocopies were to be made.

But again, we are totally in the hands of the Hon. Minister. If he does not agree with that, then we cannot do anything to make him budge.

2175 **Hon. Chief Minister:** Mr Speaker, if I might, I think the useful compromise I was going to propose is not a million miles away from what the Hon. the Leader of the Opposition has suggested. I think we have suffered when we have been in Opposition, this practice which it appears is another one of the practices that Mr Feetham is now decrying that they engaged in when in Government, another one of the things that he has managed to finally change from the GSD that he so decries of old, and especially given their admission of their carelessness in their ability to jot down statistics as they are provided, I think it would be a very useful compromise if a photocopy could be provided to Members opposite, but of course that the hon. Member be given the opportunity to read out his answer which he wishes, and is entitled to do. I think in that way we achieve both of the objectives we wish to achieve.

2185 **Mr Speaker:** May I just comment that I think it is a regrettable practice that developed sometime between over the years between 1992 and 2011. It certainly was not the practice prior to 1992 for statistical information of this length to be provided in the House. It just was never done.

2190 **Hon. J J Bossano:** Mr Speaker, may I just remind you that in fact the last time this level of statistics was asked for, you pointed out to the Members – I think it was in October last year – that if they wanted statistical questions, they had the opportunity of asking for written answers. Having been told by you that that should be the way, they should do it, they have chosen not to do it that way. So therefore, they will have to sit and listen to what they want to hear. Otherwise they should not be asking for it to be oral.

2195 Mr Speaker, in the 24 months from February 2012 to January 2014 the expenditure on salaries of trainees, in thousands of pounds, was as follows:

	Month 1	296
	Month 2	348
	Month 3	402
2200	Month 4	459
	Month 5	485
	Month 6	520
	Month 7	566
	Month 8	561
2205	Month 9	595
	Month 10	605
	Month 11	620
	Month 12	568
	Month 13	554
2210	Month 14	513
	Month 15	521
	Month 16	467
	Month 17	445
	Month 18	437
2215	Month 19	419
	Month 20	415
	Month 21	430
	Month 22	420
	Month 23	405
2220	Month 24	379

The 150% and the 175% enhancement has already been paid to graduate trainees. The further increase to 200% due in the third year has not yet been paid.

No training is being provided in Port-related activities.

2225 There is no company called STCL. Assuming the hon. Member is seeking the information in respect of the Supported Employment Company, the information is as follows. In the 24 months from February 2012 to January 2014 the number of employees in each of the four companies is as follows:

	Company 1	
2230	Month 1	0
	Month 2	0
	Month 3	0

	Month 4	0
	Month 5	0
2235	Month 6	0
	Month 7	0
	Month 8	0
	Month 9	58
	Month 10	77
2240	Month 11	90
	Month 12	118
	Month 13	185
	Month 14	183
	Month 15	174
2245	Month 16	160
	Month 17	160
	Month 18	156
	Month 19	147
	Month 20	143
2250	Month 21	153
	Month 22	153
	Month 23	137
	Month 24	129
2255	Company 2	
	Month 1	358
	Month 2	404
	Month 3	460
	Month 4	516
2260	Month 5	551
	Month 6	529
	Month 7	539
	Month 8	521
	Month 9	534
2265	Month 10	507
	Month 11	486
	Month 12	389
	Month 13	296
	Month 14	290
2270	Month 15	298
	Month 16	283
	Month 17	253
	Month 18	231
	Month 19	232
2275	Month 20	227
	Month 21	211
	Month 22	197
	Month 23	173
2280	Month 24	204
	Company 3	
	Month 1	13
	Month 2	24
	Month 3	30
2285	Month 4	44
	Month 5	47
	Month 6	50
	Month 7	59
	Month 8	56
2290	Month 9	62
	Month 10	63
	Month 11	63
	Month 12	64

	Month 13	67
2295	Month 14	66
	Month 15	58
	Month 16	50
	Month 17	51
	Month 18	53
2300	Month 19	57
	Month 20	68
	Month 21	74
	Month 22	78
	Month 23	78
2305	Month 24	78
	Company 4	
	Month 1	0
	Month 2	0
2310	Month 3	0
	Month 4	0
	Month 5	0
	Month 6	46
	Month 7	46
2315	Month 8	47
	Month 9	60
	Month 10	63
	Month 11	64
	Month 12	67
2320	Month 13	67
	Month 14	66
	Month 15	70
	Month 16	70
	Month 17	72
2325	Month 18	73
	Month 19	72
	Month 20	73
	Month 21	73
	Month 22	72
2330	Month 23	74
	Month 24	74

The number of private employers with trainee employees between February 2012 and January 2014 with a breakdown for each month by employer and number of employees is as follows:

2335			
	Month	Employee	Employer
	Month 1	1	120
		2	23
		3	3
		4	2
	Month 2	1	167
		2	20
		3	3
		4	2
	Month 3	1	199
		2	27
		3	3
		4	2
	Month 4	1	219
		2	40
		3	3
		4	2
	Month 5	1	199
		2	20

	3	15
	4	2
Month 6	1	242
	2	20
	3	3
	4	2
Month 7	1	248
	2	22
	3	3
	4	2
Month 8	1	260
	2	28
	3	4
	4	2
Month 9	1	256
	2	28
	3	7
	4	2
	5	1
	8	2
Month 10	1	240
	2	34
	3	15
	4	6
	5	4
Month 11	1	261
	2	28
	3	7
	4	2
	5	1
Month 12	1	266
	2	10
	3	4
	4	1
Month 13	1	260
	2	11
	3	2
	4	1
	5	1
Month 14	1	244
	2	11
	3	3
	5	1
Month 15	1	241
	2	16
	3	3
	5	2
Month 16	1	225
	2	16
	3	2
	5	2
Month 17	1	164
	2	16
	3	2
	5	4
	6	2
	24	1
Month 18	1	129
	2	16
	3	5
	5	4

	6	2
	24	1
Month 19	1	70
	2	19
	3	6
	4	3
	5	6
	6	2
	24	1
Month 20	1	52
	2	32
	3	5
	4	3
	5	3
	6	1
	10	1
	23	1
Month 21	1	48
	2	25
	3	13
	4	3
	5	3
	6	3
	22	1
Month 22	1	55
	2	13
	3	7
	4	2
	5	5
	6	3
	8	1
	10	1
	23	1
Month 23	1	53
	2	12
	3	9
	4	1
	5	3
	6	2
	7	1
	8	1
	10	1
	17	1
Month 24	1	43
	2	15
	3	11
	4	3
	5	6
	9	1
	13	1

The industry areas of the private employers... I am afraid the hon. Member will not win anything today. (Laughter and banging on desks) Mr Speaker, the industry areas of the private employers who have between February 2012 and January 2014 taken on trainees under the scheme are as follows: electricity supply; water supply; ship building; other manufacturers; construction; wholesale trade; retail trade; hotel trade; restaurants and bars; repairs of consumer goods; sea transport and related services; air transport; road transport; post and communication; banking; finance and insurance; police and fire service, sanitary services; education; medical and health services and other services.

As at the end of January 2014, 722 former trainees were in employment.

Finally Mr Speaker, there have been no such allegations. (Banging on desks)

Mr Speaker: After that *tour de force*, I understand that television viewers have switched back on. (*Laughter and banging on desks*) Supplementaries.

2350 **Hon. D J Bossino:** I am grateful, Mr Speaker. Can I just sat that (*Interjection*) Exactly, absolutely Mr Speaker, completely knocked out. I must say it is a joy to actually be able to follow the hon. Gentleman for once in the answers that he gives us, I really am chuffed.

2355 Mr Speaker, in relation to the answer he gave, I think it was in connection with the number of FJS trainees employed in each of the FJS companies – (*Interjection*) exactly. He gives me, he cites the numbers, Company 1, Company 2, Company 3, and Company 4. Can he give me the names of the companies?

Mr Speaker: What now? (*Laughter*) The names of all the companies. Oh, only four, very well.

2360 **Hon. J J Bossano:** Mr Speaker, the names of the companies are in the question that he put, in the order in which he put it. (*Interjection*) Yes.

2365 **Hon. D J Bossino:** I am grateful for that. Also, could he also enlighten me in relation to the percentage figures he has given me in connection with the pay increases to graduate trainees? He refers to 150%, 175% and 200%. I am sure that mathematically that is absolutely correct, but the way I understood it from reading the manifesto was the minimum wage plus 50, the minimum wage plus 75 and the minimum wage plus 100. Can he just give me some explanation as to why those precise figures?

2370 **Hon. J J Bossano:** Well yes, something plus 50 is 150% of something and therefore the hon. Member asked me about the increases above the minimum wage, they have been paid 150% of the minimum wage, they have been paid 175% and they have not yet been paid the 200% which will happen after the new financial year which is on 1st April.

2375 **Hon. D J Bossino:** I am grateful. Mr Speaker, a brief supplementary.
He says after the new financial year. Does he not recognise that that is a delay in terms of, those graduate trainees would have been employed for example in February 2012, I think it would have been beyond the third year anniversary of their employment. I think the manifesto commitment was that they would be paid the 100% increase on the third year anniversary.

2380 **Hon. J J Bossano:** Well clearly, Mr Speaker, the hon. Member is not familiar with the way that pay rises happen. I mean a couple of months retrospection is not out of... it is not going to create, I think, excessive hardship to people who are in effect getting twice the minimum wage. There are several thousand people on the minimum wage in Gibraltar.

2385 **Hon. D J Bossino:** I am grateful for the confirmation in relation to retrospection, Mr Speaker, in his answer. There is one particular case which, I can only refer to one and I am not saying that it is necessarily sort of prevalent in all the individuals who are participating in the scheme, but certainly one case has been brought to my attention where I am being told that the 75% increase that the individual has received, basically that person has only received 50% of the 75% increase, as opposed to the entire 75%.

2390 Is he aware of this one case or is it something which is...? Because he has told me that the 75% increase has indeed been paid but I can tell him that the information that I have, very recent information, is that there is at least one individual who has received the entirety of the 75% increase.

2395 **Hon. J J Bossano:** Well, the individuals to my knowledge that have received it have been the individuals who have signed the variation in their contract to bring the increase about. There is only one individual that I know of who... there was a situation when a lot of these graduates were placed in Government offices as part of their training and they were working the same hours as everybody else in the office, which was a 37-hour week.

2400 As an oversight, the contracts that were originally given to them were given for 39 hours and it was not the fault of the individuals involved, because it was not that they asked for 39 hours; it was since the graduates came in at a later stage than the manual workers did and the manual workers were on 39. Well people made the mistake and gave them contracts. Therefore we honoured those contracts for 39 hours, even though they were working 37.

2405 When the increase came in, everybody was asked to sign, accepting that from the date that it went from 150% to 175%, their hours would come down from 39 to 37 which is what they were working. To my knowledge, only one person has objected to that and therefore I imagine we are both talking about the same person.

Hon. D J Bossino: But is that person not to be receiving the 75% increase, how does that correlate with the – ?

2410

Hon. J J Bossano: Everybody except this one person accepted that it should be 75% for a 37-hour week and this person insists that it should be 37% for a 39 hour week, so she is still on the original contract unless and until she accepts that she will get 25% more but stop getting paid for two hours which she is not working and should not have been working.

2415

Hon. D J Bossino: Mr Speaker, in relation to his answer to Question 327 which he will recall relates to Port-related activities, his reply was that no training has been provided in Port-related activities. Can he give me an indication as to when they will be provided?

2420

Hon. J J Bossano: Well Mr Speaker, I have answered the question by finding out if there is anybody in Port-related activities and the answer is that there is not. I do not know whether there has been any in Port-related activities before now. I assume that he means by Port-related activities something more than being a clerk in the Port, which is not a Port-related activity because the activity is the same whether you are in the Port or in Europa Point.

2425

Hon. D J Bossino: Mr Speaker, the question – I will explain it to him. The question arises from a manifesto commitment entitled ‘Port Training’ and I will quote, it says:

2430

‘Apprenticeships and training in port related activities are essential to guarantee future generations of Gibraltarians can do the jobs required in the Port Services sector.’

That is why I have asked the question so my supplementary, as to what is going to happen in the future.

2435

Hon. J J Bossano: Well, I am told this is not done in respect of taking on employees. I mean can I remind the Member, Mr Speaker, that people who provide training opportunities are required to employ the people at the end of the training. Therefore, there are instances where people get unpaid training and it may be the case either because they are training people already in their employment or because anybody that is interested in acquiring certain skills is given an opportunity. But it is certainly not part of the training that is provided for people where there is a vacancy that has been open which has to be filled and is filled by a trainee, which is the only ones that the Employment Service is involved in.

2440

Hon. D J Bossino: Mr Speaker, in connection with the answer he gave where he says that, at the end of January 2014, 722 former trainees were still in employment. I marry that figure with a figure I know he has already provided in this House and to the press, as to how many of those who are participating in the scheme have been employed. I will do the comparison.

2445

But is there any monitoring? In other words, once the trainee is taken on, assuming that he is taken on beyond the... basically a decision is made to take the trainee on in the first month and then the trainee is provided for a three-month period, paid for by the Gibraltar Government for that three-month period and then he is taken on because of the guaranteed employment. Is there any monitoring being done by his Department as to the permanency of that employment? Because there could always be the situation, the case when an individual may be taken on beyond the third month but in the fourth, fifth or sixth month, in other words before the 52-week period when statutory rights kick in, could be dismissed. Is there any monitoring being done by his Department in relation to that point?

2450

Hon. J J Bossano: Mr Speaker, that was a fear that was expressed by Opposition Members at the beginning of the scheme. It is a fear that has not materialised and that I would expect not to materialise.

2455

We have a close relationship with the employers that have been... I mean there is no way of forcing an employer to take on a trainee and therefore the employers that do it, do it willingly. They do it willingly because they have got a vacancy that they have opened and it is a vacancy they need to fill. So clearly, if they took on the employee and then sacked him a few months down the road, then there would be an unfilled vacancy and a registered unemployed person and that is monitored.

2460

He needs to remember that the difference is that with the scheme that existed prior to the 2011 Election, it was possible to do that and get away with that because there was no commitment. The people who were placed in the private sector were people that were being placed in the private sector where, as I have told the House in the past, when I came into the Department and I started asking these employers to take on the employees many, many of them, three quarters of them said, well look, they did not really have a need for the person; they were just being sort of public spirited by giving people an opportunity to get work experience, given that they were getting paid an allowance of £400 or £350.

2465

2470 That is no longer the case, so we are able to monitor it simply by virtue of the fact that we monitor all the vacancies that get open and we monitor all the people that register as unemployed on a daily basis and we know who has been through our system. So when I am telling him that there are 722, that is the numbers that are employed having been through the training scheme. That is the figure that I have got today and that was for the end of the month of January.

2475 **Mr Speaker:** Do hon. Members have any other supplementaries?

Hon. D J Bossino: No.

Mr Speaker: Next question.

**Q333/2014
Industrial Tribunal –
Employment of permanent Chairman**

2480 **Acting Clerk:** Question 333 the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state when the Government envisages it will employ a permanent Chairman of the Industrial Tribunal?

2485 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): No, Mr Speaker.

2490 **Hon. D J Bossino:** Mr Speaker, is there any reason why the answer is no? I mean, can he shed a bit more light? Does he have a date as to when...? I understand that it is a manifesto commitment and I just want to know when he thinks he will be employing a permanent Chairman of the Industrial Tribunal or what issues he is considering?

2495 **Hon. J J Bossano:** It will happen before the next General Election, Mr Speaker.

**Q334/2014
Census 2012 –
Publication of results**

Acting Clerk: Question 334, the Hon. Mrs I M Ellul-Hammond.

2500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can Government say when the results from the 2012 census will be published?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2505 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker.

2510 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, did the Hon. Minister say that they would not be publishing the results of the Census?

Hon. J J Bossano: No, I am not saying that, Mr Speaker.

2515 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, when will the results for the 2012 Census be published?

Hon. J J Bossano: Mr Speaker, the hon. Member has not asked me whether they are going to be published, but whether I can say when they will be published, and the answer is I cannot say when they will be published. They will be published when the Statistics Office is ready to publish them.

2520 **Mr Speaker:** Next question.

Q335/2014
Shipbuilding/marine repairs industry –
Major reportable accidents, February 2014

Acting Clerk: Question 335, the Hon. J J Netto.

2525 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide Parliament with a statement in relation to the Major Reportable Accidents in the Shipbuilding/Marine Repairs Industry in February 2014, as shown in table HS2 of the Government website, and stating if any contravention over the Factories Act or any of its subsidiary legislation has taken place?

2530 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2535 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I am informed that at approximately 15:30 on 3rd February 2014, a Gibdock employee was asked by the crane driver to check if the cradle connected to Crane 5, next to Dock 3, was free of cables and mooring ropes. He requested confirmation as to whether the subcontractors who were working there before lunch had left without informing him about the progress of the job, as the cradle was at the bottom of the dock where he had a blind spot, hence he could not see if the cradle was connected to the cables and the ropes.

2540 The Gibdock employee went down to the docks, stepped onto the dock alters to overlook the cradle down below and slipped, as it was raining and the dock alters were wet. He slipped, stumbled over and landed on the cradle that was hanging below him. The crane driver saw him stumble over so he instructed him not to move. Immediately the dockworkers' foreman attended the scene of the accident to check on the employee.

2545 When the dockworkers' foreman saw the employee, he was conscious and everything was under control. He also saw that the cradle was completely disconnected and safe to lift. He instructed the crane driver to slowly lift the cradle up onto the quayside for the ambulance and paramedics to have better access to the employee. By the time the dockworkers' foreman had instructed that the cradle was clear to lift, the ambulance service had already been advised and were on their way.

2550 During this time, the Safety Officers were on the scene at the incident and they took over control of the situation until the ambulance arrived minutes later. The Health & Safety Inspector then arrived at the location of the incident when the paramedics were placing the Gibdock employee into the ambulance. The employee sustained a fracture to his left elbow.

The Health & Safety Inspectors informed me that they found no evidence of contravention of any of the legislation.

Q336/2014
Development and Planning Commission –
Environmental Impact Assessment Screening Report

2555 **Acting Clerk:** Question 336, the Hon. J J Netto.

2560 **Hon. J J Netto:** Mr Speaker, further to Question 706/2013 which was answered in writing, will the Hon. Deputy Chief Minister please provide Parliament with a copy of the EIA Screening Report submitted to members of the DPC, despite stating that such a report is not a public document, in order to allow Members of the Opposition to monitor developments in such important matters to the community, and if not, why does the Government feel that they should not keep the Opposition informed?

Acting Clerk: Answer, the Hon. the Deputy Chief Minister.

2565 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the EIA screening report is an internal document submitted by the Town Planner in order to assist Members of the DPC with their deliberations. The report has been overtaken by events. It concluded that there were no indications to warrant a full EIA in respect of the proposed development.

However, a Screening Direction has been given that an EIA should nonetheless be carried out.

QUESTIONS FOR WRITTEN ANSWER

Acting Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2570 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W36 to W63 of 2014, inclusive.

ADJOURNMENT

Acting Clerk: The Hon. the Chief Minister.

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker I have the honour to move that the House do now adjourn until tomorrow morning at 9.15 a.m.

Mr Speaker: I now put the question, which is that the House do now adjourn until tomorrow morning, Friday 21st March at 9.15 a.m. Those in favour? (**Members:** Aye.) Those against? Carried. The House will now adjourn until tomorrow morning at 9.15 a.m.

2580

The House adjourned at 7.06 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.24 a.m. – 11.11 a.m.

Gibraltar, Friday, 21st March 2014

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The House adjourned at 11.11 a.m.22

The Gibraltar Parliament

The Parliament met at 9.24 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PRAYER
Mr Speaker

GOVERNMENT MOTIONS

Mayor of Gibraltar and Deputy – Hon. Adolfo Canepa GMH OBE MP and Ms Kaiane Aldorino GMH appointed

Acting Clerk: Number (viii), Order of the Day – Government Motion.
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

‘This House appoints the Hon. Adolfo Canepa GMH OBE MP to be Mayor of Gibraltar, and Ms Kaiane Aldorino GMH to be his Deputy.’

Mr Speaker, the appointment of a new Mayor is no doubt a joyous occasion for any city. Today, however, we must also reflect on the service of a Mayor who comes to the end of his tenure and that will always, of course, be tinged with a little sadness.

10 Tony Lima and of course with him Carmen Lima, his wife, have been in post for a year and eight months. His initial 12-month appointment was extended by this Government, so that Mayors can now be appointed as from the start of the financial year, on 1st April.

15 There is no doubt in the Government’s mind, Mr Speaker, that Mr Lima has done an excellent job as Mayor. He has really approached the post with the clear mission of bringing many into City Hall who might not have had the chance to visit it otherwise. He has hosted all manner of delegations and associations without any hint of protestation, and he has done so always with a smile, with courtesy and with his wife, Carmen beaming at his side. So we must convey grateful thanks from our community for the manner in which Tony and Carmen have so ably led the Mayoralty from City Hall. On behalf of the Government and the people of Gibraltar, a big thank you to them.

20 The motion I now move to appoint you as the next Mayor of our City is also to take effect therefore from 1st April. As we all know, Mr Speaker, you have political experience, having held the three highest political offices, including now the post of Speaker. That of course will equip you well to be Mayor, but perhaps most importantly and moreover, you have actually already been Mayor. You took the post from 1976 to 1978. You were the fourth Mayor of Gibraltar, after the Hon. Alfred Vasquez, who then became Sir Alfred Vasquez, the Hon. Col. Willie Thompson and of course the first Mayor of Gibraltar, Sir Joshua Hassan.

You will also be becoming the 16th incumbent of the post and on both occasions, you will have at the same time also been a Member of this House. Your qualification for the role is therefore not a matter on which this House needs to be addressed.

30 It is true, Mr Speaker, that we had previously indicated our intention to reappoint Mr Tony Lombard to the post of Mayor. When the House appointed Mr Alcantara as the 14th Mayor, I reflected then on Mr Lombard’s time in City Hall by saying the following:

‘I want to record the Oppositions gratitude’ –

– we were then in Opposition –

‘to Mr Anthony Lombard for the work that he has done in discharging the civic functions of the role of Mayor of our city. It has been a delight to attend functions over which he has presided and at which he has spoken on behalf of all of us. He has imbued the Mayoralty with a sense of history and purpose that we all knew he would bring to it. He has not let any of us down and he has certainly relished the role and enjoyed it with gusto. Like Momy Levy and Olga Zammitt before him’

– the two who had been appointed as civic Mayors before him –

Mr Lombard has stepped up to the plate and done this House proud for the unanimous appointment of him as Mayor. I am sure that I speak for the whole community, Mr Speaker, when I say that we will be sad to see him go.’

35 We had openly, in fact Mr Speaker, referred to the ‘return to City Hall’ occurring now for Mr Lombard. However, Mr Speaker, the Government received a large number of representations from citizens of all walks of life, who were contrary to Mr Lombard’s reappointment. In many instances, Government must act, Mr Speaker, based on what Government thinks is right, even if our actions might sometimes prove unpopular.

40 In the appointment of a Mayor, however, Mr Speaker, the Government has wanted to make an appointment which is uncontroversial and which enjoys the support insofar as possible of the whole community. Despite our view that he did an excellent job when Mayor, there was a groundswell of opinion which included steps being taken to initiate a petition to be brought to Parliament that Government could not ignore, and all of these were against Mr Lombard’s proposed re-appointment. It is for that reason that we have not pursued the appointment. I nonetheless want to express my own high regard for Mr Lombard as a person and as a professional.

45 More happily, Mr Speaker, I turn now to our proposed choice as Deputy Mayor, namely Kaiane Aldorino. Miss Aldorino needs no introduction to anyone in Gibraltar, or in this Chamber. She has already done Gibraltar very proud indeed in her work as Miss World 2009. She has become the face of Gibraltar to a very great extent – and anybody who has seen the faces of the current, past and previous Chief Ministers, might think that is a very good thing too, that she should be the face of Gibraltar!

50 Indeed, Mr Speaker, I have said before that I think all of us will always remember where we were when Kaiane Aldorino was crowned Miss World in 2009. For Gibraltarians, her election has the tinge of perhaps the moon landings or the assassination of President Kennedy in that respect, and our community recognised her achievements in bestowing upon her the Freedom of the City of Gibraltar and the Gibraltar Medallion of Honour. Having been a representative of our nation on the world stage, Mr Speaker, she is of course, ideally suited to assist you as your deputy.

55 You have many responsibilities and a Deputy Mayor in your case may be called upon more often than in previous instances, to take on functions in your absence. In our view, Mr Speaker, Kaiane can fulfil that role and thereafter become an excellent Mayor also.

60 What we are not doing, Mr Speaker, is making your respective appointments definite in time, as had been the practice since August 2008. Your appointments are indefinite.

I trust that this motion will enjoy support from all sides of the House. (*Applause*)

65 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. Chief Minister. Would anyone like to contribute to the debate?

Hon. D A Feetham: Mr Speaker, yes, thank you very much.

70 Mr Speaker, may I start by associating myself entirely with the words of the Hon. the Chief Minister and the Leader of the House. Warm words about Tony and his wife, he really has been... together with his wife, they have been a credit to Gibraltar and everything that they have done, they have done elegantly, with dignity and I have to say that they have brought something extra, in my view, to the role of – or certainly he has, to the role of Mayor.

75 But Mr Speaker, I am afraid that this motion does not have the unanimous support of the House. Out of respect, Mr Speaker, for Mr Speaker and also Kaiane Aldorino, who we believe will be excellent Mayors – and it is no reflection on your ability to be a Mayor, a role that you have exercised in the past, or indeed, the ability of Ms Aldorino to exercise that role in the future – but we do not believe it is right and therefore we are going to be abstaining. Out of respect, we are going to be abstaining, rather than voting against.

80 And essentially, there are three reasons why we are going to be abstaining in relation to this motion. One is quite frankly the very shabby way in which, in our view, Mr Lombard has been treated in relation to this matter. Secondly, because there has not been any consultation of the Opposition before this decision was taken to overturn Mr Lombard’s initial intention to be appointed. Thirdly, because it represents a

reversal, certainly as far as the appointment of Mr Speaker is concerned, of GSD policy and we certainly do not feel that there is any reason why there ought to be a reversal of that policy.

85 If I may develop the first reason, start with the first reason. Mr Speaker, Tony Lombard – the decision to appoint Tony Lombard as Mayor, was the decision that was taken by the Hon. the Chief Minister, the Leader of the House, after consultation with my predecessor as Leader of the Opposition, Sir Peter Caruana. It was a decision that was taken in 2012, it was announced publically in August of 2012 and the intention was for Mr Lombard to serve for a period, I think it was, of three years.

90 This month, because of course we knew that Mr Lima's tenure of office was about to expire, Mr Lombard was asked to produce an interview with the *Essential* magazine in order to further announce the fact that his appointment as Mayor was to become a reality imminently. Indeed he telephoned, quite properly, the Deputy Chief Minister, and cleared that interview with the Deputy Chief Minister, before it was to come out. It was only the day before the interview was due to be published with the *Essential* magazine, that he received a call from the Chief Minister to tell him that the Government had reversed the decision.

In other words, just barely two weeks ago – this was a decision that was taken in 2012 – two weeks ago, what happened was that Mr Lombard had to scurry to get hold of the editors of the *Essential* magazine in order to change the article because he was only told the day before that article was to be published, an article that he had cleared with the Deputy Chief Minister. Now, I have to say that on any reasonable and objective analysis, that is quite shabby treatment of an individual indeed, whatever the reasons that a government may have to change its view, and indeed so hastily was the story changed in the *Essential* magazine, that what could not be changed was the front page title which reads 'Tony Lombard's new office'.

105 Now Mr Speaker, I have to say that anybody who has been to the office of Tony Lombard, no doubt will describe his office as being excellently appointed, excellently – very well kept indeed, but I do not think that you can describe or the word 'new' is not quite an apposite description of his office. Indeed, if Charles Dickens were to walk in through the door, (*Laughter*) he would not think that he was out of place in Tony Lombard's office.

110 So Mr Speaker, I think in my view, one does place a premium on the consistency of decisions of governments and governments ought not to change their views like weather vanes in accordance with whether a particular decision is popular or not, taking into account really what we are talking about. Look, if I were to listen to people that thought that I was popular or unpopular, I would go from euphoria to absolute depression within the space of 24 hours. That is the reality of a small community like Gibraltar, everybody has an opinion and I just simply do not think that the Government really has provided cogent reasons to explain the quite extraordinary treatment of Mr Lombard.

Bearing in mind, and I was about to read exactly the same passage that the Hon. the Chief Minister, Leader of the House has read, bearing in mind the very glowing reference that he gave Mr Lombard in 2011, barely I think it was four months before the General Election in 2011.

120 Now, Mr Speaker, the second reason is of course – and it is related, is that the Opposition has not been consulted. I was notified about this in an e-mail from the Deputy Chief Minister and my e-mail in response was, what about Tony Lombard? The response to that was, well the Chief Minister will talk to you about it and will give you the reasons. Eventually it was the Deputy Chief Minister that actually spoke to me and I am very grateful to him for explaining Government policy in this regard.

125 But Mr Speaker, if this is a decision that was taken in 2012 and it was taken after the Leader of the House consulted the then Leader of the Opposition, Sir Peter Caruana, one would have expected that the Chief Minister would have picked up the telephone and said to me, 'This is the Government's current thinking in relation to the appointment of Mr Lombard, what do you think?' I would have told him, look, if he really feels that there are concerns, well, why do we not try and see whether there is a middle road? Perhaps the appointment of Mr Lombard for a year, not three years, and I think that is the way that politics ought to be conducted. There ought to be an open channel of communication between the Chief Minister and the Leader of the Opposition, and I think in this case, it was incumbent on the Chief Minister to pick up the telephone and talk to me before the change of policy, bearing in mind that the appointment of Mr Lombard or the initial decision to appoint him, had actually been taken by consulting the Leader of the Opposition.

135 Thirdly, of course, it represents a reversal of GSD policy. We took a decision that the Mayorship should go out to members of the public, people who were not politicians, who were not Members of the House so that this Parliament could recognise citizens who have contributed to this community by appointing them as Mayors. I have every respect for Mr Speaker and no doubt, I will repeat it again, he is going to be an excellent, excellent Mayor, but I think that it is a reversal of our policy, a policy that was well thought out and I do not see... and look, I could have been open to persuasion if he had phoned me and perhaps spoken to me about it, but he has not. At the moment, I really cannot see at the time that we are taking this vote,

why there ought to be that reversal of GSD policy in relation to the appointment of a Member of this House to the Mayorship.

145 Those in essence are the reasons why we cannot support this motion, but again I repeat with respect to Mr Speaker and Miss Aldorino, we are not going to be voting against, but we are going to be abstaining.

Mr Speaker: Does any other hon. Member wish to speak on the motion? I now call on the mover to reply.

150

Hon. Chief Minister: Mr Speaker, it is not the first time that things that might traditionally have gone by on a unanimous vote have to go by on Government majority, either with them in Opposition or with us in Opposition. That is the beauty of Parliament: we come here to express freely what our views are on particular subject. But in doing so and in deciding that we are going to obviously have to proceed with this by way of exercise of the Government majority, let me deal with the three excuses that the hon. Gentleman has put forward, in trying to justify why it is that they are not going to be supporting this motion.

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Let me start at the end, Mr Speaker, with the idea that there is somehow here a reversal of GSD policy. Mr Speaker, the hon. Gentleman has talked at length about what he calls the shabby treatment of Mr Lombard and that is obviously why they are going to vote against, so I am surprised to see that he has tried to find other excuses to in some way decorate their abstention. Because of course there is no reversal here of GSD policy, the hon. Gentleman is saying that they had taken the decision to appoint people from outside the House but surely they had not taken the decision to appoint people exclusively from outside the House. Or is it that one of the Clerks or Ushers might be disqualified from being Mayor if they were Members of this House, or the Speaker is disqualified from being Mayor if they were Members of this House?

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What they decided to do was not to appoint a Minister as Mayor. That is what they spoke about. They did not actually address the issue of Speaker's appointment as Mayor and of course, unless they are commending to her a career in politics and you would have to be a fool to become engaged in politics in this community as the 17 of us obviously are, Kaiane Aldorino is not a Member of this Parliament so I wonder whether the Hon. the Leader of the Opposition bothered to read to the end of the motion before deciding that he was going to turn up in Parliament today on a white charger to try and ingratiate himself to somebody whose position he wanted to defend. So the GSD policy reversal excuse is really not worth the paper that his remarks have been spoken on.

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The issue of consultation, Mr Speaker, has always been a vexed one between Members opposite and with us. I mean, the level of consultation we used to get was a phone call saying the Chief Minister has decided that ... and that is in instances where statute requires consultation. There is no statutory requirement of consultation here. It is true that I spoke to Mr Caruana about these issues some time ago. It is also true that GSD policy was that we were wrong to go back to reappoint somebody who had already held the position, but they agreed that if it was the Government's view, they would support it or is it that that particular GSD policy is capable of reversal without comment.

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And then, Mr Speaker, the issue of shabby treatment and how important it is for governments to be consistent, well look, it is important for Government to be consistent, I addressed that in my speech and therefore I have explained why we have made a change in our choice in this nomination – one of the hardest things I have had to do since I have been Chief Minister – because as I have said I have a high regard for Mr Lombard professionally and personally, whatever his views may be about me after today, that will not change.

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This is not an issue of policy, it is not a policy to appoint Tony Lombard or appoint Adolfo Canepa or appoint Kaiane Aldorino. It is a choice. The hon. Gentleman should surely understand the difference between policy and choice. Not because he has been in politics for 13 years but because I thought he spoke English and the two things are completely different. This is not an issue of policy. It is an issue of having to make a *very difficult choice* in respect of somebody for whom I have the highest regard.

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And if having to explain that choice and deal with it is to treat somebody shabbily when one tries to be as sensitive as possible in doing so, then he and I have completely different definitions of what shabby treatment is. I could come up with a list for him of people that have been treated shabbily under his Administration, singled out for discrimination, singled out for attacks in the press, for simply having raised their voice against them when they were in Government.

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But then when he talks about consistency, one is left wondering whether he reads his own tweets. I had to refer him yesterday to how his Party had proudly tweeted how they had transformed themselves in two years in Opposition, therefore decrying everything that they had done before. So where is the value, weight and merit in consistency when all that they are proclaiming is that they are no longer who they were.

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And the next item on the Order Paper, Mr Speaker, will demonstrate that to some degree or other because I never saw them move civil partnership legislation and yet now it appears that at least some of them are going to support it. What value consistency then?

205 Politics is about hard choices. Whether it is about a Victoria Stadium being moved to the Lighthouse or the GFA Stadium having to be at the Lighthouse, whether it is about Tony Lombard being Mayor or not being Mayor, it is about hard choices made in the best interests of our community.

210 If somebody wants to say that I have treated a man who I considered a friend and who I have the highest regard for shabbily, then it is because they want to try and use this for their own opportunistic political reasons, as usual. That is shabby. (*Banging on desks*)

Mr Speaker: I now put the question, in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Government Members:** Aye.) Those against? (**Hon. D A Feetham:** Abstaining.) Carried.

GOVERNMENT BILLS

FIRST AND SECOND READING

Financial Services (Contingency Fund) Bill 2014 – First Reading approved

215

Acting Clerk: Bills, First and Second Reading. (1) A Bill for an Act to make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes be read a first time.

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The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes, be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes, be read a first time.

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Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Financial Services (Contingency Fund) Act 2014.

Financial Services (Contingency Fund) Bill 2014 – Second Reading approved

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill be now read a second time.

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Mr Speaker, this Bill establishes a sinking fund from which regulatory action by the Financial Services Commission may be funded. It separates income received by the Commission for its operating expenses and capital expenditure from those to be held explicitly for funding regulatory action in the case of a major event.

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Mr Speaker, the Financial Services (Contingency Fund) Act will replace the method of funding regulatory action for major events, by the Commission. When the Financial Services (Temporary Administration of Companies) Act 2010 was introduced, it envisaged that funding for such action would be drawn exclusively from licensees under the Financial Services (Investment and Fiduciary Services) Act and used for regulatory action only under that Act.

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Trade Associations and in particular the Association of Trust and Company Managers made representations for a sinking fund to be established for future actions and that this should be funded from as wide a representative base as possible.

As the annual fee is paid by financial services across the supervisory Acts, and broadly representative of their size, it was put forward that a percentage of annual fees should form the basis of the levy to establish

250 and fund the Contingency Fund. The Contingency Fund will now also be available to fund regulatory action by the FSC under any of the supervisory Acts, as was also suggested by the industry.

This Government concurs with the views put forward by industry and this Bill formalises these arrangements. This Bill establishes a separate fund, exclusively for the purposes of future regulatory action which the Commission may not use for its own expenditure. In any case, any use of the Contingency Fund will require Ministerial consent before it can be drawn upon to fund an action and only then in the case of a major event.

Mr Speaker, clause 3 of the Bill defines what is meant by a major event, very narrowly, as essentially an action that would cause the Commission to remove an authorisation from a firm under any supervisory Act. It is clear that the Contingency Fund cannot be drawn upon for regular enforcement or regulatory actions and that the Commission will need to perform its statutory functions. Such expenses will need to be met out of its normal revenue. Ministerial approval is required in any event before an event can be considered a major one.

Clause 3(2) also imposes upon the Commission a requirement to inform the Finance Centre Council of every request that it submits to the Minister in this respect.

Mr Speaker, clause 4 provides for the establishment of the fund and the accounting thereof, as well as imposing restrictions on the investments and deposits that the fund may be invested in.

Clause 5 of the Bill makes contribution to the fund liable upon every holder of any type of authorisation under one of the supervisory Acts and defines the amount by way of a percentage of annual fees, due under the supervisory Acts.

The Commissioner is required to inform the Minister of the amounts it considers will be required to be made out of the fund in any year and I am obliged to consult the Finance Centre Council before setting the percentage applicable during any year, subject to a cap of 10%.

Mr Speaker, it is anticipated that the Contingency Fund will have a healthy but not burdensome balance in order to fund regulatory actions in time of need.

Clause 6, Mr Speaker, imposes conditions upon which expenditure out of the Contingency Fund may be incurred. Transparency of the operation of the Contingency Fund is essential and clause 7 imposes upon the Authority to make the appropriate disclosures in the notes to its accounts, as well as reserving the right of Government to conduct a value for money audit in relation to its operation.

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. S M Figueras: Mr Speaker yes, I rise very briefly to associate myself with those remarks that the Hon. the Chief Minister has made in relation to the need for such a Contingency Fund, certainly recent experience in the industry has shown that this is a worthy measure.

Having spoken briefly to the Hon. Minister for Financial Services yesterday, we discussed the consultation that had been ongoing with ATCOM and I, as are the rest of my hon. colleagues on this side of the House, am perfectly happy to support the Bill and will be doing so.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for and in connection with the creation of a Contingency Fund –

Hon. Chief Minister: Sorry Mr Speaker, I am grateful. Thank you for the opportunity to reply.

I am grateful to the hon. Gentleman for indicating that this Bill will enjoy support. Of course this represents a change of policy from the position taken by them when in Government, given representations from the industry and I realise that they do not put such value on consistency that they would stick with something that the industry would not want, and I therefore welcome the fact that they are going to support us.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Financial Services (Contingency Fund) Act 2014.

**Financial Services (Contingency Fund) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Committee Stage... or I give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

310

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Civil Partnership Bill 2014 –
First Reading approved**

Acting Clerk: (2) A Bill for an Act to make provisions for and in connection with civil partnerships. The Hon. the Minister for Equality, Social Services and the Elderly.

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Minister for Equality, Social Services and the Elderly (Hon. S J Sacramento): Mr Speaker, I have the honour to move that a Bill for an Act to make provision for and in connection with civil partnership, be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for and in connection with civil partnerships, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Civil Partnership Act 2014.

**Civil Partnership Bill 2014 –
Second Reading approved**

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Minister for Equality, Social Services and the Elderly (Hon. S J Sacramento): Mr Speaker, I have the honour to move that the Bill for the Civil Partnership Act 2014 be read a second time.

This is the first time that I move a Bill in this House and I am very proud that it will be such a landmark piece of legislation, one that will enable the formal recognition of relationships between couples of the same sex. Same sex couples currently have no route of legal recognition and this Bill addresses that.

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In creating this legislative framework for same sex couples alongside opposite sex couples, Government is demonstrating our commitment to equality. This Government's commitment to equality is clear and as Gibraltar's first Minister for Equality, I am tasked with matters of great importance.

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Already in this term of office, this Government has outlawed homophobic hate crime and hate speech and made these aggravated offences, and done a lot of work in raising awareness of equality issues generally, particularly in organising or funding various training events.

I am told that the first time that the word 'gay' was mentioned in Parliament was during the course of my Budget speech in 2012. I promised that it would not be the last.

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Mr Speaker, as Minister with responsibility for equality, I have enormous satisfaction in being able to bring this Bill to the House. As the House is aware, in our manifesto we pledged that a GSLP Liberal Government would legislate for the recognition of civil partnerships between two people, regardless of gender or sexual orientation, ratified by a binding contract through the signing of an official register. This would entitle them to benefits related to tax, pension and property rights and this Bill is in fulfilment of that promise.

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Mr Speaker, gay men and women are a fact of life in Gibraltar. Gay couples live together in committed relationships but that love and commitment counts for nothing in the eyes of the law. This Bill represents a historic step on what has been a long journey for same sex couples, for respect and dignity and above all, recognition in Gibraltar of their right to enter into a relationship and that it be recognised in the eyes of the law.

Her Majesty's Government sees this as a natural progression towards an inclusive society and it is
350 recognition of modern Gibraltar which marks a major step in gay couples gaining recognition and social
acceptance.

Many people have decided to share their lives, their homes, their finances and it is not right that these
relationships be invisible in the eyes of the law. The concept of a civil partnership is not new. For example
355 in the United Kingdom the statute is celebrating its tenth anniversary this year. Although our Bill is
modelled on the UK Civil Partnership Act 2004, a key point of departure and which goes to the core of our
Act is the parties who may enter into a civil partnership.

In the United Kingdom, only same sex couples are entitled to enter into a civil partnership. This
limitation has had its share of controversy from heterosexual couples who feel that this is a form of
discrimination against them. Mr Speaker, as our manifesto commitment pointed out, in this Bill two people,
360 regardless of their gender, may enter into a civil partnership and that is equality.

Members of the House will be familiar with the trajectory of this Bill. A draft of the Bill was presented
to GGR, now the Equality Rights Group, in February 2013 and the consultation process with them as a
representative group began. We have since had many in-depth and meaningful discussions on the Bill, well
before it was published as a command paper in December of last year. During the draft stage, Unite the
365 Union called for Government to consider extending the legislation to opposite sex couples.

There was only one response during the consultation period once the command paper was issued – one
that was not in favour of the proposed legislation – but other than that, the Bill has commanded widespread
support, not only by organisations such as the Equality Rights Group and Unite, but also by many
individuals who have approached me and other Members of Government, expressing their support for the
370 Bill and in some cases, their personal desire to register their own relationships.

I would like at this stage, to express for the record, my thanks to the Equality Rights Group Committee
and in particular to Felix Alvarez who has worked so closely with me on this matter. I would also like to
thank the legal team who have been involved in drafting the legislation and for their guidance.

Mr Speaker, I have this morning circulated a letter containing one minor amendment to the Bill to
375 reflect the change in the legal position in the UK and some minor typographical amendments that we will
raise at Committee Stage.

Mr Speaker, I now turn to the details of the Bill.

Part 1 – other than the usual formalities in clauses 1 and 2, this part provides for the appointment of a
Civil Partnership Registrar and Deputies in clause 3. A Registrar will discharge the functions of ensuring
380 that formalities are complied with.

Clause 4 is the key provision in this Bill and sets out exactly what a civil partnership is and it can be
summarised as follows:

'A civil partnership is a relationship between two people ("civil partners")–

(a) which is formed when they register as civil partners of each other in Gibraltar; or

(b) when they are treated [...] as having formed [...] by virtue of having registered an overseas relationship.

[...]

(3) A civil partnership ends only on death, dissolution or annulment.

Part 2 of the Bill contains the bulk of the legislative provision spread out over seven chapters.

Chapter 1 is headed 'Registration' and, under clause 5, provides the formalities to be entered.

385 Subclause (1) requires that two persons sign a civil partnership schedule at the invitation of and in the
presence of two witnesses and each other; and subclause (3) sign it in each other's presence before the
Registrar and two witnesses.

Mr Speaker, at this juncture, I would also highlight the provision in subclause (5) that no religious
service is to be used while the Registrar is officiating the signing of the civil partnership schedule.

390 The eligibility criteria for those wishing to enter a civil partnership are set out in clause 6 where the
circumstances of persons who are not eligible are set out. These are: (a) either of them is already a civil
partner or lawfully married; (b) either of them is under 16; or (c) they are within prohibited degrees of
relationship.

Mr Speaker, it may be helpful to explain that the legal term 'prohibited degrees of relationship' roughly
395 translates into whether you are too closely related to the person whom you wish to enter a civil partnership
with.

Clause 7 makes it a requirement that where one of the parties to the civil partnership is under 18, the
consent of an appropriate person, such as a parent or the court is required.

400 The places where a civil partnership may be entered into are contained in clause 8. This includes the
Registrar's Office or with an appropriate licence in a person's residence, aboard a passenger ship, or at a
place which is authorised by licence.

Evidence of the civil partnership takes the form of the Registrar's certificate.

Clause 13 of the Bill provides for caveats to be entered in appropriate circumstances. In non-legal language, that means an objection. A caveat may be entered by a person who knows of a just cause why the civil partnership may not take place, for instance where the people may be too closely related and where a caveat is entered, the Registrar may refer the matter to the court.

Clauses 14 to 16 create a number of offences in relation to civil partnerships, such as providing false information.

Mr Speaker, it is inevitable, as in all relationships, that not all civil partnerships will last for ever. Chapter 2 therefore makes the necessary provision to ensure that where a relationship breaks down, there is a mechanism to resolve the issues and allow the parties to move on. The provisions are broadly those that are available in the cases of marital breakdowns.

The chapter also makes provision for separation, nullity and presumption of death orders. It also permits applications to the court for certain declarations, for example that a legal separation be obtained outside Gibraltar is also recognised.

Chapters 3 and 4 deal with the financial and property issues that follow, and includes provision designed to cater for the needs of children, where relevant.

Chapter 5 concerns civil partnership agreements. This is an agreement between two people to register as civil partners of each other and under this Bill, such an agreement is not recognised as giving rise to legal rights.

Chapter 6 relates to children and contains a single clause that takes you to schedule 7. That clause contains a number of amendments to enactments that relate to children.

Chapter 7 contains a number of miscellaneous provisions. Clause 90 takes you to schedule 8 which again makes a series of amendments to other legislation, this time on housing and tenancies.

Clause 91 takes you to schedule 9, which again makes a series of amendments to other legislation, this time on domestic violence and family homes.

Part 3 of the Bill concerns civil partnerships which have been entered into which have been dissolved abroad and provides the basis for when these are to be recognised in Gibraltar.

Part 4 of the Bill concerns relationships. Under clause 106, the definitions of step-child, step-brother, step-parent, etc are to be construed in the light of a civil partner, so that by way of example, A's step-child includes a person who is the child of A's civil partner but is not A's child.

Part 5 of the Bill contains a number of miscellaneous amendments, either directly or by reference to schedules so as to provide for the recognition of civil partnership in other areas of law, such as immigration – clause 107; discrimination in employment – clause 108; life insurance – clause 109; social security taxation – clause 110; and pensions – clauses 110 to 121.

Mr Speaker, this Bill sends a clear and unequivocal message that same sex couples deserve recognition and respect. This is a crucial step on the road to a fair and inclusive society.

Mr Speaker, I commend this Bill to the House. (*Banging on desks and applause*)

Mr Speaker: Order! Order! Members of the public are welcome here. We are delighted to see you here today, but there must be no demonstration, and clapping amounts to demonstration, so please desist.

Before I put the question, does any hon. Member wish to speak on the principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker, thank you very much for the opportunity of speaking on the Second Reading of this Bill.

Mr Speaker, the GSD has a very long tradition of allowing Members to vote with their conscience on issues that impact on the individual conscience of Members of our side of the House. It is a tradition that goes back to the early 1990s when the Father of the House, the Hon. Minister Bossano brought a Bill to this House in order to decriminalise homosexuality in Gibraltar and indeed, on that occasion every single Member of the GSD, bar one who abstained, voted in favour of that particular measure.

It was a tradition that we carried over when I brought a Private Member's Bill to this House in 2010 in order to change the then law in order to bring down the age of consent for homosexuals from 18 to 16, an age where it had been for heterosexuals for over 100 years. On that occasion, Mr Speaker, I stood alone in this Parliament together with my friends Mr Netto, Mr Reyes and indeed Mr Montiel – a minority of four – when we presented that Private Member's Bill in this House, voting in favour of that measure to reduce the age of consent for homosexuals to 16, thus equalising it to where it had been for heterosexuals for over 100 years.

Unfortunately Mr Speaker, on that occasion, the hon. Members opposite when they were on this side of the House, voted against that Private Member's Bill on the grounds that it ought to have been a Government measure – in other words, that it was not appropriate to bring an Act of Parliament to this House to change something as fundamental as the age of consent by way of a Private Member's Bill and that the

Government of the day had to have the courage of its convictions to bring the Bill to Parliament, which at that stage they indicated that they would have supported.

465 Alas, Mr Speaker, when the matter then was referred by the previous Government to the Supreme Court for a determination as to whether the unequal ages of consent was constitutional or unconstitutional, and the judgement of the Court came back saying that it was unconstitutional and indeed, not only unconstitutional but that the age of consent for homosexuals should be reduced from 18 to 16 – not equalised, not equalised but reduced from 18 to 16 to where it had been, I emphasise, for heterosexuals for over 100 years and the
470 Government then brought a Government Bill to this House in order to reflect the judgement of the Supreme Court, equalising the age of consent at 16.

The hon. Gentlemen opposite abstained from that Bill, on the grounds that they wanted to consult in order to see whether the heterosexual age of consent ought to be increased from where it had been for over 100 years to 18 or *vice versa*, despite the fact that as a matter of fact – and this is very important – as a
475 matter of fact, the age of consent had already been reduced for homosexuals by the Supreme Court from 18 to 16.

Well, Mr Speaker, to talk about consistency, I suppose they were consistent in their own wonderful inconsistency on those occasions. Perhaps it is not surprising, Mr Speaker – it is not surprising, Mr Speaker, given the fact that they went from no, to yes, to maybe, to vote their conscience on the new Constitution.

480 And I mention the new Constitution because of course the new Constitution which was supported by the then GSD Government, introduced important revamping of the rights and freedoms of individuals, including the right not to be discriminated which has a very direct impact on the lives of homosexuals here in Gibraltar, as indeed across Europe.

Mr Speaker, I will be consistent. I speak for myself at the moment. I will be consistent, unlike hon. Members opposite. I will be consistent and I will support this Bill because as a matter of conviction, I believe that it is the right thing to do.

I can also indicate that for a variety of reasons, because this is a difficult issue, but for a variety of reasons, every single Member of the front bench of the Opposition will also be voting in favour of this particular Bill.

490 Thank you very much, Mr Speaker.

Mr Speaker: Does any other hon. Member wish to contribute to the debate?

The Hon. the Chief Minister.

495 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is the second time I rise to say that I hope that a particular debate might be seen as a joyous occasion, and in most modern parliaments one would have thought that legislating to remove discriminations from the statute book would be a joyous occasion for parliament to unite, but obviously, with the present Leader of the Opposition, even the most apparently joyous occasions are turned into low down and dirty partisan opportunities for political profit, with the odd
500 side-swipe at what someone might have done five years ago, totally misrepresented to suit the purpose of the speaker and completely ignoring the issues that are before the Parliament in the Bill today.

So I applaud the hon. Gentleman for his consistency: his consistency in not addressing issues, his consistency in misrepresenting what has happened before and why.

Mr Speaker, of course there can be issues where party colleagues take different views on some subjects. Yesterday, the hon. Gentleman made that, because he apparently thought there was a divergence of opinion on the Government benches, a mortal sin of Cabinet division. ‘The Cabinet is divided!’ over a particular issue to do with the Dover sole and sardines. He thought it was hugely important and yet today he explains their own sad division on something as important, as crucial as eliminating discrimination from our statute book as part of their tradition.

510 Well, it is not a tradition that he would know much of because most of the time that he is referring to, he used to support the people now on these benches, rather than them. At the time of the decriminalisation of homosexuality, he was a town crier for the party on this side, not for the party on that side. But so be it – consistency in inconsistency.

Mr Speaker, we will not take the view that this is an issue of conscience and I as Leader of the House am not saying that this is a free vote on an issue of conscience. Of course the hon. Gentleman is free to do with his team such as he will, but in this Parliament today, this Bill comes not as a matter of conscience. It comes as a matter of law, of the removal of discriminations from our *corpus juris*, from our statute book. The Government Mr Speaker, deeply respects the fact that there are – in my view, unfortunately, but there are – divergent views in our community in respect of the consequences of someone’s sexual orientation.

520 Well look, there are divergent views as we know on many things. There are divergent views on where we should site a stadium, so it is not unusual and it is part of our culture that we have 30,000 different opinions on most things.

525 But at the core, Mr Speaker, we are a multi-cultural community which is built not on tolerance as we might have said in the 1970s or 1980s; we are built on the basis of multi-cultural mutual respect. And the issues that we are touching upon today in this Bill... and I know the Hon. the Leader of the Opposition did not want to talk about this Bill; he wanted to talk about his own Private Member's Bill. In those days, Mr Speaker, it was one of the few occasions he got to speak in the House because there were not many questions put to him, so he had to resort to the device of a Private Member's Bill to get up on his hind feet and say something. He did not want to talk about *this*.

530 But this Bill stirs emotions in people of different views, and it is an issue, Mr Speaker, on which different religions take different positions and we should not pretend that this is not happening. We should confront it and those issues are not lost on the Government and that is why, Mr Speaker, what we are doing today in this Bill does not force anything on anyone, does not impose anything on anyone. We are not imposing anything on any sector of our community.

535 What we are doing today is the opposite, Mr Speaker. What this Bill will do is it will take the State – and it is important that we concentrate on that, *the State, only the State* – out of the structure of discrimination that same sex couples have suffered for many years. Because Mr Speaker, on this side of the House, we think as a matter of law – not just as a matter of conscience, as a matter of law – that the State should never be used as an instrument of discrimination, deployed against people simply because of who they love or how they love.

540 So this is not, Mr Speaker, a Bill that is designed to change anybody's attitude or to force anybody to accept anything. It is only the Government, it is only the State that is being forced to change as a result of this Bill. What we are saying is that after today, the Government, the State, nobody else, will not treat a couple of the same sex in a manner that is less advantageous than a couple of the opposite sex. It is in fact the Government that is taking on obligations today when this Bill becomes law.

545 When you look, Mr Speaker, at the history of equality – and how proud I am that at last we have a Minister for Equality in this Parliament and that I appointed her – but when you look at the history of equality, it comes in dribs and drabs. It is not that long ago, Mr Speaker, when men and women were not considered to be equal in the eyes of the law. And this Bill is not the final step in the road towards equality. 550 Neither was the Bill that the Hon. Mr Bossano brought when we decriminalised homosexuality. All of these are steps on the road towards full inclusion and equality.

555 Attitudes change, Mr Speaker, and they have changed in Gibraltar towards people of same sex orientation. They change in respect of whether women and men were equal, but the fact that attitudes have changed is not enough. The law has changed too in relation to discrimination against women, because they had to and in some instances, those discriminations had been written into our laws and had to be written out. Everybody now would say that men and women are of course entitled to equal treatment and of course our law recognises that – and the sky did not fall in when women got the vote, or were treated as equal to men.

560 And, Mr Speaker, in Gibraltar, I think it is true to say that whether people are gay or lesbian has long been an issue that has not necessarily affected their ability to have interpersonal relationships with others in our community, on the basis that they are equal. Attitudes have changed and to a great extent the representative groups of gay and lesbian people have driven those changes, sometimes in a high profile way, sometimes in a low profile way. But the attitude change is not enough, Mr Speaker. In the same way as had to happen in relation to the discrimination between men and women, laws must change too so that 565 laws which discriminate against homosexual or lesbian couples, stopping them from enjoying State-sponsored rights and benefits, have to be eliminated.

570 I gave a lot of thought, Mr Speaker, to how I might present my own intervention this morning. I did not want it to be partisan and I have had to go down that road because of the way that the Hon. the Leader of the Opposition has behaved, but I wanted to leave people with a clear understanding of why this is happening, because I know that the conscience of some may be challenged by what it is that we are going to do. I do not know why but I understand that it will happen.

575 So if there is anybody in this Chamber who is left with any doubt as to why we should be passing this Bill unanimously, I would ask them to challenge their thinking in this way and reverse the logic of what we are going to do today.

580 What if our laws did not already contain discrimination against the same sex couples? Imagine there was equality in the law. If you are going to vote against this Bill, would you vote in favour of a law that discriminated against same sex couples, because that is in effect what you are doing by saying that you do not support this Bill?

580 Ask yourself should something as deeply emotional, something as central to who we are as human beings, which is who we love – probably one of the reasons why we exist, much more than being in a wood panelled room on a Friday morning to talk about laws – should that affect how many points you get on the housing waiting list or what tax treatment the State gives you? And if you are going to vote against this Bill, would you vote in favour of a law that discriminates against same sex couples and taxes them in a different

585 way and gives them less points? Assume that the equality is there: would you vote in favour of that discrimination? Essentially, Mr Speaker, at the end of the day, if you vote against this Bill, do you really think that women who love women and men who love men are worth any less than men who love women and women who love men? Is that really what you think?

Those are the difficult questions that you have to ask yourself. I have seen some sniggering on the other benches because I am talking about love and issues such as that. Maybe they do not want to talk about issues such as that in this place, but these things are central –

Hon. D A Feetham: Will he give way?

595 **Hon. Chief Minister:** No. These things are central to what makes us as individuals. These things are central to who we are as human beings. So if you would not vote in favour of a law to positively introduce a discrimination against same sex couples, why would you not vote in favour of a Bill that eliminates that discrimination? And that is what we are going to do today.

Mr Speaker, this is an issues that was in our manifesto. The hon. Lady has referred to the paragraph. It is an issue of clear Government policy. IPads are wonderful things, they allow you to search documents in a moment. The word ‘equality’ does not appear in the 2011 GSD manifesto. So much for the consistency that the hon. Member was talking about.

I actually took great pleasure in writing the paragraph that the hon. Lady has referred us to in our manifesto, and in tweaking it with her when she was part of our team, relying on the experience that she had had working for the Equal Opportunities Commission in the United Kingdom. I am frankly, Mr Speaker, deeply proud of the fact that our community allowed me the privilege of appointing the hon. Member our nation’s first Minister for Equality and that she now brings this landmark piece of legislation to deliver equality as the first Bill that she ushers through the Parliament. She has commended the Bill to the House, Mr Speaker, and I have heard no reason and see no reason why this House should not *unanimously* support her commendation. *(Applause and banging on desks)*

610

Mr Speaker: Does any other hon. Member wish to contribute to the debate?
The Hon. Mr Damon Bossino.

615 **Hon. D J Bossino:** Mr Speaker, the Hon. the Chief Minister in his intervention has said that there was laughter on this side of the House, or that we were smiling – **(Mr Speaker: Sniggering.)** Sniggering, I think yes, that it absolutely correct, Mr Speaker. There was not any such thing and if there was, Mr Speaker, it was not as any reaction to anything he said in relation to the loving relationship between two gay couples or, indeed, heterosexual couples because on cannot lose sight of the fact Mr Speaker, that this particular Bill – there has been an overemphasis I think in relation to the homosexual nature of those individuals who are entering into a civil partnership. That is indeed open to them when we pass this Bill in this House, because in fact he will find, as the Hon. the Leader of the Opposition has already indicated, that there will be unanimity in respect of those persons here present in this Chamber at the present moment.

Mr Speaker, so the fact that there is... the mention he has made about love between two homosexual couples and indeed two heterosexual couples who now wish to not take the choice of entering into a civil marriage which is currently available to them in Gibraltar, they can now enter into a civil partnership under the Civil Partnership Bill, two heterosexual couples, is not a matter of laughter quite the contrary, and we support the hon.... Just to make it absolutely clear, we associate ourselves with the comments that the Hon. Chief Minister has said in relation to that particular point.

That is the only point I wish to make.

630

Mr Speaker: If no other hon. Member wishes to contribute –?
Yes, the Hon. the Minister for Justice.

635 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the hon. Lady in presenting this Bill to the House, she has described herself as the first Minister for Equality, the Chief Minister has mentioned that and that is in fact the position, a position which we as a Government are very proud of, of having had the courage to install a first Minister for Equality.

And the hon. Lady in presenting this Bill has described this Bill on this occasion as historic and it is not an understatement, because this is truly a momentous occasion. It is a momentous occasion not just in the history of Parliamentary democracy and what we do in this Parliament, it is a momentous occasion for the community as a whole. Because this Bill... and the hon. Member is right, it is not just about opposite sex couples, but that is certainly something that we have considered for a long time, the issue of equality, as the Hon. the Chief Minister has mentioned, but this Bill allows a civil partnership to be created.

640

645 But what is important is that this is not about simply a piece of paper. This is not about labelling people in a particular way, man and wife, civil partner, just because I have got a piece of paper. As the Hon. the Chief Minister has emphasised during the course of his speech, this is about recognition of rights. This is about the recognition of the right, the *absolute* right to equality. This is about the right to be treated free of discrimination. This is about the right to be treated, as again has been said, equally in the eyes of the law.

650 And there has been much jurisprudence developed in this area over a number of years, particularly through the European Court of Human Rights. The right to be free from discrimination, the right to family life. But it is not correct and it cannot be correct that every time that somebody wants to exercise a particular right, that person has to have recourse to the courts for the courts to recognise those rights. And we have seen cases in court where those rights have been recognise – in relation to housing all the way to the Privy Council, much court time being expended, much cost being expended; in relation to adoption and many other areas in the European Court of Human Rights, and what this is about is about the Government who now has the courage to recognise that those legal entitlements are in fact legal entitlements which have to be enshrined in law.

660 There is a need to recognise that and it is important for the whole of the Parliament to be united – unfortunately that will not be the case and there are very cogent arguments, the Chief Minister has alluded to them, why it is right that everybody should support this Bill because this is about the need to recognise and to act on what is right, what is proper and what is sensible in a modern society and that is precisely what this Government is about.

665 There has been some mention by the Chief Minister about the evolution of struggles that have taken place and the right to rid ourselves as society from any form of discrimination and it is true that great strides have been made. But this Bill, this in fact is a milestone in our legislative process and it marks what this Government is all about.

670 It is indeed an honour for me, as Minister for Justice, to be associated and be part of this Government that has made this Bill possible and this momentous occasion for the whole of the community. (*Banging on desks*)

A Member: Hear, hear.

675 **Mr Speaker:** Is there any other contributor before I ask the mover to reply? Does the hon. Lady wish to reply?

So I now put the question, which is that a Bill for an Act to make provision for and in connection with civil partnership be read a second time. Those in favour –

680 **Hon. Chief Minister:** Mr Speaker, before you take the vote, may I call a division, especially given the indication we have had that all persons here present, to take the language I think of the Marriage Act, will be voting in favour? (*Laughter*)

Mr Speaker: Very well.

A division was called for and voting resulted as follows:

685

FOR	AGAINST	ABSENT
The Hon. P J Balban	None	The Hon. Sir P R Caruana
The Hon. J J Bossano		
The Hon. Dr J E Cortes		
The Hon. N F Costa		
The Hon. Dr J J Garcia		
The Hon. A J Isola		
The Hon. G H Licudi		
The Hon. S E Linares		
The Hon. F R Picardo		
The Hon. Miss S J Sacramento		
The Hon. D J Bossino		
The Hon. Mrs I M Ellul-Hammond		
The Hon. D A Feetham		
The Hon. S M Figueras		
The Hon. J J Netto		
The Hon. E J Reyes		

Acting Clerk: 16 Members for.

690 **Mr Speaker:** There are 16 votes in favour, one Member is absent. The ayes have it.

A Member: Hear, hear. (*Banging on desks*)

Acting Clerk: The Civil Partnership Act 2014.

**Civil Partnership Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

695 **Minister for Equality, Social Services and the Elderly (Hon. S J Sacramento):** 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.)

**Gibraltar Culture and Heritage Agency (Repeal) Act 2014 –
First Reading approved**

700 **Acting Clerk:** Number (3), a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provisions consequent upon the repeal.

The Hon. the Minister for Sports, Culture, Heritage and Youth.

705 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to move –

(*A pause in proceedings*)

Mr Speaker: The Hon. Mr Linares.

710 **Hon. S E Linares:** Thank you Mr Speaker.

I have the honour to move a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provision subsequent upon the repeal to be read a first time.

715 **Mr Speaker:** I now put the question, which is that a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provisions consequent upon the repeal to be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Gibraltar Culture and Heritage Agency (Repeal) Act 2014.

**Gibraltar Culture and Heritage Agency (Repeal) Act 2014 –
Second Reading approved**

720 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to move the Bill be now read a second time.

Mr Speaker, this Bill has come to this House after two long years of negotiations with all employees of the Gibraltar Culture and Heritage Agency. The new Government discovered on coming into office, that there was something wrong in the manner that the Agency had been constituted, particularly how staff had been appointed, given grades and awarded salaries without due process.

725 So the first thing the Government did was to commission a report from the Principal Auditor. This report, from which I will be quoting all the anomalies that were found in the Agency, was completed on 23rd January 2012, just over a month after we were elected into Government. Apart from other things which I will refer to later, one of the most curious findings were the dates on which most of the staff were offered appointments.

730 These dates ranged from 16th October 2011 to 2nd November 2011 and they had been signed off by the then Minister for Culture and formally approved on 15th November. The House will know that the elections were called on 4th November 2011, 11 days before the approval.

Staff were given, on those dates, grades commensurate to the GDC officers ranging from Grades 1 to 6, with a 12% over and above increase in salaries. No interviews or selection process took place.

735 Letters of appointment which were supposed to be signed by the CEO were signed by the Minister for Culture instead, since the CEO of the Agency had not yet been appointed, nor the Board constituted. The Board and the CEO were ratified on 15th November 2011. The first Board meeting took place on 18th November – well into the election campaign.

740 What was also significant was the fact that the Minister signed the appointments on 16th October 2011, well before the Board was constituted. These appointments were ratified by the Board on 18th November. One would have thought that it would have been the Board or at least the CEO of the Agency who should have made these offers of appointment to the staff.

745 When one analyses the composition of the staff at the Agency, it is clear that offers were made to all without consideration as to whether they were eligible to be equivalent to the grades commensurate to the GDC and to boot, with a 12% increase. In fact, the employees came from different entities, such as some from the Civil Service, most from private companies, authorities and one was previously only a volunteer.

750 In his report, the Principal Auditor stated that he could not know the basis for the salaries that had been agreed by the Chairman, meaning the then Minister and the Government. We have a civil servant who, an EO grade, was given the equivalent of a HEO grade and to boot, a 12% increase. The CEO's salary was calculated on a hypothetical differential, with the newly appointed heads of the Heritage Division and was personally determined and decreed by the then Chief Minister. A Spanish cleaner was given a Grade 1 plus 12% without an assessment or an interview.

755 The volunteer I mentioned was given the job by the previous Chief Minister, when he happened to visit the Garrison Library. The grading was decided by him and that employee, he decreed, was placed at the Grade 5 level. Again, the Auditor cannot identify the reasoning behind this decision. One officer came from the King's Bastion Leisure Centre and no basis for the grading was found.

760 The other exercise that was done by the Auditor was to ascertain the percentage increase that was awarded to the employees when compared to their previous salaries. A charge hand, TG3 got a 10.5% increase; a TG1, 48.3% increase; a cleaner, which I mentioned before, a 100% increase, since she came from the supply list of a private company. Five Grade 1s got 29.3% increases; two got 49.4% increases. An administrator from a private company was granted a Grade 4, which meant a 16.2% increase. Others also received increases, but the most glaring single one was that of 62.5% increase, in which the salary was increased from £46,164 to £75,000.

765 One thing that was also omitted was the fact that the collective agreement was never signed, the draft copy contained the names of those who were to be signatories, two union reps and the Minister for Culture and the then Chief Minister. When the question was asked to Members as to whether they had been involved in the collective agreement, only a small handful was even *aware* that it existed.

In view of these facts, I now move to how the Agency's role will be filled, when coming into force of this Act.

770 There are two companies which have been set up. These will be contracted to do the same service that the Agency performs at present. The contracts for these two companies are similar to the successful formula that currently exists in Land Property Services and the Environmental Agency Limited. The contracts are modelled on these two entities.

775 The conditions of the employees of the Agencies will be respected. The new structure will also allow employees more freedom to look at events and run them on a more commercial line, should this be necessary. Further employment of additional staff, should the need arise, will be subject to negotiations with the Government. The existing staff have been fully consulted and have had a direct input into how the Heritage Company and the Culture Company will develop.

780 Therefore, the purpose of this Bill is to repeal the Gibraltar Culture and Heritage Agency Act 2011 and deal with ancillary matters relating to the dissolution of the Gibraltar Culture and Heritage Agency.

Mr Speaker, at this stage, I will say that I have given notice of just one small amendment, which hon. Members already have.

785 Pursuant to clause 4 the Bill makes provisions for references to the Agency in the Heritage Trust Act 1989 to be construed as meaning a reference to a person appointed under subsection 2 of clause 4 to discharge any of the functions and duties conferred on the Agency upon that Act.

Clause 5 makes consequential modifications and amendments to the schedule to the Public Service Ombudsman Act 1998 so as to remove the Agency from the list of authorities to which Part 3 on investigation of complaints under the Act applies.

790 Clause 6 of the Bill provides for the necessary savings and transitional provisions, including provision for the transfer of any assets or liability from the Agency to the Government and the exclusion of personal liability attaching the members of the Agency in respect of anything done or omitted to be done in good faith, prior to the coming into operation of this Act.

795 Mr Speaker, I am honoured to be asked to move this Bill for an Act, as Minister for Culture and Heritage, since it is I who is responsible for these areas. I commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

800 The Hon. Mr Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.

I feel I should contribute to today's presentation of this Bill by clarifying and stating for the record that the Gibraltar Culture and Heritage Agency was set up in 2011 as part of the GSD then in Government's plans for the future running of areas of responsibility that fell upon that particular Ministry.

805 It was also necessary at that time to review the now expired contract that had existed with a company like Knightsfield who were at the time running the John Mackintosh Hall and the Museum and that contract was expired. So therefore a lot of time was spent in discussions with Knightsfield and with existing public servants, some of whom were civil servants, some of whom were GDC employees and so on, who at the time were already working with responsibilities under the area of that Ministry.

810 There was, I can assure, Mr Speaker and all Members of this House, very, very close consultations with the trade unions – and unions in plural, because the employees, some were members of Unite and others were members of the GGCA. It was together with these trade unions that we were at an extremely, extremely advanced stage. In fact, I dare to say the draft was completely ready in order to sign a collective agreement.

815 The reason why it did not take place was because the unions needed time to go back to meet their own individual members, something that, given my trade union background I supported fully, so therefore the Minister, in presenting this Bill today, could have been informed by others that those individuals who perhaps had not heard about the collective agreement and so on, I can assure the Minister that nothing was imposed on them, hence why it was still not fully signed because I wanted to ensure that before any signatories signed up to that agreement, that each and every member that was being represented by the union had had an opportunity to see that in detail.

820 Mr Speaker, by the time of the elections in late 2011, some initial staffing exercise had taken place. What in fact had happened was, we had absolved and gave the right to existing employees of the private companies who were providing services to the Ministry, such as the employees from King's Bastion Leisure Centre and from Knightsfield, we gave them the right to be the first ones to come across and become employees of the Culture and Heritage Agency, as were all civil servants or GDC employees who were at the time working for the Ministry given the right to transfer as well into this company. Some chose to and others did not. There was certainly an equal opportunity offered to all and I believe each particular employee chose what he or she thought was best for them.

830 Mr Speaker, the Bill as such, for which due notice was given, just simply said that the Gibraltar Culture and Heritage Agency Act 2011 is repealed and it is not until today that I have got sight that the Minister has intentions of passing on these duties to other companies that he is explaining now and so on.

835 All I can say, Mr Speaker, is that given that they are now in Government, it is their right to take the duties and responsibilities that hereto have been covered under the Agency in whichever way they feel is best. Had we been in Government, we would have completed the staffing exercise, the re-structure exercise would have continued, all our negotiations with the trade unions representing each and every employee, but if the Government now wishes instead to do away with the Culture and Heritage Agency and instead replace it in some other manner, that is their prerogative of which we will not be a hindrance to that and therefore this side of the House, Mr Speaker, will abstain on the Bill and let Government get on with their duty of governing. (*Banging on desks*)

840 **Mr Speaker:** Does any other hon. Member wish to contribute?
I call then upon the mover to reply.

845 **Hon. S E Linares:** Mr Speaker, just to put the record straight from the hon. Member's intervention, the company, Knightsfield, that he alluded to where the contract had just expired, the fact is the contract had expired in 2002 and we are talking about 2011. So the contract had expired nine years before the thinking of the Agency – (*Interjection*) well okay.

850 The fact that he says that they were going to be consulted, one cannot understand how they could be consulted when they already had signed into the.. and I must state at this stage, is that I would have signed the piece of paper that was offered to me. If I am given a 62.5% increase, I would not even hesitate – in fact I will ask, 'Where is it that I have to sign on?!' So the fact is of course you do not have to impose anything on them if you are giving them a 62.5% increase.

855 And the third fact is that there were only two civil servants, one of which got a hike not only in post but salary and another one. Knightsfield which is a private company, no officer came from the GDC like the hon. Member said, there were 16 people who came from Knightsfield, one was self-employed and one from King's Bastion. Those are the facts that I have in front of me.

860 So therefore, and I am glad the hon. Member is giving us space. We did the same when the Bill came to this House – the Agency Bill came to this House. We did abstain because we allowed them as Government the decision and the policy to put the Agency. I am glad that now at least they are just abstaining in order for us to get on with the business of trying to organise and re-organise what was the Culture and Heritage Agency.

Thank you, Mr Speaker.

865 **Mr Speaker:** I now put the question, which is that a Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provisions consequent upon the repeal, be read a second time. Those in favour? (**Government Members:** Aye.) Those against? Carried.

870 **Hon. E J Reyes:** We abstain, Mr Speaker.

Acting Clerk: The Gibraltar Culture and Heritage Agency (Repeal) Act 2014.

**Gibraltar Culture and Heritage Agency (Repeal) Act 2014 –
Committee Stage and Third Reading to be taken at this sitting**

875 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today? (**Government Members:** Aye.)

COMMITTEE STAGE

**Financial Services (Contingency Fund) Bill 2014; Civil Partnership Bill 2014;
Gibraltar Culture and Heritage Agency (Repeal) Bill 2014**

880 **Acting Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

885 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Financial Services (Contingency Fund) Bill 2014; the Civil Partnership Bill 2014; and the Gibraltar Culture and Heritage Agency (Repeal) Bill 2014.

In Committee of the whole House.

**Financial Services (Contingency Fund) Bill 2014 –
Clauses considered and approved**

890 **Acting Clerk:** A Bill for an Act to make provisions for and in connection with the creation of a Contingency Fund to be available for use upon the happening of a major event connected to activities licensed under the supervisory Acts; to provide for the functions and powers of the authority; and for connected purposes.

895 **Chief Minister (Hon. F R Picardo):** Mr Chairman, a minor amendment in respect of this Bill, of which I have not given written notice but you will see how minor it is: it is simply to change the language from the traditional language in the first clause 'shall come into operation on the date of publication' to the other sort of traditional language which is 'shall come into operation on the date appointed by notice in the *Gazette*'.

900 You will know that we use either of those types of notices for coming into operation or a specific date and because of the financial year and when it runs, etc we need to use the language of notice in the *Gazette* here.

Mr Chairman: That is a proposed amendment to clause 1. Is that agreed to?

905 **Hon. D J Bossino:** Yes, Mr Chairman.

Mr Chairman: Clause 1 as amended stand part of the Bill.

Acting Clerk: Clauses 2 to 7.

910 **Mr Chairman:** Clauses 2 to 7 stand part of the Bill.

Acting Clerk: The long title.

915 **Mr Chairman:** Stand part of the Bill.

**Civil Partnership Bill 2014 –
Clauses considered and approved**

Acting Clerk: A Bill for an Act to make provisions for and in connection with civil partnership.
Clauses 1 to 4.

920 **Mr Chairman:** Stand part of the Bill.

Acting Clerk: Clauses 5 to 17.

Mr Chairman: Stand part of the Bill.

925 **Acting Clerk:** Clauses 18 to 43.

Mr Chairman: Stand part of the Bill.

Acting Clerk: Clauses 44 to 55.

930 **Mr Chairman:** Stand part of the Bill.

Acting Clerk: Clauses 56 to 85.

935 **Mr Chairman:** Stand part of the Bill.

Acting Clerk: Clauses 86 to 92.

940 **Mr Chairman:** Clause 96, did you call?

Acting Clerk: Clauses 86 to 92.

Mr Chairman: Clauses 86 to 92 stand part of the Bill.

945 **Acting Clerk:** Clauses 93 to 95.

Mr Chairman: Stand part of the Bill.

Acting Clerk: Clause 96.

950 **Hon. D A Feetham:** Mr Chairman, I am quite happy – certainly on this side of the House, we are quite happy for the hon. Lady's letter to stand as her formally moving those amendments, so she does not have to go through them verbally during the course of these proceedings.

955 **Mr Chairman:** Very well, if all hon. Members agree, those amendments will be incorporated into the Bill. Those in favour? (**Members:** Aye.) Carried.

Acting Clerk: Clause 96.

960 **Mr Chairman:** Clause 96 as amended stand part of the Bill.

Acting Clerk: Clauses 97 to 124.

Mr Chairman: Stand part of the Bill.

965

Acting Clerk: Schedules 1 to 9.

Mr Chairman: Schedules 1 to 9 stand part of the Bill.

970 **Acting Clerk:** Schedule 10 as amended.

Mr Chairman: Call that again, please.

Acting Clerk: Schedule 10 as amended.

975

Mr Chairman: Schedule 10 as amended stand part of the Bill.

Acting Clerk: Schedules 11 to 14.

980 **Mr Chairman:** Schedules 11 to 14 stand part of the Bill.

Acting Clerk: The long title.

Mr Chairman: Stand part of the Bill.

**Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 –
Clauses considered and approved**

985 **Acting Clerk:** Number 3. A Bill for an Act to repeal the Gibraltar Culture and Heritage Agency Act 2011 and to make provisions consequent upon the repeal.
Clause 1 as amended.

Mr Chairman: Clause 1, notice has been given substituting the date of publication by 1st April 2014.

990

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Chairman, we want to make... it is another amendment rather than 1st April, which I will leave to the Hon. Mr Gilbert Licudi to do.

995 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Sorry, Mr Chairman, the amendment is the same as the previous one: that it should say 'on a date appointed by notice in the *Gazette*' rather than a specific date. We expect that this will happen on 1st April but we just need to make sure that everything is in order and it will happen and it can happen on 1st April. That is certainly the intention, but we would rather have it by notice to be appointed in the *Gazette*.

1000

Mr Chairman: Very well. Is there agreement on the amendment proposed by the Minister for Justice? Aye? Carried.

Acting Clerk: Clause 1 as amended.

1005

Mr Chairman: Clause 1 as amended stand part of the Bill.

Acting Clerk: Clauses 2 to 6.

1010 **Mr Chairman:** Clauses 2 to 6 stand part of the Bill.

Acting Clerk: The long title.

Mr Chairman: The long title stand part of the Bill.

THIRD READING

**Financial Services (Contingency Fund) Bill 2014; Civil Partnerships Bill 2014;
Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 –
Third Reading approved: Bills passed**

1015 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Financial Services (Contingency Fund) Bill 2014, the Civil Partnerships Bill 2014 and the Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1020 **Mr Speaker:** I now put the question, which is that the Financial Services (Contingency Fund) Bill 2014, the Civil Partnership Bill 2014 and the Gibraltar Culture and Heritage Agency (Repeal) Bill 2014 be read a third time and passed.

Those in favour of the Financial Services Contingency Bill 2014? (**Members:** Aye.) Those against? Carried.

1025 Those in favour of the Civil Partnership Bill 2014? (**Members:** Aye.) Those against? Carried. (**Hon. D A Feetham:** I beg your pardon. Aye.)

Those in favour of the Gibraltar, Culture and Heritage Agency – (*Interjections*)

The Opposition are voting in favour of the Third Reading of the Civil Partnership Bill 2014.

1030 Those in favour of the Gibraltar, Culture and Heritage Agency (Repeal) Bill 2014. (**Government Members:** Aye.) Those against?

Hon. D A Feetham: This one we are abstaining.

Mr Speaker: The Opposition are abstaining. The ayes have it. Carried.

ADJOURNMENT

1035 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn *sine die*.

Mr Speaker: I now propose the question, which is that the House do now adjourn *sine die*.

1040 I now put the question which is that the House do now adjourn *sine die*. Those in favour (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 11.11 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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Gibraltar, Thursday, 29th May 2014

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<i>The House recessed at 11.40 a.m. and resumed its sitting at 3.10 p.m.</i>	<i>37</i>

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[SUBSTITUTE CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

PRAYER
Mr Speaker

Order of the Day

Substitute Clerk: Meeting of Parliament, Thursday 29th May, 2014.
(i) Oath of Allegiance.

CONFIRMATION OF MINUTES

Substitute Clerk: (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 20th and 21st March 2014.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Substitute Clerk: (iii) Communications from the Chair.

10 **Mr Speaker:** I recognise this morning among us Mr Melvyn Farrell, once again, and I thank him for standing in for Mr Paul Martinez, who is away in Cardiff on CPA business. (*Banging on desks and applause*)

Substitute Clerk: (iv) Petitions.

ANNOUNCEMENTS

15 **Substitute Clerk:** (v) Announcements.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I join you in welcoming back Mr Farrell for this short cameo appearance.

20 Mr Speaker, I am delighted to be able to announce and to share with all Members the excellent news reaching me from colleagues at the CPA conference, that Gibraltar has been able to secure the 47th Regional Conference of the British Isles and Mediterranean Region of the CPA. It will take place in Gibraltar in the spring of 2017. (*Banging on desks*)

PAPERS TO BE LAID

Substitute Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

25 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Air Traffic Survey Report 2013.

Mr Speaker: Ordered to lie.

30 **Substitute Clerk:** 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 lay on the table the Annual Report of the Parole Board 2013.

35 **Mr Speaker:** Ordered to lie.

Substitute Clerk: The Hon. Mr Speaker.

40 **Mr Speaker:** I have the honour to report that in accordance with the Standing Order 12(3) the Ombudsman Annual Report for the year ended 31st December 2013 has been submitted to Parliament and I now rule that it has been laid on the table.

Substitute Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q347/2014
Sandy Bay –
Importation of sand

45 Question 347/2014, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism advise where the sand, which has been deposited at Sandy Bay, is being imported from?

50 **Substitute 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 sand is being imported from Morocco.

55 **Hon. D J Bossino:** Mr Speaker, I am conscious that there is another specific question in the Order Paper directed at the Minister for Health. I am told by the Minister for Health that in fact there are two, and I think he is absolutely correct that there are two questions. That is really as a result of the reports that we have been receiving on the Opposition side as to insect bites which we understand are being caused by spiders which were imported in the sand. As I say, these are unconfirmed reports.

60 Is the Government... is the particular Minister I am asking the question to able, to address this in his answers this morning?

65 **Hon. N F Costa:** Mr Speaker as the hon. Gentleman just noted whilst my Hon. Friend, Dr Cortes, was making signs to him, there are two questions on that particular matter on the Order Paper. Whilst I know the answer, perhaps it would be appropriate for the Hon. Dr Cortes to answer at that point. But, if Mr Speaker wishes the Hon. the Minister for Health and the Environment to answer now that particular question, (*Interjection*) we are in his hands.

Mr Speaker: If you wish to call that particular question, we can do so.

70 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have two questions I believe. One from the Hon. Mr Netto and one from the Hon. Mrs Ellul-Hammond.

Substitute Clerk: Could you identify the question numbers please?

HEALTH AND THE ENVIRONMENT

Q363/2014

Sandy Bay beach –

Importation of sand; safety of users

75 **Substitute Clerk:** Question 363, the Hon. S M Figueras on behalf of the Hon. J J Netto.

Hon. S M Figueras: Is the Minister for Health and the Environment satisfied that the sand recently imported from Morocco and used in an attempt to replenish Sandy Bay Beach, is safe for users?

80 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, yes, sir. The Department of the Environment is happy that the sand being used for Sandy Bay is safe for use. The Department's Officials regularly assess the sand and have *not* come across anything untoward.

Q367/2014

Sandy Bay –

Invertebrates imported in beach sand

85 **Substitute Clerk:** Question 367, the Hon. Mrs I M Ellul-Hammond.

90 **Hon. Mrs I M Ellul-Hammond:** Can the Minister for Health update this House on the treatment and recovery of two patients who were allegedly bitten by invertebrates supposedly found in the sand at Sandy Bay a few weeks ago, who needed hospital treatment; and if bitten, whether the bites were identified with a particular invertebrate and which type?

Substitute Clerk: Answer the Hon. the Minister for Health and the Environment.

95 **Minister for Health and the Environment (Dr J E Cortes):** Mr Speaker, the records show no such information specific to Sandy Bay. Thirty-seven incidents of bites and stings by invertebrates have presented at the Accident and Emergency Department at St Bernard's Hospital since 1st January this year. This is perfectly normal. So I repeat what I said, no such information specific to Sandy Bay is found in our records.

100 **Hon. D J Bossino:** When he says it is perfectly normal, Mr Speaker, I assume he means statistically it is nothing which should alarm us. Is that the case?

105 **Hon. Dr J E Cortes:** Yes, indeed. It is not alarming that we should have that number of bites and stings, particularly in the spring, as that is quite uneventful. It is eventful if you get a nasty sting from a wasp, but it is not statistically worrying.

Hon. D J Bossino: Mr Speaker, a wider question in relation to the same subject, and I think it is probably more appropriate for the Minister for Health, with your indulgence, Mr Speaker, that he should answer it.

110 Is there any standard procedure which is being carried out by the Government, in terms of checking the sand which has been imported from outside this jurisdiction, in terms of safety and other issues like that?

115 **Hon. Dr J E Cortes:** Mr Speaker, yes, the sand... when the appropriate Department identifies, they will inspect samples. They will make sure that it is screened, and as I said in my answer, Department of the Environment officials regularly go on to the beach and check that there is nothing untoward. There is nothing untoward.

I believe that the original comment that I read about this was somebody saying in a jovial fashion, I think, 'Oh, it has come from the Sahara. Imagine if they have brought scorpions', and I think in the normal Chinese whispers, which is typical of some of the social media, it suddenly became people were actually in hospital, and then scorpions became spiders. So I have looked at it. In fact I have looked at the records myself and there is no indication that there is anything untoward happening there.

120 **Hon. D J Bossino:** Mr Speaker, this is a question now for the Minister for Tourism.
Is he able to tell this House what the cost of that importation currently amounts to? Is that information which he has available to him and he is willing to provide to this House? I do not know what the measurement would be. Would it be by cubic metre or any other relevant measurement?

130 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I can actually tell him the price, including the supply, the delivery and spreading of the sand on the beach, which amounts to £1,490,500. That includes the supply, the delivery and the spreading of the sand at the beach.

Hon. D J Bossino: So, in other words, just to be absolutely clear, all told that will be the price tag once we have a fully replenished Sandy Bay. Is that correct?

135 **Hon. N F Costa:** That is the information that has been provided to me, Mr Speaker, by the relevant Department that is carrying out the supply... well, the contractor for the supply, delivery and spreading of the sand. So that is my information, yes.

140 **Hon. D J Bossino:** Mr Speaker, who is actually carrying out the importation. Is it a Gibraltar company? Is it a company from outside Gibraltar? Can he give that information? But I do appreciate that it may not necessarily directly arise from the question on the Order Paper.

145 **Hon. N F Costa:** Mr Speaker, unless I am not recalling correctly, I believe that I was asked about the award of the contract in the previous session in Parliament when I answered, that the Sandy Bay contract for regeneration of the beach was awarded following a public tender concluded in March of 2014. The tender document specified the technical specifications for the sand and following a review of the tenders received, the contract was awarded to Van Oord on the basis that they had submitted the most economically advantageous and compliant bid. So it is being conducted by Van Oord.

150 **Hon. D J Bossino:** Mr Speaker, is Van Oord the company which is... I do not know exactly how these things work, is Van Oord the company which is doing the importation? Does it then subcontract to another company who then does the importation. Does he have that information? In fact it probably does arise from the question in the Order Paper, but if he does not have the answer in this House then maybe I can ask it again next month or he can provide it to me later.

155 **Hon. N F Costa:** Yes, Mr Speaker, I do not have exactly the answer as to whether Van Oord has imported and has subcontracted another company to spread the sand on the beach, but I can tell him that the contract was awarded to Van Oord. Whether Van Oord has then subcontracted to another company to spread the sand, I do not have the answer. He can either write to me and I will give him the answer or he can ask me at the next session and I will be happy to give him the information then.

160 **Hon. D J Bossino:** Mr Speaker, I assume he does not have the answer to the question which I actually posed. It was not necessarily to do with the spreading of the sand, but actually the importation of the sand. Does he have an answer to that question which is the one I posed? He is checking is he?

165 **Hon. N F Costa:** Mr Speaker, from the information that I have before me, I am quite certain that it would have to be Van Oord on the basis that the tender was awarded to that particular company.

Mr Speaker: Next question.

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q348/2014

**Airlines operating from Gibraltar –
Subsidies and concessions received**

170 **Substitute Clerk:** Question 348, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism advise whether any airlines operating from Gibraltar are receiving any subsidy or concessions from the Government or any Government-owned company?

175 **Substitute 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):
180 Mr Speaker, this question is very similar to the question that the hon. Gentleman asked me, namely Question 826/2012. As I informed him at the time, all commercial discussions are commercial in confidence as part of the Government's continuing drive to increase air connectivity.

I am happy to advise the hon. Gentleman, however, that the Government continues to operate the incentives and discount scheme implemented in 2010 and that the GTB discusses marketing collaborations with its airline partners.

185 As I advised the hon. Gentleman in the question that I just mentioned, I will not be drawn to publically announce across the floor of the House whether any airline enjoys an incentive scheme, subsidy or concession from the Government, as to do so would undermine any negotiating advantage of Her Majesty's Government of Gibraltar in any discussions.

Q349/2014

**Bunkering services in Gibraltar –
Measures taken by Government after Spanish actions**

190 **Hon. D J Bossino:** Can the Minister for the Port state what measures, if any, the Government has taken in connection with the Spanish actions relating to bunkering services being conducted in Gibraltar?

Substitute Clerk: Answer the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

195 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):**
Mr Speaker, in the first place I do not accept the premise of the question.

200 As far as Her Majesty's Government of Gibraltar is aware, there have been no Spanish actions relating to bunkering services in Gibraltar. Bunkering services continue in Gibraltar as they have always done. Notwithstanding and irrespective of any reports in the Spanish media, the Gibraltar Port Authority and I have agreed a series of measures to stimulate all economic areas of port activity. These new policies will be announced during the course of the Budget debate.

205 **Hon. D J Bossino:** Mr Speaker, I welcome the answer that he has given. Obviously I base myself on what I hear in the press. I am not privy to any other information, and certainly on the basis of various sources and various press sources that one reads, there is certainly a threat of action.

Now, he says that, and I quote, 'no Spanish actions' have been taken. Have there not been incidents of filming by Spanish authorities of our bunkering operations in Gibraltar territorial waters? Is he able to confirm or deny that?

210 **Hon. N F Costa:** Mr Speaker, if I may be helpful to the hon. Gentleman, the question asks the measures that the Government has taken in connection with Spanish actions relating to bunkering. I can tell this House confidently that the Spanish Authorities have *not* taken any actions in relation to bunkering and I am sure that the House would be delighted to know, that bunkering operations in Gibraltar continue as fruitfully as they have always done.

215 There have been instances where foreign vessels have taken pictures, not just of certain operations in the Port, but also in relation to the groyne in Sandy Bay, but that does mean that any actions have been taken in relation to that project either, simply that we are aware of reports of photographs or filming taking place.

220 **Hon. D J Bossino:** Mr Speaker, there was a report in *The Telegraph* I think it was, albeit back in
August when we were suffering from the brunt of the troubles, where it was reported that apparently Spain
had actually approved legislation. I have not checked that myself, but actually approved legislation banning
permanently anchored fuel storage tankers from operating in its protected waters, and included in their
view, the disputed waters around the Rock in the framework of the legislation. Would the Minister not
225 consider that to be specific Spanish action, which ought to be addressed by the Government in terms of the
immediate and long-term future economic viability of this particular activity?

Hon. N F Costa: Mr Speaker, as the hon. Gentleman will know, the position of Her Majesty's
Government, and I dare say of the Opposition, the Government's position clearly is that no legislative
action could possibly in any way affect the legal jurisdiction, powers, controlled sovereignty and
230 jurisdiction of British sovereignty in Gibraltar waters. So as far as we are concerned the Spanish
Government may legislate at their leisure and at their whim, but certainly it would not in any way impact on
Port operations or indeed any other sphere of life in Gibraltar.

Hon. D A Feetham: Mr Speaker, in his first reply the hon. Gentleman said bunkering activities
235 continue as they have always done, and then in a second he said bunkering activities continue as fruitfully
as they have always done. Can the Minister confirm that he has not noticed any statistical downturn in
bunkering activities in the Port of Gibraltar?

Hon. N F Costa: Mr Speaker, unfortunately the downturn started under their own administration in
240 2009. Between last year and this year there has been a very *negligible* decrease.

Mr Speaker: Next question.

Q350/2014
Bus fleet replacement –
Update

Substitute Clerk: Question 350, the Hon. S M Figueras.

245 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide an update on the replacement
of the bus fleet?

Substitute Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport
250 and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):
Mr Speaker, Government is currently in the award stage of the tender for the replacement of the bus fleet.

255 **Hon. S M Figueras:** Mr Speaker, I recall in the House, at either the last session or the one before where
we last dealt with this matter, that there were some issues relating to the technology that was going to be
used in the buses.

I was wondering whether perhaps the Minister would be able to confirm whether doubts in that regard
have now been resolved and what the time frame for delivery of the buses, or rather for award of the
260 contract in the first place and then delivery of the buses is as at today's date.

Hon. N F Costa: Mr Speaker, let me tell the House that I will advise the Gentleman what I understand
the process to be because this is dealt with by the Procurement Office.

As I understand it, once the Government has decided on the award of a contract, a letter has to be sent to
the successful company and the unsuccessful company. I am then advised that there follows a mandatory
265 Alcatel period known because of the Alcatel case. It is a standing period, which is a 10-calendar-day period
following notification whereby the unsuccessful tenderer has the chance to submit as to why they thought
that the tender should have been awarded to them, so until then there will not be an actual allocation. We
are currently at this standstill or Alcatel period.

270 **Hon. S M Figueras:** Of 10 days?

Hon. N F Costa: Yes, 10 days.

275 **Hon. S M Figueras:** I am grateful to the Minister for the clarification in that respect. Is he – notwithstanding that answer – in a position to say, once the contract is agreed with the successful tenderer, when the buses can be expected to begin to be delivered?

280 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman will remember from the last time he asked me questions on this subject matter, I told him that there were two companies that had proceeded to the final stage. So there are two companies. Those two companies will obviously know when they have told us that they will be able to deliver those buses. If I were to give the hon. Gentleman the time frame, they will know who has been successful and who has not. So I cannot at this stage say anything else.

285 **Hon. S M Figueras:** Well, you see, Mr Speaker, I had understood his previous answer to mean that both successful and unsuccessful tenderers would have already been notified in any event. (*Interjection*)

Hon. N F Costa: Sorry, as I told the hon. Gentleman, I could tell him what the process was, but because it is dealt with by the Procurement Office, I cannot tell him whether the letters have gone out. It is not done by me.

290 **Hon. S M Figueras:** So being at this stage of the process, Mr Speaker, it is not unreasonable to expect that at the next session there should be some more certainty in that regard.

Hon. N F Costa: Absolutely Mr Speaker.

Q351/2014
Peter Sardeña case –
Conclusion of matter

295 **Substitute Clerk:** Question 351, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say whether the Peter Sardeña matter has now concluded?

300 **Substitute Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

305 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as the hon. Gentleman knows, the hearing of the claim has concluded and a decision from the Industrial Tribunal is awaited. So we are in the same position as we were when the last question was asked.

310 **Hon. D J Bossino:** Just to recollect where we were. Presumably the judgment, exclusively in relation to quantum, I think that that was the position as I understood it, but my memory is somewhat hazy on this one because it has been sometime since I dealt with it. But I thought that in relation to the substantive liability issues there had been a concession by the Government, and if you recall... the Minister will recall, Mr Speaker, that was the subject of much debate and time spent on this in relation to that matter in this House.

As I recall, all that is pending at this stage is a decision by the Chairman of the Industrial Tribunal in relation to quantum.

315 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman would be right in saying that there has been across the floor of this House, I would say, sufficient discussion on this matter. In fact in respect of this particular question, there was Question 237/2012, where we go into eight pages of *Hansard* where we discussed whether the judgment is in respect of anything other than quantum or just quantum, and us saying on this side of the House the matter is *sub judice* and when the judgment is handed down, it will be handed down.

320 I will repeat that in less than seven pages to the hon. Gentleman, given that the matter is pending a judicial decision, I will limit myself to just making that comment.

Mr Speaker: Next question.

Q352/2014
GibiBikes –
Update on progress

Substitute Clerk: Question 352, the Hon. S M Figueras.

325 **Hon. S M Figueras:** Yes, Mr Speaker.

Can the Minister for Transport say whether there has been any substantial progress in the GibiBikes matter?

330 **Substitute 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, my answer remains the same as the answer to Question 126/2014.

335 Her Majesty's Government of Gibraltar has entered into litigation with a contractor and it will make a public announcement on the conclusion of these legal proceedings, including any appeals by either party.

Mr Speaker: Next question.

PROCEDURAL

Substitute Clerk: Question 353/2014 is going to be answered by Minister Balban on behalf of Minister Linares and will be taken later on today.

340 Questions 354 to 359/2014 will be answered by the Chief Minister on behalf of Minister Linares. This will be done this afternoon.

HEALTH AND THE ENVIRONMENT

Q360/2014
Ministry of the Environment –
Companies providing services; details of changes

Substitute Clerk: Question 360, the Hon. S M Figueras on behalf of Mr Netto. Yes?

345 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment please say if there has been any variation to any of the companies providing services to the Ministry of the Environment through contract since 2012; and, if so, provide full details to Parliament?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

350 **Minister for Health and the Environment (Dr J E Cortes):** Mr Speaker, it is not up to the Government to assess variations to companies as long as the contract is adhered to, which is the main concern of the Department of the Environment.

355 **Hon. S M Figueras:** Yes, Mr Speaker, I note the Hon. Minister's reply to the question. I suspect that it is being taken on the meaning of the language of the question, which I again suspect has been drafted perhaps in an unfortunate manner, given that the Question certainly to me, and I am asking it on behalf of my Hon. Friend Mr Netto, that the question was intended to elucidate information about variations to the contracts themselves, rather than the companies.

360 I will grant that on the language of the question itself, the Hon. Minister may not have noticed, but if the Minister is in a position to provide any details in relation to any variations that he is aware of, I would be very grateful, but again concede that he may not have had appropriate notice in this instance.

365 **Hon. Dr J E Cortes:** Mr Speaker, I think I would inevitably give an incomplete answer as the question was phrased... it seemed that it was asking as to a variation in the composition of the company, which is the answer that I have given. If there has been any changes, variations in the companies or in the contracts, I

have knowledge of some, but it would be an incomplete answer and I would hesitate. What I can say is that those companies that have had contracts, still valid and in force in December 2011, still retain those contracts.

370 There are some contracts which had expired and were being run either by the same companies or in some other way out of contract and we are in the process of regularising that. But I would not like to give any more details, because I am likely to get something wrong and I would rather have notice of a question for a future meeting.

Mr Speaker: Next Question.

Q361/2014
Fishing Report –
Implementation of recommendations

375 **Mr Speaker:** Question 361, the Hon. Selwyn Figueras on behalf of Mr Netto.

Substitute Clerk: Question 361, the Hon. Mrs I M Ellul-Hammond on behalf of – (*Interjection*) No? Question 361, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

380 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 137/2013, can the Minister for the Environment state which recommendations of the Fishing Report have been implemented in the last 12 months, which ones will be implemented over the next 12 months and which recommendation/s the Government feels it will not be able to implement and why?

385 **Substitute 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 apologise I had assumed that Mr Figueras was continuing with Mr Netto's question.

390 **Hon. S M Figueras:** [*Inaudible*]

Hon. Dr J E Cortes: That is absolutely fine.

395 Mr Speaker, in addition to the recommendations implemented already, as highlighted in my response to Written Question 137/2013, the following measures have also been implemented, which are relevant to some of the recommendations made in the Fishing Report: (1) Employment of Environmental Protection Officers within the Department of the Environment who will be assisting in the implementation of the upcoming Marine Protection Regulations; (2) Review of the Artificial Reef Programme within the southern waters of Gibraltar; (3) Implementation of a tagging initiative in conjunction with local fishing clubs for sea bream species. The intention is to extend this initiative to migratory species found in the Straits of Gibraltar, such as blue fin tuna.

400 Implementation of all the recommendations is continually under consideration.

Q362/2014
Sewage treatment plant –
Construction tender; details

Substitute Clerk: Question 362, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

405 **Hon. Mrs I M Ellul-Hammond:** Further to Question 55/2014, has the Government now awarded the tender for the sewage treatment plant and, if so, please provide details of the work to be carried, location, the company that has been awarded the contract, the timeline for operations to start and the cost associated with the works to be carried out?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

410 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the tender for sewage treatment has still not been awarded. It is currently in the assessment stage.

Hon. S M Figueras: Mr Speaker, can the Minister say when the award... the submission deadline for this particular tender expired?

415 **Hon. Dr J E Cortes:** No, Mr Speaker. I am involved in this matter peripherally. The main Minister would be my colleague, the Minister for Utilities, who is not here. I do not have that information I am afraid.

420 **Hon. S M Figueras:** Is the Minister able to say whether the delivery of the sewage treatment plant will be complete by the end of this term of office?

Hon. Dr J E Cortes: Mr Speaker, there is a possibility. If the tender were awarded quickly, then that would be a possibility.

Q364/2014

**Illegal enticing/feeding of macaque –
Number of individuals fined or cautioned**

425 **Substitute Clerk:** Question 364, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for the Environment say how many individuals have been fined or cautioned for the illegal enticing or feeding of macaques, contrary to the recent changes in legislation passed in Parliament, either inside or outside the Upper Rock Nature Reserve, stating where, the nationality, the amounts imposed, which entity imposed the fine and whether some cases are waiting to be heard in the courts?

430

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

435 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, one individual of Spanish nationality was cautioned by the Royal Gibraltar Police for the illegal feeding of macaques outside the Nature Reserve. I will add that it was in the area of Sandy Bay.

Mr Speaker: Next question.

Q365/2014

**Gibraltar Nature Reserve Management Plan –
Update on progress**

440 **Substitute Clerk:** Question 365, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for the Environment say if he is now in a position to provide Parliament with a copy of the Upper Rock Management Plan?

445 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the Gibraltar Nature Reserve Management Plan is still being drafted and will be published as soon as possible after a period of consultation.

450 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister will concede that the Plan has been being prepared for some time now. Is there any definitive timeline that he or his Department has in mind for the conclusion of the Plan and publication thereof?

455 **Hon. Dr J E Cortes:** Mr Speaker, I would have liked it to have been ready by now. It is a complex piece of work. Already some of the aspects of the recommendations that would be in the Plan are being carried out routinely, like improvements in the habitat management and other improvements that we have seen in the Upper Rock. Remember that the Upper Rock, although it is one of my Ministerial responsibilities, that I work very closely with my colleague the Hon. Minister for Tourism in this and we

460 are aware of a lot of improvements that form part of this. So I am hoping that it will be completed relatively soon. Certainly we are talking about a couple of months. I would not have thought it would be much more than that and believe you me, Mr Speaker, it will be well worth the wait.

465 **Hon. S M Figueras:** Mr Speaker, I wonder whether perhaps the Minister, who so very kindly offers information in relation to those aspects of the Plan which have already been implemented and are being implemented continually as he has referred to on a number of occasions today and on previous occasions, it strikes me, Mr Speaker, that there must be certain parts of the Plan which are either more controversial or simply more complicated and have therefore not yet been concluded.

470 Whilst that is understandable, I wonder whether the Hon. Minister would be so kind as to give the House a flavour of the issues that remain the source of such controversy and therefore make the publication of this plan something that has not yet happened.

Hon. Dr J E Cortes: No, Mr Speaker, because it is my intention to resolve the controversies and then the hon. Member opposite will be having nothing to worry about.

Q366/2014
Smoke Free Environment Act 2012 –
Zone excluded from Act

475 **Substitute Clerk:** Question 366, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say whether he has received any application under the Smoke Free Environment Act 2012, in order to declare a zone excluded from such Act?

480 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, yes, sir.

Q368/2014
Abdominal aortic aneurism screening –
Start date of programme

Substitute Clerk: Question 368, the Hon. Mrs I M Ellul-Hammond.

485 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the abdominal aortic aneurism screening programme will start?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

490 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, work is progressing steadily and we hope to be able to launch the programme towards the end of this year.

Q369/2014
Cancer Registry –
Public access

495 **Substitute Clerk:** Question 369, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the Cancer Registry will be made available for public access?

500 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the Cancer Registry is a research database that is available as a data source to answer general questions of public health value that may be put to it.

505 Currently, the data is available for the period 1999 to 2009 and further years will be added as and when the data are validated and cleaned. It was never intended that the Cancer Registry would be made available for public access. Cancer Registry data is held on people, many of whom are alive, and is subject to prevention of disclosure for several legal and ethical reasons, including data protection, confidentiality and privacy.

510 While the raw data will not be publically disclosed, questions of public health value may be put to the GHA and where such questions would benefit from the analysis of the Cancer Registry data, the data will be used. Any results returned will be subject to the restriction that disclosure or identification of individuals, directly or indirectly, is not permitted.

515 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what about making available just the numbers? Getting rid of the personal data... but the numbers of cancers per year and type of cancer?

Hon. Dr J E Cortes: Mr Speaker, if it is possible to do that in a way that it is totally... in that we can ensure total confidentiality, then that is not a problem. The problem is that in a community the size of Gibraltar and with the family links and friendship ties that we have, it is often possible, particularly in the rarer conditions, to identify individuals. But if it is possible to do this and we can be absolutely certain that individuals will not be identified, these data are not secret.

Q370/2014
Primary Care Centre –
Prescribing ‘morning after’ pill

Substitute Clerk: Question 370, the Hon. Mrs I M Ellul-Hammond.

525 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise if all the GPs and nurse practitioners at the Primary Care Centre prescribe the ‘morning after’ pill, and if not, how many opt out and why?

530 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, all GPs and Nurse Practitioners may prescribe the ‘morning after’ pill if they feel it is clinically appropriate. Prescribers may refuse to supply on grounds of religious or ethical objection as per their professional code of ethics.

535 There are clinicians that refuse to prescribe on ethical religious grounds, but those that do object will refer the patient to another GHA prescriber, therefore not negating the patient this option if deemed clinically appropriate.

540 Mr Speaker, once again, because we have a relatively small number of practitioners and there is a relatively small number of those who do not prescribe it, and in order to protect their confidentiality, I am not going to reveal the numbers across this House, but I am happy to advise the Member opposite behind the Speaker’s chair.

Mr Speaker: Next question.

545

Q371/2014
Family Planning Services primary care–
Public Health Department initiatives

Substitute Clerk: Question 371, the Hon. Mrs I M Ellul-Hammond.

550 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what the GHA’s primary care Family Planning Services are at present and how far the seven Public Health Department initiatives, announced by the Minister in answer to Question 818/2013, have progressed?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

555 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the components of Family Planning Service forms part of the Well Woman Clinic which offers prescription and advice on contraception and other related subjects.

Further to the reply given to Question 818/2013, the Public Health Department has progressed the initiatives within this programme as follows:

(1) Supporting education about sex and relationships in schools and youth settings.

560 The Health Promotion Officer has met with the Child Health Team on several occasions to discuss sexual health promotion in schools. A meeting is being arranged with the Education Department to review the PSHE curriculum on sexual health and support the Education where necessary.

(2) Providing access to good quality advice for all persons on sexuality, family planning and sexually transmitted diseases.

565 People can receive a sexual health check from the infection control nurses, nurse practitioners or general practitioners. Persons needing family planning and other sexual health advice would also have the same options.

(3) Campaigning to reduce the prevalence of teenage pregnancies in our community.

570 Dr Vassallo visits the Girls Comprehensive School to present an awareness talk every year. There is no similar service for the Boys School, this is being addressed. A Sexual Health Awareness Day for the general public is under consideration. The Department is also considering the production of infomercials on the subject of teenage pregnancies.

(4) Supporting the establishment of a nurse-led sexual health clinic.

575 The nurse practitioners are interested in developing a nurse-led sexual health clinic and this requires further planning, which is in process.

(5) Encouraging access to HIV and STD testing for people who may be at risk.

580 The infection control nurses provide a drop-in service for people to come and be tested, which is usually through referrals from GPs, other health professionals or word of mouth. Sexually transmitted disease still carries a stigma and some people are reluctant to get tested in Gibraltar for fear of disclosure in a small community, and many persons prefer to get tested in Spain or UK. GPs and nurse practitioners also provide HIV testing.

(6) Improving the collection of anonymised local data to inform sexual health strategies.

585 Counts of sexually transmitted diseases according to organism detected are obtained from the St. Bernard's Hospital Laboratory every month on an anonymised basis. From 2013, anonymised records are also being kept of people using the drop-in facilities for sexual health screening.

(7) Producing relevant printed material.

590 The Department has procured a number of leaflets on sexual health issues from the UK and these are distributed within the Primary Care Centre. It has a stock of separate leaflets for boys and for girls which are distributed to schools. The Department is in the process of developing local leaflets.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, how is the group Equality Rights helping and advising for the expansion of the GHA's Family Planning Services?

595 **Hon. Dr J E Cortes:** Mr Speaker, meetings have been held with the group, both with myself, with the Infection Control Nurses and with the Health Promotion Officer, and we are going to be meeting again shortly in order to see how we can support each other's work in this respect.

600 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what work is this specifically? How are they involved? What are the qualifications of the group in order to advise and support a Family Planning Service?

605 **Hon. Dr J E Cortes:** Mr Speaker, the question of what are the qualifications in any group who involves itself in promoting health is a question that can be asked widely. Community groups often have people with no formal qualifications, but with a great deal of interest and experience, and the Government works together with all of them, as many of them as want to work with the Government, in developing ideas and planning strategies.

610 What the Government will ensure is that any clinical or professional work is carried out under the guidance of its own qualified and trained personnel, but certainly we are open to discussions and to be informed by the experiences and by the interests of all community groups, including the Equality Rights Group.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Gibraltar Women's Association also be consulted and be involved in part of this process?

615 **Hon. Dr J E Cortes:** Mr Speaker, the Gibraltar Women's Association is already involved in the process. I have held meetings with them and we have raised the subject. In fact the question of... the fact that there was not a service to the Boys School as well as there is to the Girls School came up during a meeting with the Committee of the Women's Association and that matter, as I have said in my answer, has been taken up. So clearly any group that has an interest in developing this sort of initiative is more than welcome and my office is open, not just to them, but as a lot of people in the community knows, virtually to anybody... well, to anybody who wants to see me about any of these things.

620 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the fourth initiative to be led by the Public Health Department, supporting the establishment of a nurse-led sexual health clinic, could the Minister give a little bit more information about this? Would the nurses be taking over the role from the Well Woman Clinic and the GPs?

625 **Hon. Dr J E Cortes:** Mr Speaker, it is too early in the day to have any indication, but certainly the role of the nurse practitioners and GPs in this sort of initiative would almost always – sorry, I did not mean almost. I mean always be paramount.

630 There are a number of nurse-led initiatives which are very successful in the Primary Care Centre, the dermatology initiative being one which has very recently been in the news, both for the success of the nurse who leads it, Linda Castro, in getting an award in the UK and also the initiative of a walk-in cancer screening, which was carried out for the first time a few weeks ago, and that is a nurse-led clinic that involves GPs and involves visiting consultants. So there need be no fear that a nurse-led clinic is going to be diluted in any way. On the contrary, this in many ways is the future for healthcare and the professionalism, dedication and expertise of nurses is something that we cannot understate.

635

Q372/2014
NaProTechnology treatment –
Patient referrals

Substitute Clerk: Question 372, the Hon. Mrs I M Ellul-Hammond.

640 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise who the GHA doctors are that can refer patients for the privately provided NaProTechnology treatment as an alternative to IVF treatment?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

645 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, access to this technology is currently under discussion.

650 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Hon. Minister saying that at the moment there is no access to this treatment or there has been access up until now and it has been stopped and is being reviewed?

655 **Hon. Dr J E Cortes;** Mr Speaker, what I am saying is that the use of this technology is currently under discussion with the entity that is offering to provide it, but that does not mean that if there were any patient who it was felt was indicated to have this technology, that this could not be dealt with in advance of an agreement being reached with the provider. This happens in a lot of situations.

What I am saying is that there is no formal arrangement at the moment, nor have I detected a demand for it either.

660 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I was under the impression that this service was on offer by the GHA. Can he explain why it is under discussion? Is this because of lack of evidence?

Hon. Dr J E Cortes: No, Mr Speaker. The GHA will provide services. Some of these services are under contract – for example, IVF is under contract following a tender process. Other services are dealt with on an *ad hoc* basis. There may be things that we do not regularly do at the moment.

665 As I said before, if this was clinically indicated it would be made available, but we still do not have a service level agreement or a contract with a provider and we are discussing that at the moment.

Q373/2014
A&E reception –
24-hour manning service

Substitute Clerk: Question 373, the Hon. Mrs I M Ellul-Hammond.

670 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Government Press Release 173/2014, can the Minister for Health say when the 24-hour manning of the A&E reception will start and how that will improve the patient experience of A&E?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

675 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the A&E reception staff will be recruited shortly. This will allow a point of contact for patients through the night and at weekends and will also mean that these duties do not have to be carried out by nurses, hence allowing these more time to attend to patients.

Q374/2014
Primary Care Centre –
Redesign details; extra services offered

Substitute Clerk: Question 374, the Hon. Mrs I M Ellul-Hammond.

680 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Government Press Release 173/2014, can the Minister for Health say how the Primary Care Centre will be redesigned and what extra services will be offered in the extra clinic space?

685 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the alterations which have been carried out at present in the PCC have been aimed primarily at offering more clinic space to the professionals working within it and also to create the possibility of improving services.

690 The alterations have consisted of: redesigned office space to provide conditions for administrative staff; four clinics and a waiting area, which can be used by both GPs and nursing staff; one unit which will be used to consolidate all the various professionals working in dermatology into one cohesive unit; a new smaller boardroom; and as part of the exercise storage units are being created away from the main clinical areas, the long-term aim being to convert stores in existence in these main areas into more clinical space.

695 These alterations will immediately provide a better clinical environment for service users and staff alike. It will create enough clinics to allow professionals the ability to arrange clinics more efficiently. It will avoid incidences of double booking of clinics, as can happen. It will create the infrastructure necessary for expansion of services and reinforces the creation of the Dermatology Unit as a service.

700

Q375/2014
Repeat prescriptions –
Improvements to system

Substitute Clerk: Question 375, the Hon. Mrs I M Ellul-Hammond.

705 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Government Press Release 173/2014, can the Minister for Health say what the further improvements to the repeat prescription system will be?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

710 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, further information has been published and disseminated to service users and stakeholders to assist with informing patients of the current procedures in place to obtain chronic repeatable medication.

In addition, we are currently in the final stages prior to launching a repeat prescription pilot scheme, which we anticipate will provide benefits regarding medicines management.

715 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give us a little more information about the pilot scheme?

720 **Hon. Dr J E Cortes:** Mr Speaker, I can give a little bit more information, but I am not leading on this. It will allow the possibility, in certain situations where the doctor does not need to see the patient, for the prescription being provided without the patient needing to see the doctor. We are working out whether that should be done manually or whether it can be done electronically and that is where we are at the moment.

Hon. Mrs I M Ellul-Hammond: Mr Speaker that is very welcome. Can the Hon. Minister say who is leading on this?

725 **Hon. Dr J E Cortes:** The team at the Primary Care Centre, which will involve the GPs, nurse prescribers and the Health Centre administration.

730 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say when the pilot scheme will be launched?

Hon. Dr J E Cortes: No, Mr Speaker, I would have to ask the people involved. I am told that they are very close to it, but I do not have a starting date.

Q376/2014
Primary Care Centre –
Chronic Disease Management Care

Substitute Clerk: Question 376, the Hon. Mrs I M Ellul-Hammond.

735 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what the plan for Chronic Disease Management Care is at the Primary Care Centre?

Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

740 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, chronic disease management represents a substantial percentage of the current GP workload. Some general practitioners also incorporate areas of special interest, such as diabetes, dermatology and elderology.

745 The medical element is further supported by the multi-disciplinary teams of specialist nurses and allied health professionals, who work in partnership with patients and relatives through a process of case management, regular reviews and evaluation, providing patients with support, information, education, self-management and lifestyle changes. Evidence based guidelines and prodigals provide the standards for optimal care.

The list below – which I am about to read – highlights some of the services currently providing chronic disease management.

750 Diabetes Service: case management and annual reviews, DAFNE programmes for Type1 diabetes and Desmond self-management programme for ongoing and newly diagnosed diabetes.

Cardiac Rehabilitation: new patient and self-help programmes.

Hypertension: halter monitoring and nurse-led assessment/review clinics.

Mental Welfare Officers: case management of GP referred patients.

755 Respiratory: nurse-led for primary care, offering spirometry, management of COPD/COAD, paediatric/adult asthma clinics, smoking cessation service.

Dermatology: nurse-led light therapy and case management and review of chronic skin conditions.

Chronic ulcers and corresponding lymphedema management: nurse-led case management and reviews.

760 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker is there a chronic disease register?

Hon. Dr J E Cortes: Mr Speaker, a chronic disease register, as such, with that title, I am not aware of, but certainly we do have data on chronic diseases. All these clinics will have their own database.

765 As for a chronic disease register labelled as such, I would need notice of the question to see in what form such information is kept.

770 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Hon. Minister be able to say if there is a system in place to manage each chronic diseased patient annually to ensure that they receive monitoring and treatments, prescription monitoring and so on for each different chronic disease?

775 **Hon. Dr J E Cortes:** Mr Speaker, it depends on the disease – that is I am not aware of all the information. I can say for example that the diabetes service, which is very, very effectively run, we are shortly going to be introducing an annual review by a consultant for Type 1, which is something that is done in the UK and other countries and has never been done in Gibraltar before.

775 Certainly for hypertension, the GPs will normally want to see a patient every six months or every 12 months. I would have to... for such specific detail as to the frequency in which each patient is seen in each of these chronic disease management protocols, I would need notice in order to be able to give factual details of every single case.

780 **Hon. Mrs I M Ellul-Hammond:** Again, Mr Speaker, is the Minister aware of any incentivisation or how GPs are encouraged to manage chronic disease and other perhaps more time consuming or difficult patients?

785 **Hon. Dr J E Cortes:** Mr Speaker, again that is pretty specific. I would have thought that our GPs would be... well, I know for a fact that they are dedicated and responsible enough to manage their patients in whichever way their clinical condition requires, so I am confident that this is happening.

790 **Hon. Mrs I M Ellul-Hammond:** And finally Mr Speaker, the Hon. Minister mentioned the new system that is going to be put in place for Type 1 diabetes, where patients will be seen or reviewed by a consultant annually. Will this system be introduced or is it being considered for other chronic disease management – annual reviews with a consultant locally?

795 **Dr J E Cortes:** It depends on the condition. There are some conditions which do not require a consultant to carry out an annual review, conditions in which a GP perhaps with specialist interests and knowledge of a particular condition or nurse practitioners can deal with the routine and they would only be referred to a consultant for when it is particularly indicated.

It so happens that for Type 1 diabetes it is recommended. It is part of NICE guidelines in the UK and this is a programme that we are about to introduce using our existing consultants.

Q377/2014

Gibraltar Health Authority – New contract with Xanit Hospital; details

800 **Substitute Clerk:** Question 377, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the arrangements, fees, terms and conditions are in the new contract the GHA has with the private hospital Xanit to provide healthcare services for GHA patients and provide a copy of such contract to this House?

805 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

810 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Xanit Hospital is used by the GHA as a tertiary referral centre. The Authority refers patients to Xanit in the same way that it refers patients to other centres in the UK and Spain. The nature of the referrals depends on the judgment of the referring clinician or the preference of the patient.

815 The Authority entered into a contractual arrangement with Xanit last year, which in the main catered for the pattern of referrals that had been in existence over a number of years during which the patients were referred without a formal contract being in place. As a result of the formalised arrangements, the Authority was able to obtain a reduction in costs for most of these services – for example, we have been able to lockdown the prices of certain procedures regardless of how long the patient requires admission at the hospital. A number of specialities and procedures have since been added to the list on the recommendation of clinicians.

The Government does not consider that it is appropriate to disclose details of the commercial arrangements that the GHA has entered into with Xanit Hospital.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say do we pay then a monthly fixed rate or is it based on the number of patients we send to Xanit? Is it based on the treatment type or the length of time the GHA patients use the services?

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Hon. Dr J E Cortes: Mr Speaker, there is no fixed rate. We pay for the services provided according to a schedule of prices that are agreed and fixed. As I say, Mr Speaker, when I took over the role of Minister for Health and Chairmanship of the GHA, patients would be referred on an *ad hoc* basis and the bills would come in without any fixed price.

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The contract has a set fee, agreed and comparable to fees in other hospitals, and in some circumstances has actually, as I have said before, locked the prices for certain procedures, which means you cannot always know how long a person has to be in hospital. In the contract, we have been able to arrange that for certain procedures, no matter how long the patient stays, the price is the same, and therefore we have obtained, I believe, a reduction in the cost per procedure and also certain guarantees. We pay as we use the service.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, if I ask the Hon. Minister for the cost over the last financial year for the use of Xanit and the list of the fixed prices, I know he may not have that information with him today, if I write to him or ask him next month, will he be able to provide me with that information?

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Hon. Dr J E Cortes: Mr Speaker, I believe the hon. Member has asked me the Xanit question. In fact the hon. Member has asked me a host of Written Questions. I am obviously very popular. I think I get more questions than anybody else. (**A Member:** Hear, hear.) Either I have more. I do not know. Maybe it is just that I do a lot. (*Laughter*)

845

But some of the questions ask for some details down to a breakdown of costs in the GHA per month, per department, which makes me wonder why an earth these questions are asked, because I cannot see any benefit in the Opposition knowing how many bandages, how much money is spent on bandages in a month in any particular department, and it is a serious concern for me, Mr Speaker, because there are public servants who are spending a lot of time answering questions. By all means, the Opposition has every right to ask questions.

850

But questions I think that will be of benefit to them in their contribution to a better Gibraltar. But asking such kind of detail, which takes public servants many hours and many days to answer, for no apparent effect in the end, to me that time would be better spent in doing other things. But anyway that is just an opinion and I take the opportunity.

855

Now I have forgotten what the hon. Member has asked me, so she had better ask me again.

860

Hon. D A Feetham: Mr Speaker, she has asked the question that I have asked her to ask, the first part of the question, which cannot possibly be characterised in the way that the hon. Gentleman has characterised it, which is how much has been paid to Xanit over the last financial year. The Opposition is perfectly entitled to that information.

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Hon. Dr J E Cortes: Oh, absolutely, Mr Speaker, and that information has been given in the Written Answer that the hon. Member is going to get.

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What I am alluding to is other questions like how much sick leave over three days per grade for the whole of ... the monthly figures of cost for the Department. The monthly cost per hospital per condition in the UK. These are things that... I mean monthly figures really have not much value, because if you do not get all the bills one month, you might get them the next month and therefore these things are not relevant. I think an overview of a year comparing year with year is fine, but getting down to the nitty-gritty of these details and asking, for example, on the question of sick leave, in which you have a Human Resources Department spending three or four days there and not being able to perhaps process vacancies. Then I get a question as to why I have got so many vacancies.

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Mr Speaker, I think the Opposition has to really take stock of how they are asking questions or the manner of questions they are asking and of the negative effect they can have on the public service for no benefit for Gibraltar, Mr Speaker. But on the question of Xanit, that information will be given on an annual basis.

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Hon. D A Feetham: Mr Speaker, obviously he was not a Member of the Opposition at the time when we were answering a battery of statistical questions on a regular basis. But look, we will be the judge, as

Her Majesty's Opposition of Gibraltar, of what is relevant, what is not relevant, and what is good for Gibraltar, what is not good for Gibraltar. His role is to answer questions. (*Interjections*)

880 But, Mr Speaker, the hon. Gentleman said that in relation to Xanit, originally there had been an *ad hoc* arrangement, which has now been consolidated into an overall agreement. I note that in the past there have been referrals to, for example, other institutes in Spain, such as the very well-known excellent institute in Navarra, the Pamplona Institute, Cancer Research and Treatment Institute, and I wonder whether the Government is also thinking of conducting that same exercise in relation to that Institute.

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Hon. Dr J E Cortes: Mr Speaker, he may be the judge, but I think his judgement is flawed.

Certainly I have not had the experience of being in Opposition. I hope I never will, but certainly I doubt whether questions like how many partridge chicks have been born on the Upper Rock, which I have got again as a Written Question this time round, when I have explained that it is impossible to tell to the hon. –

890

Mr Speaker: May I intervene?

This question of the sort of information which the Opposition asks of the Government is nothing new; it is something that has been happening over the years. There is only one Member here, apart from myself, and that is the Hon. Mr Bossano, who will recall that during a Budget session in Committee, a particular Member of the Opposition persisted in asking for every single item of overtime in all the subheads of the Public Works Department. We used to spend a week, *a week* in Committee during the Budget. Now, that does not happen any longer. (*Interjections*) No, it was not Mr Bossano. (*Laughter*) No, it was not. Mr Bossano took a much broader view of matters. It was not Mr Bossano. All it succeeded in doing was tying down the Ministers of the Government for a whole week here. So that is nothing new and I am sure that all Members when they are in Government feel that an excessive amount of time is perhaps being devoted in having to provide answers to questions, but it cuts both ways.

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Hon. Dr J E Cortes: Certainly, Mr Speaker, and I apologise if I have gone on too much on the subject.

I have no problem at all in – (*Interjections*) I am going to Pamplona in a minute – supporting public servants when they do this work, but I do question whether there is any point in some of the questions that are asked. But anyway, that is another...

905

Pamplona. Let us go to Pamplona. Mr Speaker we do refer patients to the Universidad de Navarra facilities in Pamplona and we are currently under discussion with them looking at possibilities of firming up the relationship in various different ways. We are in discussions and we will see what comes of them.

910

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if I may just end with one final supplementary?

Going back to the information on Xanit, what I have not requested and will be requesting is a schedule of the fixed prices for the different treatments.

915

Hon. Dr J E Cortes: Mr Speaker, I have no problem in giving that to the Member opposite. I would ask her to keep those confidential because obviously if we are discussing with other hospitals – and we are, not just with Pamplona... we are open to discussions with other hospitals – that would be commercially sensitive.

920

Mr Speaker: Next question.

Q378/2014

New GHA management structure – Xanit's role in negotiation and establishment

Substitute Clerk: Question 378, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say what role, if any, the Spanish private hospital Xanit has played in the negotiation and establishment of a new GHA management structure or in the consultant's contract?

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Substitute Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, this is probably one of the most bizarre questions I have had to answer because I just cannot see... anyway, Mr Speaker, none, sir.

935 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that no GHA meetings or negotiations for new GHA services have taken place at Xanit?

Hon. Dr J E Cortes: Oh, Mr Speaker, now I see.

940 Mr Speaker, one meeting was held there because – *(Interjections)* No, let me explain. *(Interjections)* No, this says – *(Interjections)* What role... No, Mr Speaker, this is mischievous and totally unjustified. The question clearly says *(Interjections)* what role has the Spanish private hospital played in the negotiation? *(Interjections)* That is – *(Interjections)* No role.

Mr Speaker, the meeting was held in Xanit because one of the members of the negotiating team was a patient in Xanit and in order to allow the negotiations not to be delayed, the meeting was held there.

945 Mr Speaker, I think the Members opposite should think about what they are asking and get a little bit information before they make allegations. *(Interjections)*

Substitute Clerk: Question 3...

950 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm whether or not the acting Chief Executive, who is now a consultant, Mr John Langham, has been operating out of Xanit as part of his remit for the establishment of a new GHA management structure or if he has held meetings there on behalf of the GHA?

955 **Hon. Dr J E Cortes:** No, Mr Speaker.

I repeat, *one* of the Members of the team, and I will not mention the name here, was a patient there, a long term patient; therefore, in order not to delay the negotiations, a meeting was held there so that he could attend, and that is it. Absolutely no relationship at all to Xanit as an organisation, other than the use of a room.

Q379/2014

Transmissible blood born viruses – Screening for GHA staff; vaccination programme

960 **Substitute Clerk:** Question 379, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how GHA staff are screened for transmissible blood born viruses and what the vaccination programme is?

965 **Substitute Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, staff members are tested for exposure to transmissible blood born viruses in the event of a needle stick injury. There is also a programme to screen all existing GHA staff for hepatitis B immunity and offer them a vaccination against hepatitis B, if indicated.

970 This is part of a wider programme for the public service, which was long overdue and which the Government is proud to have introduced.

975 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, I understand that the hepatitis B vaccination programme for emergency and public service staff, including the GHA, was introduced. It was reported in the media. But what about the actual screening for all new entrants into the GHA, into the emergency services, a screening programme for hepatitis B and other viruses, such as HIV, hepatitis C and so on, where they are automatically screened before starting work within an emergency setting or health environment?

980 **Hon. Dr J E Cortes:** Mr Speaker, this has never been carried out in Gibraltar. I would need the advice of the Director of Public Health if he thought that was indicated.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q380-Q386/2014

**Charles Bruzon House –
Construction work; concerns raised**

985 **Substitute Clerk:** Question 380, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Government say whether any concerns have been raised by residents of neighbouring estates in relation to the construction of the Charles Bruzon House?

990 **Substitute Clerk:** Answer the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 381 to 386.

995 **Substitute Clerk:** Question 381.

Hon. S M Figueras: Can the Government say whether it has taken steps to ensure that any heavy machinery required during the construction of Charles Bruzon House will be operated in a manner that does not put the children and staff at undue risk of injury?

1000 **Substitute Clerk:** Question 382.

Hon. S M Figueras: Can the Government say what procedures are in place for access by emergency services vehicles to Governor's Meadow and Bishop Fitzgerald Schools during the continued closure of Europort Avenue and the building of Charles Bruzon House?

1005

Substitute Clerk: Question 383.

Hon. S M Figueras: Can the Government say what steps it has taken to ensure that children, staff and students at the three schools in the vicinity of the Charles Bruzon House construction site, have adequate exit and assembly locations in the case of emergencies?

1010

Substitute Clerk: Question 384.

Hon. S M Figueras: Can the Government say to what extent if any, the sports facilities adjacent to the site of Charles Bruzon House will be affected by the construction of the new building?

1015

Substitute Clerk: Question 385.

Hon. S M Figueras: Can the Government say whether any concerns about the safety of the staff and children at Governor's Meadow House have been raised with the Government since the announcement of Charles Bruzon House, by members of staff from any of the schools in the area?

1020

Substitute Clerk: Question 386.

Hon. S M Figueras: Mr Speaker, is the Government satisfied that the children of Governor's Meadow School are safe from hazards arising from the construction of Charles Bruzon House?

1025

Substitute 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 has not received any representations from residents of neighbouring estates in relation to the construction of Charles Bruzon House.

1030

Representations have however been received from a group of parents whose children go to Governor's Meadow and Bishop Fitzgerald Schools. The Department of Education, through the Director of Education, have also raised a number of issues to be taken into account during the construction of Charles Bruzon House.

1035

Meetings have been held between the Government's project team, the contractors management team and health and safety advisers with the Director of Education and the head teachers of the three schools in the area to discuss all issues and explain how these will be addressed.

1040 A meeting has also been held with the representatives of the concerned parents to similarly address their concerns and explain how they will be addressed.

The full re-opening of Europort Avenue to traffic on 23rd May 2014 meant that access for emergency services to the Governor's Meadow and Bishop Fitzgerald Schools will be the same as it has always previously been.

1045 The housing project site is self-contained within what used to be the car park and so there should not be any effect on the access arrangements for emergency services whilst construction of the building is ongoing.

1050 The issue of emergency exits and assembly points have been discussed and reviewed by the City Fire Brigade's Fire Safety Officer, together with the heads of the three schools. Revisions have been made to the school's emergency plans to reflect changes made to exit routes and assembly points, all of which are in place.

1055 The sports pitches located on the south and west of Westside School will not be affected whilst Charles Bruzon House is being built, other than for the scaffolding which will be erected along the boundary wall. This will only encroach one and a half metres into the school area and will not prevent the pitches from being used for the same purposes as they currently are.

1060 Responsibility for health and safety on site lies with the main contractor in accordance with current laws and regulations. As is the case for all building sites, the Government's Health and Safety Inspectorate will carry out inspections and take action against the contractor should there be any breaches or unsafe practices. The contractor's mandatory health and safety plan includes for all heavy machinery to be operated within the constraints of the site, including the transportation of heavy loads.

Hon. S M Figueras: Mr Speaker, I am grateful to the Hon. Minister for the comprehensive answer he has given to the series of questions I have asked him.

1065 I would be grateful if he could just confirm, because I heard in the answer – I mean it was substantial and I may have misheard – that Europort Avenue has reopened on the 23rd May. I am grateful.

1070 Also, in relation to the site where the building is being constructed, I understood from representations that were made to me that that was indeed the assembly site in emergency scenarios for the schools. Can I confirm that the Minister has actually said that those arrangements have been reviewed and that different processes are now in place in that respect?

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, given that the arrangements concern the schools, I will deal with the supplementary.

1075 It is indeed correct that all those matters, including health and safety issues, evacuation procedures and emergency procedures have been fully reviewed. The site in question was an area where people would congregate in the event of any emergency and certainly other sites have been identified, including areas of Bishop Fitzgerald and, as you know, there is access also to Westside School and that has also been identified.

1080 In case there is a need to have a full evacuation of both the Governor's Meadow and Bayside School area, everybody will congregate on the Westside area. So alternative arrangements certainly have been made and that has certainly been taken into account.

Hon. S M Figueras: I am grateful, Mr Speaker.

1085 One of the representations that was made to me was that exit from the area of the two schools into what is effectively the Montagu Gardens area, that there were certain issues relating to that, including restricted access to the area. Is this something that has been considered by the Government and dealt with appropriately?

1090 **Hon. G H Licudi:** Mr Speaker, it is something that has been considered by the Government and it is something that has been dealt with appropriately. There has now been an agreement with Montagu Gardens Estate for the opening of another exit from Westside into Westside Estate, Montagu Gardens Estate directly, that is in the course of being done.

1095 Although the question says that all emergency exits and revised arrangements are in place, this is an additional item, over and above all the other arrangements that are in place in order to have, in the event of an emergency, whether there is a need to evacuate through Westside and outside of Westside School into the Montagu Gardens area. So that is certainly something that has been considered and has now been fully agreed and will be implemented very shortly.

Hon. S M Figueras: I am grateful Mr Speaker.

1100 Just two short supplementary questions left on this issue and that is in relation to the use of the heavy machinery and in particular the cranes on site. Representations received by myself from concerned parents suggested – in fact I saw some video footage – of heavy machinery operating in a manner that represented, to the layman, an unnecessary... well, not unnecessary, but an undue risk to students in the area.

1105 I suppose that the second supplementary, the last supplementary I was going to ask can be asked in conjunction with that, and that is whether there are any concerns that have been raised with the Government that remain outstanding or that have not been dealt with to the satisfaction of those who have raised it with them... to the Government's knowledge clearly?

Hon. G H Licudi: Mr Speaker, in relation to the crane, we were advised that it is perfectly normal in any construction site to have a crane where the jib, the front part of the crane, goes over adjoining areas. 1110 Unless you have a large enough site and you have the crane in the middle, generally a crane will encroach over the adjoining areas...in other words the jib, the front part. In this particular case there will be some, what is called, free sailing of the jib around the adjoining area.

1115 However, what we have made absolutely sure is that there will be absolutely no lifting and no goods will be transferred in that part of the crane which will go beyond the area of the site itself, and that is an absolute restriction that has been placed on the contractors and the contractors will have confirmed to us. They need to confirm because I understand this is all part of health and safety regulations and they will have to do it in any event, but it is in fact a strict restriction in relation to this construction site and the contractors have clearly confirmed that this is a restriction which will be very, very strictly adhered to.

1120 The hon. Member also asks about other concerns and other issues which have been raised and issues that have been raised concern noise, dust, vibration and traffic. All those issues have been adequately addressed in a comprehensive plan which has been put together by the contractors. There have been numerous meetings between the Department of Education, Technical Services Department and the contractor. I attended a site meeting myself with both the contractor's representatives and members of my Hon. Friend Mr Balban's Department of Technical Services in which we looked at all these issues. 1125 A comprehensive plan has been put together and all the issues have been addressed, certainly to the Government's satisfaction.

1130 With regard to the parents, there was recently a meeting attended by the Deputy Chief Minister, hosted by the Deputy Chief Minister, with a group of concerned parents and the Director of Education and members of Technical Services Department were also there. I understand – and the Deputy Chief Minister can further enlighten us if necessary – that all those issues were addressed and explanations were given and satisfactory explanations were given to the group of concerned parents, who appeared to leave the meeting satisfied with what... Whether they were entirely satisfied or not it is not for me to say, but certainly those issues have been addressed, meetings have taken place and they appeared to be satisfied with the explanations that were given to them.

Q387/2014
Europort Avenue –
Partial collapse; details

1135 **Substitute Clerk:** Question 387, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Government provide details of the partial collapse of Europort Avenue in March this year?

1140 **Substitute Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, during maintenance work, it was discovered that there was a partial collapse of the main drainage system on Europort Avenue at two places where it crossed the road. At said location, there was an old storm water culvert and a sea water intake which were constructed using corrugated iron sheets surrounded in concrete. 1145 Over the years, and given the lack of maintenance, the corrugated iron sheets corroded and lost their structural integrity leading to loss of material into the culvert.

1150 The works carried out have involved the complete replacement of the existing system from the entrance of the school up to the corner of Chilton Court, using new plastic pipes. Works are currently progressing on the reconstruction of a manhole on the Chilton Court side and the laying of the last short section of pipe.

The final items of work shall be the partial reconstruction of the existing manhole in front of the school and repairs to the inlet culvert.

These works will be undertaken during the school summer break.

Q388/2014
Europort Avenue –
Re-opening to traffic

1155 **Substitute Clerk:** Question 388, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, I suspect that we have already covered this answer, but I will ask the question in any event and just ask any relevant supplementaries accordingly.

Can the Minister for Traffic say when he expects Europort Avenue to re-open to traffic?

1160 **Substitute 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, Europort Avenue was re-opened to traffic on Friday 23rd May 2014.

1165 **Hon. S M Figueras:** Mr Speaker, in the context of his answer to Question 387/2014 and that there are certain parts of the work yet to be completed, can he confirm whether there is any need for traffic arrangements which will limit flow through there? I have not been in the area since I asked the question, as the Hon. Minister for Justice is suggesting. I have not been in the area. I do not know what arrangements are in place, if any.

1170 Is the Hon. Minister for Traffic able to provide us with details of what arrangements, if any, are in place for the management of traffic during the time that the remaining works are conducted?

Hon. P J Balban: Mr Speaker, I believe that no more works will be done on that road per se. I think the works will be done within... carried out within Chilton Court, as far as I believe.

Q389/2014
Dudley Ward Way Tunnel –
Details of ongoing works

1175 **Substitute Clerk:** Question 389, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic detail the works currently ongoing in Dudley Ward Way Tunnel?

1180 **Substitute Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1185 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the works currently ongoing in Dudley Ward Tunnel comprise the following: (a) the provision of brackish water wet main and fire hydrants at intervals along the tunnel; (b) the provision of fixed emergency telephone call points at intervals along the tunnel; (c) the provision of fire extinguishers at intervals along the tunnel; (d) the removal of redundant exposed pipes and supports.

The works are programmed to be completed by the end of August 2014.

1190

Q390/2014
Europa Road –
Cost of works; completion date

Substitute Clerk: Question 390, the Hon. S M Figueras.

1195 **Hon. S M Figueras:** Can the Minister for Traffic detail the costs relating to the widening of Europa Road and the addition of pavements along various stretches of it, as well as confirm when these works are expected to be completed?

Substitute Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1200 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the sections of new pavement that has been constructed along the southern end of Europa Road have been built as part of the new water mains infrastructure project being undertaken by AquaGib. The new mains were being encased so the opportunity was taken to upgrade this to a pavement.

1205 Technical Services Department have supplied the paving slabs and railings along this section. The section of new pavement between the ends of the AquaGib works and the start of the section of new pavement being constructed as part of the Buena Vista development project has been undertaken by the Technical Services Department. The total cost of this, including the paving slabs and railings for the southern section, is £28,459.60.

The works to the pavements undertaken by AquaGib and Technical Services have been completed.

1210 **Hon. S M Figueras:** Yes, Mr Speaker, I take this opportunity to commend the Government on that initiative. Certainly it is one that is welcome on this side of the House and by many residents in the area.

1215 I wonder whether the Minister is able to tell us – though he has no notice of this question, but it generally arises in the context of it – whether there are any plans for the development of pavements along the northern section of Europa Road, particularly in the area between Brympton and the access to Sunset Close?

Hon. P J Balban: Mr Speaker, no, not receiving notice of that question, I would not be able to answer correctly. The issues there I would presume are the actual size of the road itself and the constraints with it being such a very narrow road.

1220 The road that has been repaired in question was one which many residents in the area were concerned about and a stretch of road where cars do travel at a reasonable speed and there was no protection for pedestrians; hence the Government took this available opportunity by making these pavements, which was possible. But there is that area, the curvy area just passed Brympton, which I would presume... I would think that it would not be possible to build a pavement along the whole length of that road.

1225 **Hon. D A Feetham:** Mr Speaker, I have actually given the issue some thought from a personal point of view, because I used to live at Highcliffe House. In fact, I also raised it with a former Minister for Trade and Industry, Mr Joe Holliday, and he said that in fact it may well be possible because part of the... I cannot remember which part, but part of the land, either the wall on the left-hand side as you walk south or on the right-hand side, parts of that are actually owned by the Government of Gibraltar. So it may well be possible to keep the width of the road as it is, but build a pavement in areas that are owned by the Government.

1230 In any event, actually if you were to ask the residents there whether they would be amenable to losing... what is it, a metre in front of their drives just to have a pavement that actually works to their advantage? It may be possible that they would also agree.

1235 But my question is would the Minister perhaps look into this, because it is one of the most dangerous parts of Gibraltar? There are a lot of people who walk their dogs. There are a lot of people who walk with their children in that particular area and it is very, very dangerous.

1240 **Hon. P J Balban:** Mr Speaker, we will most certainly, we do agree that it is something which could be looked at and we will most certainly be looking and addressing it within this next 16 years of Government. *(Laughter and interjections)*

1245 **Mr Speaker:** Next question.

A Member: That was very droll.

1250 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the... Congratulations on your confidence in the –

Hon. D A Feetham: Well, arrogance actually; not confidence. But anyway –

Several Members: Oh!

1255 **Hon. Mrs I M Ellul-Hammond:** In relation to that area, the Hon. Minister has been talking about the stretch from Brympton to the bottom of Windmill Hill, has the Government considered having a partial one-way system with the road that takes you partly down Naval Hospital Hill and then up out via Brympton and then that stretch of Europa Road from Brympton to the bottom of Windmill Hill, perhaps considering a one-way system there that would enable to provide room for a pavement?

1260 **Hon. P J Balban:** Mr Speaker, I do not believe that that has been considered, but as part of our Traffic Plan we will be looking at every single aspect that could help. Remember, one of our priorities is to increase the safety of pedestrians throughout Gibraltar in many locations and it is something which if can be done will be looked at. I do not believe the Government has looked at that, but I will ask in the Department.

Q391/2014
Large-scale resurfacing of roads –
Government plans

1265 **Substitute Clerk:** Question 391, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic detail what plans the Government has for the large-scale resurfacing of Gibraltar's roads?

1270 **Substitute 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 contracts to carry out the first phase of a major highway resurfacing programme has recently been awarded to AMCO (Gibraltar) Ltd in the sum of £577,231.75.

1275 The works will involve the full resurfacing of Line Wall Road, from Smith Dorrien Bridge up to Cloister Ramp, and the full resurfacing of Rosia Road, from the Trafalgar interchange up to its northern junction with Cumberland Road.

1280 **Hon. S M Figueras:** I am sorry, could the Hon. Minister just repeat the last bit from Trafalgar interchange to ...?

Mr Speaker: The northern junction.

1285 **Hon. P J Balban:** I said the works will involve the full resurfacing of Line Wall Road from Smith Dorrien Bridge up to Cloister Ramp and the full resurfacing of Rosia Road from the Trafalgar interchange up to its northern junction with Cumberland Road.

Hon. S M Figueras: Mr Speaker, I am grateful for the reply. I wonder whether he could repeat the cost. I did not quite get the cost.

1290 **Hon. P J Balban:** Mr Speaker, the cost was £577,231.75.

1295 **Hon. S M Figueras:** Mr Speaker, this question does generally arise from the original one, in terms of the actual deployment of the resurfacing. Has the contractor encountered any issues with the siting of the equipment that they are using to prepare for this resurfacing, mainly on the east side reclamation?

Mr Speaker: I will allow this supplementary, but I find it very difficult to see what connection it has with the original question. But I will allow it.

1300 **Chief Minister: (Hon. F R Picardo):** Mr Speaker, this is an issue which is being dealt with generally, also in my office because it involves all different parts of Gibraltar, and as I can see the hon. backbencher looking at me, he will know that this is the part of the jigsaw puzzle that is Gibraltar.

1305 There have been no issues because the plant that is there is simply there at the moment not to operate; it is only there whilst an area in a different part of the reclamation is made available which was presently taken up by rock and sand which is being used for the Sandy Bay project. So it will move into an area where there will be no issues with the operation of the plant.

Hon. S M Figueras: I am grateful to the Chief Minister.

1310 Could the Hon. Minister for Traffic say whether in addition to the contract that has been awarded in respect of Line Wall Road and Rosia Road, whether there are any other plans in the pipeline for resurfacing in other areas of Gibraltar?

Hon. P J Balban: Mr Speaker, we are looking at the next phase in the programme and would be the southern section of Line Wall Road and Queensway.

Q392-396/2014
Sustainable Traffic, Transport and Parking Plan –
Publication of report; cost to taxpayers

1315 **Substitute Clerk:** Question 392, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic provide an update to this House in the context of the findings of the Sustainable Traffic and Transport Management Plan?

1320 **Substitute Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 393 to 396.

1325 **Substitute Clerk:** Question 393.

Hon. S M Figueras: Can the Minister for Traffic say when he expects the Sustainable Traffic and Transport Management Plan will be published?

1330 **Substitute Clerk:** Question 394.

Hon. S M Figueras: Can the Minister for Traffic provide details to this House of initiatives which the Government is intending to pursue or is indeed pursuing as a result of the findings of the Sustainable Traffic and Transport Management Plan?

1335 **Substitute Clerk:** Question 395.

1340 **Hon. S M Figueras:** Can the Minister for Traffic provide details to this House of the traffic measures he expects to be carried out in consonance with the findings of the Sustainable Traffic and Transport Management Plan?

Substitute Clerk: Question 396.

1345 **Hon. S M Figueras:** Can the Minister for Traffic say what the total cost to the taxpayer has so far been in the context of the Sustainable Traffic and Transport Management Plan?

Substitute 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 first draft of the Government's new Sustainable Traffic, Transport and Parking Plan has been completed. This is currently undergoing an internal review process and so it is not possible to give a definite date for its publication. It is not possible to provide details at this stage of the findings, the initiatives that will be pursued, nor the measures that will be implemented as these are still subject to review.

1355 As has been previously stated in this Parliament, the Plan will look at ways of encouraging alternative forms of transport with the aim of improving our environment and how we move around for the benefit of all.

The total cost to date, in the context of the sustainable Traffic, Transport and Parking Plan, is £368,219.05.

1360 **Hon. S M Figueras:** Mr Speaker, I am grateful for the answer, though I have to say it seems that this plan is the subject of great mystery when it is something that would certainly, I am sure, be very welcome in the public domain and certainly not least for the Opposition.

It strikes us, Mr Speaker, that there will have been many findings that subject to any kind of redraft or internal review that is currently ongoing, there should be no great issue with divulging and making available to the Opposition in this House.

1365 What reasons can the Minister give for the delay in providing this House at the very least – if not publication of the Plan itself... providing details to this House of those issues rather more specifically than generally trying to encourage alternative forms of transport and all those matters that we have covered here in the past for not doing that?

1370 **Hon. P J Balban:** Mr Speaker, I encourage the eagerness of the hon. Member and the Opposition to see what important findings come as part of the Traffic Plan. We must remember that this is a draft; hence it is work in progress.

1375 Those Members who have read the draft can see already there are going to be very many positive suggestions and it will definitely be something which will be very, very positive for Gibraltar. But until that draft has been read through and it becomes a *final* document, then that is when the Opposition will be able to have a look, as will the whole of Gibraltar when it is published.

1380 **Hon. S M Figueras:** Mr Speaker, is the Minister saying that the Government has not made any decisions whatsoever in respect of any measures whatsoever that they will be taking following the recommendations and findings of the Plan? If they have taken such decisions because certain issues certainly are very clear to them and the stakeholders, why is it that he cannot tell this House what it is that they are already planning on doing?

1385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is important that we understand the parameters that we are talking about.

1390 The Plan is being worked on at the moment by the local technical people, who have received the draft from those who have been helping us prepare it. It has not yet been shared with other Ministers. It will have to be shared with other Ministers for other Ministries to have input also. Once we have done that, then we will produce a final document, which he will be happy to know, I reiterate, will be shared with them and with all of the public in Gibraltar.

1395 Now, he would be right, Mr Speaker, to take us to task for not publishing the final report. He would be absolutely right to say if we did not publish the final report, we would not be complying with our obligations of accountability and transparency. He would be absolutely right to say that with the final report, on which we have spent taxpayers' money, we should not be *acting* without sharing that information with the public and of course with Members of this Parliament. But, of course, if he did that, Mr Speaker, he would run the risk of being a critic of the previous Administration (**Hon. D A Feetham:** Oh...) which had many reports which they did not publish. I hear the Hon. the Leader of the Opposition groaning. I am not surprised, Mr Speaker, because the strain of the record of the previous Administration that he has to pull along with him, which does not enable them to rise up like the phoenix that they wish to rise like, is there, and it is a history that is always going to burden them.

1400 I remind them, for example, Mr Speaker, of the report into the future of GBC prepared by Mr Allan King, something which I was asking the previous Administration to disclose for many years. We entered into a commitment that we would publish the minute that we were elected and we published it two weeks after we were elected. There was nothing there in our view that could not be shared with the public. We made a small redaction which identified an individual, but otherwise it was a report paid for by the taxpayer and shared with the public.

1405 Of course there is also the report into the future of the Customs Department, which was prepared by the previous Administration and *not* shared publically, although paid for by the taxpayer, which we also shared with the public and with the people at Customs who were concerned.

1410 So, Mr Speaker, absolutely right to press us on publishing the report; but absolutely no chance of us publishing a draft.

1415 **Hon. Sir P R Caruana:** Mr Speaker, I promise I am not rising like a phoenix (*Laughter*) but I would like to just, sort of, slip in a supplementary here.

The word 'draft' has been used by both hon. Members in their response. Would the hon. Members confirm whether they have received a report from the consultants and they are now considering it locally to produce from it the report of what they want to do? In other words, their action plan.

1420 Does the adjective 'draft' apply to the report or to their action plan of what parts of the report they wish to accept and not accept, which would be normal? Consultants come in, they make a million recommendations. And then the Government would consider them and extricate the ones that they like and implement them. Have they received a report which is not in draft or a list of ideas or recommendations from the consultants?

1425 **Hon. Chief Minister:** As I understand the position, what has been received is a draft, still for consultation with the technical people here, who are working with the technical people in the UK, and that is why it has not been shared with the Cabinet as a whole yet.

I understand that one or two Ministries, whose technical staff is the staff involved in liaison with the technical people in the UK, are the ones who have it, but there is not yet something which is at the concrete level of a recommendation.

1430 **Hon. S M Figueras:** But you see, Mr Speaker, I am not alluding to the publication of the report itself in the supplementaries that I asked. I am alluding to the initiatives or findings, which are generally accepted as positive and workable in Gibraltar, that may still be subject to further internal review on the details of how they will be deployed, but the disclosure of those findings which have wide acceptance which may provide a glimpse into what it is that we can expect in the future as a result of the Plan.

1435

Hon. P J Balban: Mr Speaker, there are many things within the report that I have read so far which will be very interesting to proceed with. As we said, the report will be targeting other forms of transport – so other forms of moving people around Gibraltar in a more environmentally friendly way.

1440

So it will be looking at the use of more bicycles and it will be looking at the bus service, but these things we have mentioned already, but until we are not... these are recommendations and we need to look at these in detail before taking a final decision.

Mr Speaker: Next question.

Q397/2014

Government vehicles – Number powered with non-polluting engines

1445 **Substitute Clerk:** Will the Hon. Selwyn Figueras be putting the Questions 397 and 353 in respect of Mr Netto... Questions 397 and 353? Those are questions posed by the hon. Member Mr Netto. Question 397, the Hon. S M Figueras on behalf of the Hon. J J Netto.

1450 **Hon. S M Figueras:** Mr Speaker, further to Question 783/2013 and to the answer to Written Question W149/2013, can the Government state how many of the vehicles, since these questions were asked, that have been bought to date are powered by non-polluting engines other than the G1?

Substitute Clerk Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1455 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, no vehicle powered by an exclusively non-polluting engine has been bought since Question 783/2013 was asked.

Q353/2014

New power station – Report; allocation of tender

Substitute Clerk: Question 353 the Hon. S M Figueras on behalf of the Hon. J J Netto.

1460 **Hon. S M Figueras:** Mr Speaker, further to Question 240/2014 and to Question 573/2013, can the Minister with responsibility for Utilities please provide Parliament with copies of the full report stated in his answer in relation to the new power station, given that according to the Hon. Minister, the allocation of the tender would be, and I quote ‘towards the end of April’?

1465 **Substitute Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services on behalf of the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the answer remains the same as that of my answer to Question 240/2014.

Mr Speaker: Next question.

FINANCIAL SERVICES AND GAMING

Q398/2014

**Minister's travelling expenses –
Trips undertaken; costs and allowances**

1470 **Substitute Clerk:** Question 398, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide details of the trips he has undertaken since coming into Office, together with the costs of such attendance, broken down by travel costs, subsistence allowance and who attended with him?

1475 **Substitute Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, the information requested is available on the Government website.

1480 **Mr Speaker:** Next question.

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

Q399/2014

**Bishop Fitzgerald School –
Asbestos concerns**

Substitute Clerk: Question 399. This is a question which has been posed by the Hon. J J Netto and it is in connection with asbestos and the Education Department. Who is going to be...?

1485 Question 399, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education say if there have been recent reports of asbestos concerns in Bishop Fitzgerald School and if so, provide Parliament with a statement?

1490 **Substitute Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, no recent reports in relation to concerns over asbestos in Bishop Fitzgerald have been brought to the attention of the Department of Education.

1495

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q400-405/2014

**Future Job Strategy trainees–
Salaries; training; numbers employed privately**

Substitute Clerk: We are now going to proceed to questions which have been put to Minister Bossano. Question 400, the Hon. D J Bossino.

1500

Hon. D J Bossino: Can the Minister for Employment provide details of how many people are undergoing training at a cost to the Government, together with the industry area in which such training is being carried out outside the FJS scheme?

1505 **Substitute 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 that question with Questions 401 to 405.

1510 **Substitute Clerk:** Question 401.

Hon. D J Bossino: Can the Minister for Employment provide updated details of the expenditure in terms of salaries paid to the trainees in the FJS since his reply to Question 325/2014, broken down on a monthly basis?

1515 **Substitute Clerk:** Question 402.

Hon. D J Bossino: Can the Minister for Employment provide current details as to how many employees each of Construction Training Company Limited, ETCL, Graduate Research and Development Company Limited and SECL have had, broken down by month, since his answer to Question 328/2014 to date?

Substitute Clerk: Question 403.

1525 **Hon. D J Bossino:** Can the Minister for Employment provide updated details of the number of private employers which have employed FJS trainees, with details of how many trainees have been employed by each employer, broken down by month since his answer to Question 329/2014 to date?

Substitute Clerk: Question 404.

1530 **Hon. D J Bossino:** Can the Minister for Employment state where trainees are currently placed in the private sector as relevant to the industry area of the private employers?

Substitute Clerk: Question 405.

1535 **Hon. D J Bossino:** Can the Minister for Employment provide details as to where the grad trainees are currently placed?

Substitute Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1540 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there are currently 10 persons in such training in the industry areas of sea transport and related services and in road transport. Salaries paid to trainees since the answer to Question 325 are as follows: February, £400,000; March, £406,000; April, £370,000.

1545 Since the answer to Question 328/2014, the numbers of employees are as follows:
Company 1, January to April: January, 134; February, 145; March, 121; April, 118;
Company 2: January, 155; February, 151; March, 151; April, 115.
Company 3: January, 80; February, 72; March, 70; April, 67.
Company 4: January, 73; February, 72; March, 72; April, 70.

1550 Since the answer to Question 329, the number of trainees and the number of private employers are as follows:

February: 43 employers with one employee each; 15 Employers with 2 trainees each; 10 with 3; 10 with 4; 2 with 5; 2 with 6; 1 with 7; 1 with 12.

1555 March: 49 with 1 each; 25 with 2 each; 10 with 3 each; 5 with 4 each; 2 with 5 each; 1 with 6; 1 with 7; 1 with 11.

April: 53 employers with 1 trainee each; 20 with 2 each; 13 with 3 each; 3 with 4 each; 2 with 5; 2 with 6.

1560 The industry code of the private sector trainee placements as at 31st March 2014 was as follows: other manufacture; construction; wholesale trade; retail trade; repairs of consumer goods; restaurants, bars etc; sea transport and related services; road transport; banking, finance and insurance; Police and Fire Service; Education; and other services.

On 30th April the grad trainees were placed in the following industry areas: public administration and National Defence; and other services.

1565 **Hon. D J Bossino:** A question of detail, I cannot cite the exact question the Hon. Minister was answering, but it is basically the number of trainees, and I have this specific question in relation to that and perhaps he could clarify. It is basically the list he gave of employers who have trainees employed... or have employed trainees rather. I think he gave me the details for January, February and then he went on to April. Has he given me March? He has given March? Okay. It started in February.

1570

Hon. J J Bossano: I think, Mr Speaker, the figure for January was given the last time he asked the question, yes?

1575 **Hon. D J Bossino:** In relation to that question, which I can identify as Question 403, the question specifically relates to the number of private employers who have actually employed trainees. Whilst, with the benefit of time, I read the answer he gave me in the last sitting of the House in March, he provided the statistical information, but based on this... and this is the way he phrases his answer, which is 'the number of private employers with trainee employees between...', and then he sets out the dates, just to be certain that we are both singing from the same hymn sheet and we understand each other, what I am asking is the number of employers who have actually formally employed trainees, as opposed to having trainees placed with them. Can he confirm that he has understood the way that I have put the question?

1580
1585 **Hon. J J Bossano:** No. Mr Speaker, the answer that I gave to Question 329 and the answer that I have given is the number of trainees still paid by the scheme and placed with the employers. So there are 43 who have got one each as a trainee. The bulk of these will of course be employed and I can give him a list of when their training is finished, but these are the people who are currently in training and this is the distribution of where the trainees are placed.

1590 **Hon. D J Bossino:** I think in fact there has been a misunderstanding. The question was very specifically worded, but then I was able to... again with the benefit of time when I had the chance to review the answer he gave in writing, I noticed that I think he misunderstood the question. Perhaps I am repeating myself, but the answer...this is also interesting information which I will analyse.

1595 What I am interested in is the statistics which show the trainees who have actually been formally employed by the private employers. In other words the trainees are no longer – if I can use the terminology or the way that the Hon. Minister has answered the question right now – no longer in the payroll of the scheme and actually in the payroll of the private employer. That is the information which I sought in March and the updated information that I am seeking now. Obviously it is information which I am sure the hon. Member can provide, but presumably will not be able to provide this morning.

1600 **Hon. J J Bossano:** Well, I can provide it, but of course it is not very meaningful, in the sense that there are these other people who are currently in the training. He already knows from the figures when he has asked me how many of the trainees have finished up in employment at the end of the training and the answer that I gave him when he asked me the last time, which was quite a long time ago, was that it was 65% at that time. So in effect the percentage, if anything, is higher now than it was then; but the month is of no particular relevance.

1605 In the case where there is only one person with 43 employers, people start in different periods and finish in different periods. There is no correlation between the month in which they spent in training and the month in which they finish in training, but I can tell him that it is of the order of 65% to 70% of the numbers that I have got here who finish up employed.

1610 **Hon. D A Feetham:** Yes, but, Mr Speaker, the question that he has asked is a very specific question. He said, 'details of the number of private employers which have employed Future Job Strategy trainees'. Now, we all know that the employment contracts of the trainees are not with the private companies. They are with ETCL and the other companies. They are the ones that employ these individuals. They are the ones that pay them.

1615 It is asking for how many private employers have employed Future Job Strategy trainees. The question is specific, he has given another answer. He is asking now for us to extrapolate the figures from the percentage that he is giving us. If he does not have the statistics, I accept that, even though the question is very specific and it is very clear.

1620 But, in answer, will he provide to my hon. Friend, by way of a letter, the monthly statistics, because that is what he is asking: how many people have actually been employed by employers following their training in January, in February, in March and in April?

1625 **Hon. J J Bossano:** Well Mr Speaker, I am answering it the same way as I answered Question 329, because the question said, 'since the answer to Question 329/2014'. So I am giving an answer which follows the same as the one that he asked previously, which was in fact understood to mean what was the distribution of trainee employees.

1630 When they have completed their training they are no longer trainees of course, they are then employees of the placement provider. I have already told him that the last time I answered that question it was 65% and that the percentage is higher; of course I can go and get the Department to work out the figures. If he

asks me the question the next time I will give it to him for both Question 329/2014 and this one, if he wants it, for 329/2014 as well.

1635 **Mr Speaker:** Could I suggest that the hon. Questioner follows the matter up in writing and makes it clear in his letter to the Minister exactly what is the information that he wants?

Hon. D J Bossino: Yes, Mr Speaker, the question is in fact in very clear terms and it is exactly the same terms as I have posed it here, but clearly understood from reading the answer that the Hon. Minister had misunderstood it. That is fair enough. We are all human. We all make mistakes.
1640 But just for the record, the question is and was in very, very clear terms.

Mr Speaker: Next question.

1645 **Substitute Clerk:** Question –

Hon. D J Bossino: Mr Speaker, there were five or six questions bunched together and I have some supplementaries.
I did not make an accurate note of the answer that the hon. Member gave in relation to Question 400, which was posed in terms of the assistance which the Government is giving *outside* the FJS scheme. The reason why I asked that question is that I think the hon. Member, if he recalls, at the last sitting of the House said that assistance was being given to those individuals, who, for example, wanted to undergo heavy goods vehicle training. I think he also cited the example – again from memory – of hairdressing, but they were not formally part of the FJS scheme. In other words, they do not necessarily have to subject themselves to a contract and his Department with a private employer does not follow that scheme. I was interested to know what the cost of that was. I am not sure if I got the answer, because I have not taken a full note of the answer he would have given to that particular question. The question is Question 400.
1650
1655

Hon. J J Bossano: Mr Speaker, Question 400 says, ‘how many people are undergoing training at a cost to the Government’, but it did not say at what cost to the Government. So what I have given him is the number, which is what he asked. The number is 10.
1660

Hon. D J Bossino: [*Inaudible*]

1665 **Hon. J J Bossano:** There are 10 people. Of those, six were doing bus driving, but they do not get paid. What the Government pays is the cost to the company that is training them.

Hon. D J Bossino: Does he have the information as to the cost to the Government?

1670 **Hon. J J Bossano:** It works out at about £1,200 per person for a period of three months or something like that – that is the order of cost.

To train somebody who has already got a driving licence and get him up to what is required by the public service or the Transport Commission, or whoever it is that gives them a licence to be able to drive a public service vehicle, takes three months and costs about £400 a month per driver.

1675 **Hon. D J Bossino:** Mr Speaker, I think the Hon. Minister said that there were about six of the 10 who were benefitting from this, and the others are in which area of activity?

1680 **Hon. J J Bossano:** The others are involved in maritime activities and are not paid from the vote of the ETB. They are paid from a fund that has been there for some time, which is created from a levy from the port users, but the money comes out of that fund and there are four people in that area.

1685 **Hon. D J Bossino:** Can the Minister tell me how do individuals access this facility? If somebody pops round to the ETB offices and asks for assistance, what criterion for selection of a candidate is there in place? Is there any formality in relation to that, in terms of selection, in terms of how much money they get paid?

1690 As I said, I do specifically recall him referring to various areas of activity and I do not think he was specific. He was just almost suggestive that anybody who approached the Government with an idea, whether it be an employer or somebody who wants to benefit from training, can approach the Government and obtain assistance in this regard. Can he shed some light in relation to that?

Hon. J J Bossano: The maritime thing is not run by the Employment Service and has been there for some time. I think it is advertised and people apply. There are four currently.

1695 The bus drivers and, for example, heavy goods, plant operators and stuff like that is something that is offered to people who are unemployed in order to improve... I mean if we find, for example, that there are bus driver vacancies and we have difficulty in filling them or there are requirements for lorry drivers or
1700 plant operators and we have difficulty in filling them because people who are registered as unemployed do not have the necessary skill or may have the skill but do not have the necessary licences, then what the Employment Officers do when they are looking at the jobs that can be offered to the people that are being assisted in finding employment, they are told that training in these areas is available; but this is not part of the normal scheme because they continue to be registered as unemployed and they do not get paid while they are being trained.

1705 The only cost is the cost of the provision of the training. So that is the only area. I have assumed that outside the scheme meant that they are not with a contract of employment with one of the four companies. (**Hon. D J Bossino:** Exactly.) Right, but at the moment it is the bus drivers.

Hon. D J Bossino: Again, this is something in respect of which his Department has a complete control and handle. They are the ones who decide and identify that there is a deficiency of skills in one area and as he has explained, they offer, basically, a way out, but is it something which is there, available and transparent and available to all?

1710 Is it an extra service which is available to the public in general which can be accessed by the public in general by popping round to the Minister's office and trying to find out whether any assistance... because, again, I have said this is the third occasion, but I specifically recall that the hon. Member mentioned hairdressing, for example, which does not fall into the categories he has been referring us to this morning. So I just thought is there something that is available to the public in general and that they could benefit from?

Hon. J J Bossano: Mr Speaker, it is something that is done by the Department in order to get people who are not with a job into a job. So the answer is, this is not, somebody cannot just walk in and say, 'Well, I like the idea of being able to drive a bus'. It does not happen like that. Clearly, you have got to be unemployed. You have got to be looking for work. You have got to be in a position to be willing to work as a bus driver. You have got to be in a position to pass whatever vetting is required of bus drivers, because they have the responsibility for driving passenger vehicles.

1720 If you meet the criteria where obtaining the licence makes the difference between being able to apply for the job or not being able to apply for the job, then in effect what we are doing is in addition to the training, where we take people on a payroll, we are providing training where the unemployed person clearly cannot afford to pay for the training because he is unemployed. (**Hon. D J Bossino:** Okay.) So it is as simple as that. It is simply a mechanism for adding something more to the range of mechanisms that the Department has in order to bring unemployment down.

1730 Independent of that, the question of something like hairdressing, which I mentioned before, is different from the normal thing because there what we have got is somebody who approached the Government with a proposal for training hairdressers. But those hairdressers are being paid 20 hours a week, because unlike the bus driving thing, which is something that people can still carry on being unemployed and also get training two or three days a week, in the case of hairdressers where they are 20 hours in a hairdressing salon getting trained, we are paying them 20 hours, but the trainer is not required to undertake to employ the people who are doing the hairdressing. So that is one thing that makes it different from the normal system, which is the vacancy is identified and the person who is supplied as a trainee is being trained for a job that already exists. In this case the people who are doing the hairdressing will, on completion of the hairdressing, not have a guaranteed job.

1740 **Mr Speaker:** Next question.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might after that exposition of the excellent work being done at the Employment Ministry, may I move that the House now adjourn until 3.00 p.m. this afternoon?. Sorry, not adjourn, but recess until 3.00 p.m. this afternoon.

1745 **Hon. D J Bossino:** Mr Speaker, just simply to point out that obviously I am still in the midst of posing supplementaries to the five questions which were bunched up together by the Hon. Minister.

1750

Mr Speaker: Some Members have to attend an investiture at midday. *(Interjections)*
So the House will now recess until 3.00 p.m. this afternoon.

The House recessed at 11.40 a.m. and resumed its sitting at 3.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.10 p.m. – 6.45 p.m.

Gibraltar, Thursday, 29th May 2014

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The Gibraltar Parliament

The Parliament met at 3.10 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[SUBSTITUTE CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

SPORTS, CULTURE, HERITAGE AND YOUTH

Q354-359/2014

New power station; update – Cost of imported generators; storage/transportation of LNG

Substitute Clerk: Answers to Oral Questions continued.
Question 354/2014, the Hon. D A Feetham.

5 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state what has been the cost so far to the taxpayer of all the temporary generators which the Government has imported since 2012?

10 **Substitute Clerk:** Answer, the Hon. the Chief Minister on behalf of the Hon. the Minister for Sports, Culture, Heritage and Youth.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question, together with Questions 355 to 359.

15 **Substitute Clerk:** Question 355.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state when the Government expects to commence work on the land reclamation associated with the new power station?

20 **Substitute Clerk:** Question 356.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state when the Government expects to commence the building of the new power station at the North Mole?

25 **Substitute Clerk:** Question 357.

Hon. D A Feetham: In the light of the tender in respect of the liquefied natural gas installation at the Detached Mole, can the Government state what minimum amount of natural gas would be required in order for the storage facilities to become cost effective... *to be* cost effective? I beg your pardon.

30 **Substitute Clerk:** Question 358.

Hon. D A Feetham: Can the Government confirm whether there will be an exclusion zone around the liquefied natural gas installation and, if so, provide details of the same?

35 **Substitute Clerk:** Question 359.

Hon. D A Feetham: Mr Speaker, how does the Government intend to transport and/or supply liquefied natural gas to the proposed liquefied natural gas installation in Gibraltar and from there, how will any gas be transported to the new power station in useable form?

40

Substitute Clerk: Answer, the Hon. the Chief Minister on behalf of the Hon. the Minister for Sports, Culture, Heritage and Youth.

Chief Minister (Hon. F R Picardo): Mr Speaker, before I launch into my reply as this is the first opportunity I have to speak in this session, may I just quickly record on *Hansard* the Government's thanks to the Returning Officer, his staff and all public servants in Gibraltar for their excellent work at the recent European Election.

45

Mr Speaker, the total cost so far of the temporary generators since 2012 until the end of April 2014 has been £10, 252,359.75.

50

It is anticipated that the reclamation works associated with the new power station will commence at the end of June 2014.

The validity date of the new power station tender has had to be extended until mid-June on account of the numerous technical clarifications from the tenderers that were still outstanding to allow the tender to be evaluated. This delayed the process by 60 days.

55

Mr Speaker, at this stage we have issued a prior identification notice, not a tender, to identify interested parties for the supply, storage and reclassification of liquefied natural gas in Gibraltar. Once these expressions of interest are reviewed, we will be able to engage with the different interested parties to determine what is the minimum amount of LNG that will be needed to be stored for it to be cost effective, together with what will be any exclusion zone around the LNG installation.

60

Hon. D A Feetham: Yes, Mr Speaker, the Hon. the Chief Minister has not provided an answer to Question 359, which is the transport of the gas to the installation and then from the installation in useable form to the power station.

65

Hon. Chief Minister: Mr Speaker, I thought he would have understood that because the PIN is not yet determined, it is not possible to give a detailed answer to his question.

Hon. D A Feetham: Mr Speaker, he may not be able to give me a detailed answer to my question, but no doubt the Government has investigated how it intends to bring liquid gas to the Detached Mole, and then presumably from there it has an idea as to how it is then going to either pipe or transport in another way, the gas, to the power station.

70

Can he provide us with at least a flavour of how the Government intends to do that or alternatively what are the various possibilities in relation to this?

75

Hon. Chief Minister: Mr Speaker, there are very many different options and until the Government decides which option based on the advice we are receiving is the one that we are going to pursue, I would not be able to give any detail that is of any use to the House, other than to set out what all the possible options may be. He is, I assume, as able as anybody else in our community to work out what all of those possible options may be.

80

We can have a discussion, if he likes, about what all the possible options are, but I do not think that is conducive to the community being any wiser as to what exactly it is that is going to happen. That position can be put once the technical advice to the Government has been received. The Government has then made the decision and then explains publically what methods are going to be used. But you know he is saying himself from the Detached Mole it is not going to involve trucks, it is going to involve probably some sort of underwater pipeline if that is the solution that is recommended.

85

Hon. D A Feetham: Mr Speaker, the Hon. the Chief Minister is aware or must be aware that there is European legislation in relation to exclusion zones around plants of this nature and it requires that any authority that is planning to install a plant of this nature conducts a risk assessment in order to determine what kind of exclusion zone there is around a plant of this nature. Can the Government confirm that such a risk analysis has already been completed?

90

Hon. Chief Minister: Mr Speaker, different levels of risk analysis are required. Until the actual amount of gas that is going to be stored is determined – and that is the subject of advice – the actual exclusion zone, such as it may be, cannot be determined. I would have thought it obvious that the exclusion zone for 100 cubic metres of gas, or whatever it is measured in, is different to the exclusion zone for 1,000 cubic metres, and that is an issue which is still the subject of advice.

95

100 **Hon. D A Feetham:** Mr Speaker, is he satisfied on the information that he has at the moment that locating a plant of this nature in the Detached Mole is going to allow him or his Government to have an exclusion zone around this particular plant that satisfies risk and any relevant European legislation?

Hon. Chief Minister: Mr Speaker, I am satisfied that the options that are being put to the Government do not involve the Government being in breach of any relevant legislation, European or otherwise.

105 **Hon. D A Feetham:** Mr Speaker, moving on to the question of the power station, he said that the land reclamation is to commence work in June 2014 and that the tender in relation to the power station has actually been extended by another 60 days. Is he satisfied that the completion of the power station will be completed before this Parliamentary term and before the next General Election?

110 **Hon. Chief Minister:** Mr Speaker, I am satisfied that it will be done with such alacrity as it is possible to do it in order to do it safely and in order to ensure that we make the right choice for this community for many generations. I am certainly satisfied that work will start during the lifetime of this Parliament, but as he knows, Mr Speaker, we did not have a manifesto commitment [*inaudible*] fixed Parliaments. Therefore the next
115 Election is not necessarily going to be held on 8th December 2015 and it may very well be held before the end of this year for all he knows, and therefore with the best will in the world, nobody can build a power station in a few months.

Hon. Sir P R Caruana: Mr Speaker, I rise just to touch on the same subject, as I did last time this matter came before the House.

120 Whilst admitting to not being very technologically minded, the hon. Member knows that I have a sort of luddite nervousness about the concept of liquefied natural gas in a small place like Gibraltar, and indeed the fact that there are EU Regulations that require the determination of the required exclusion zone suggests – at least to the ignorant person and I admit to being that on this matter – that there is an element of risk, otherwise EU regulations would not be concerned with the size of exclusion zones.

125 The Government obviously does not share the same concern as I do about the intrinsic risk involved in liquefied natural gas fired power stations. But can I just ask whether the hon. Members are now, as a matter of policy, committed to that or are there any options that they are being given in the bidding process that might limit the Government, might enable the Government ultimately to opt just for a more traditional diesel powered station, or is that beyond policy decisions that have already been made?
130

Hon. Chief Minister: Mr Speaker, to a great extent policy is driven by technical advice and it is within the realms of what the technical advice tells one is possible that policy can be fixed. I think this is something that he will have come up against himself on a number of occasions, that however much you might want to push a particular policy, if the technicians say, ‘Look this does not come within the rules and the ambit of
135 what is allowed under the European rules, for example, then it is not a policy that is going to prosper.

So the Government is satisfied that its policy of pursuing a cleaner fossil fuel in terms of emissions, a much cheaper fossil fuel in terms of cost, is one which is deliverable within Gibraltar and the technical advice demonstrates that. We would not be pursuing it if the technical advice was such that we were told that the exclusion zone required around any type of liquefied natural gas solution was two and three quarter miles, in
140 which case it would be very nice to have the facility here, but none of us would be able to get near our homes. That is not the position.

The hon. Gentleman knows that there are exclusion zones in terms of health and safety requirements around many different types of installations. It is not possible these days, for example, if you are not grandfathering, to simply have a large deposit of diesel without some element of an exclusion zone as well.
145 So therefore this is degrees of exclusion zone, degrees of health and safety concerns and ensuring that what is done comes within the sort of HAZ OP, as I think they are called, Hazardous Opinion of what is viable and not viable, and nothing that has been said to the Government suggests that this is technically not viable, although it may require the movement of certain things which may be within a radius of a particular area, and fitting those concentric circles into what is Gibraltar is part of the art, as he knows, of being in Government.

CHIEF MINISTER

**Q416/2014
Nature Group Company –
DPC application; extension of agreed terms**

150 **Substitute Clerk:** Question 416, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, given the recent announcement by the Nature Group Company to extend the terms of the granting of its application from the DPC from storing to treating oil, will the DPC review the original application and will the Government make clear what its position is in relation to this matter, given that there are two Ministers who are members of the DPC?
155

Substitute Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, one is tempted to think that the first part of the question is actually addressed to the DPC.
160

Mr Speaker, the DPC deals with all building, development and planning issues before it, based on the applications before it. If applicants want to make any change to any consent to build or develop, granted by the DPC, they need to apply to the DPC for that change. Until they do, whatever they may say about their intentions, they would be acting illegally if they went outside such consent to construct or use land as may have already been granted.
165

In any event, Mr Speaker, the issue of oil treatment or oil storage would require a specific licence, not from the DPC, but from the Port Licensing Committee which does not include any Ministers.

**Q417/2014
Gibraltar Fair –
Naval Grounds; parking facilities available**

Substitute Clerk: Question 417, the Hon. S M Figueras.

170 **Hon. S M Figueras:** Mr Speaker, can the Government confirm what plans are in place for the temporary, or permanent as the case may be, relocation of the coach park and associated parking and facilities during the use of the Naval Grounds for the fair this year?

Substitute Clerk: Answer, the Hon. the Chief Minister.
175

Chief Minister (Hon. F R Picardo): Mr Speaker, plans are being put in place to provide an alternative set down area for the week of the fair this year, in a manner designed to inconvenience the public as little as possible, and details of which will be made public nearer the time.

**Q418-419/2014
Legal consultants –
Drafting services; costs incurred**

180 **Substitute Clerk:** Question 418, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Chief Minister provide details to this House, further to answers to Question 338/2014, of the work done by legal consultants providing drafting services to the Government since December 2011?

Substitute Clerk: Answer, the Hon. the Chief Minister.
185

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 419.

Substitute Clerk: Question 419.

190 **Hon. S M Figueras:** Mr Speaker, can the Chief Minister provide details to this House of all legal costs incurred by Government-owned companies since January 2012 on a month-by-month basis, detailing the law firm/lawyers to which payment has been made and details of the matters in respect of which such payments have been made?

195 **Substitute Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the information requested in Question 418 has now been uploaded on the Government website.

200 In relation to Question 419, the information has not previously been provided in this House by any Administration, I understand. I nonetheless now hand the hon. Member a statement with the information requested and I have asked that it now be added to the Government website in the area that deals with legal fees.

Answer to Question 419			
	Company	Description	Payments
2012			
January	Gibraltar Land Holdings Limited	Corbett & Co	(550.00)
	Gibraltar Land Holdings Limited	Triay Stagnetto Niesh	(26,446.92)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(610.00)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(235.00)
Total			(27,841.92)
February	Gibraltar Residential Properties Limited	Corbett & Co	(870.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(4,931.70)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(235.00)
Total			(6,036.70)
March	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(2,002.50)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(2,974.50)
Total			(4,977.00)
April	GCP Investments Limited	Triay Stagnetto Neish	(114,646.00)
	Gibraltar Residential Properties Limited	Attias & Levy	(2,000.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(1,507.50)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(4,223.32)
Total			(122,376.82)
May	Gibraltar Land Holdings Limited	Corbett & Co	(250.00)
	Gibraltar Land Holdings Limited	Triay Stagnetto Neish	(31,179.45)
	Gibraltar Residential Properties Limited	Corbett & Co	(240.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(1,615.32)
Total			(33,284.77)
June	Gibraltar Residential Properties Limited	Attias & Levy	(175.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(2,495.00)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(235.00)
Total			(2,905.00)
July	Gibraltar Land Holdings Limited	Triay Stagnetto Neish	(3,097.50)
	Gibraltar Residential Properties Limited	Attias & Levy	(475.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(3,420.00)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(235.00)
	Westside Two Co-Ownership Company Limited	Triay Stagnetto Neish	(275.00)
Total			(7,502.50)
August	Gibraltar Residential Properties Limited	Attias & Levy	(450.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(1,827.50)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(470.00)
Total			(2,747.50)
September	Gibraltar Residential Properties Limited	Attias & Levy	(225.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(715.00)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(1,713.00)
Total			(2,653.00)
October	Gibraltar Bus Company Limited	Hassans	(9,026.35)
	Gibraltar Residential Properties Limited	Attias & Levy	(300.00)
	Gibraltar Residential Properties Limited	Ellul & Co	(200.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(2,686.00)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(3,241.00)
Total			(15,453.35)
November	Gibraltar Bus Company Limited	Verralls	(725.00)
	Gibraltar Residential Properties Limited	Attias & Levy	(150.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(2,150.00)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(4,484.00)
Total			(7,509.00)
December	Gibraltar Residential Properties Limited	Attias & Levy	(100.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(650.00)
Total			(750.00)
Year total			(234,037.56)
2013			
January	Gibraltar M & E Services Limited	Hassans	(32,250.00)
	Gibraltar Residential Properties Limited	Dunham Guest & Lyons Solicitors	(4,031.00)
Total			(36,281.00)
February	Gibraltar M & E Services Limited	Hassans	(7,675.38)
	Gibraltar Land Holdings Limited	Triay Stagnetto Neish	(4,917.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(1,130.00)
Total			(13,722.38)
March	Gibraltar Bus Company Limited	Verralls	(8,585.00)
	Gibraltar Land Holdings Limited	Triay Stagnetto Neish	(2,033.50)
	Gibraltar Residential Properties Limited	Triay Stagnetto Neish	(10.00)
Total			(10,628.50)
April	Gibraltar Land Holdings Limited	Triay Stagnetto Neish	(17,945.00)
	Gibraltar M & E Services Limited	Hassans	(22,441.78)
Total			(40,386.78)
May	Gibraltar Bus Company Limited	Verralls	(3,725.00)
	Gibraltar Commercial Property Company Limited	Attias & Levy	(150.00)
	GCP Investments Limited	Hassans	(25,000.00)
Total			(28,875.00)
June	Gibraltar Bus Company Limited	Hassans	(2,000.00)
	Gibraltar Bus Company Limited	Verralls	(2,448.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(982.00)
Total			(5,430.00)

July	Gibraltar Bus Company Limited	Hassans	(1,148.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(1,187.50)
Total			<u>(2,335.50)</u>
September	Credit Finance Company Limited	Hammerstrom Puhakka Partners, Attorneys Ltd	(14,413.91)
Total			<u>(14,413.91)</u>
October	Gibraltar Bus Company Limited	Verralls	(3,430.00)
Total			<u>(3,430.00)</u>
November	Gibraltar Bus Company Limited	Isolas	(4,490.00)
	Gibraltar Bus Company Limited	Verralls	(4,755.00)
	Gibraltar Commercial Property Company Limited	Attias & Levy	(150.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(525.00)
Total			<u>(9,920.00)</u>
December	Gibraltar M & E Services Limited	Hassans	(39,573.00)
	Gibraltar Residential Properties Limited	Triay & Triay Lawyers	(450.00)
Total			<u>(40,023.00)</u>
Year Total			<u>(205,446.07)</u>
2014			
January	GCP Investments Limited	Triay Stagnetto Neish	(36,664.60)
	GCP Investments Limited	Hassans	(260.00)
	Kings Bastion Leisure Centre Company Limited	Hassans International Law Firm	(3,520.00)
Total			<u>(40,444.60)</u>
February	Gibraltar Bus Company Limited	Verralls	(5,725.00)
	Gibraltar International Bank Limited	Hassans	(38,830.00)
Total			<u>(44,555.00)</u>
March	Credit Finance Company Limited	Hassans	(75,010.00)
	GCP Investments Limited	Triay & Triay Lawyers	(555.00)
	GRP Bishop Fitzgerald Company Limited	Triay Stagnetto Neish	(8,650.65)
Total			<u>(84,215.65)</u>
April	Gibraltar Bus Company Limited	Verralls	(3,600.00)
Total			<u>(3,600.00)</u>
Year Total			<u>(172,815.25)</u>
			<u>(612,298.88)</u>

210

Hon. S M Figueras: Mr Speaker, in relation to the Hon. the Chief Minister's reply to Question 418, I checked the Government website to see what information was available at the time when I filed the questions and the only information that had been provided had been provided in relation to 2014 and there were entries for January to April, where there were only two recipients or beneficiaries of Government contracts in that context.

215

There was no information that I was able to find for 2013 and 2012, and I wonder whether perhaps he can confirm whether this is something that is being worked on or whether it is not intended to provide that information?

Hon. Chief Minister: No, Mr Speaker, the intention is not just to provide that information. I understand it is now on line and going back to 2008.

220

Hon. S M Figueras: Yes, Mr Speaker, could the Hon. the Chief Minister tell us when that information was uploaded?

Hon. Chief Minister: No, Mr Speaker, but I understand it is now on line.

225

Hon. S M Figueras: Mr Speaker, the point that I am seeking to make is that the information was not available when the question was asked and I would therefore expect that the information be provided in this House accordingly. If there is any reason why that should not be the case, I would be glad to hear it.

230

Hon. Chief Minister: Mr Speaker, the information that I have from the people who prepare my questions for me... or my answers for me, is that the information was on line and so I am afraid I do not have it with me.

235

If he could quickly check on his Mac Apple, then he can check and let us know whether it is now on line and he has it available. If he wants me to go outside and print it out for him and provide a copy across the floor of the House, because he says it was not available when he asked the question, then so be it. I have no difficulty in doing so at the end of this session.

Mr Speaker: May I help?

The hon. Member I think can check the Government website and I will allow him to ask any supplementaries that he feels are necessary.

240 Likewise, with respect to the very detailed supplement to the answer to the next question, which is very lengthy and detailed, I think we should move on to the next question, which is in the name of Mr Bossino, and likewise you can come back and ask any supplementaries when you have studied the information circulated by the Chief Minister.

245 **Hon. S M Figueras:** Mr Speaker, I am grateful for the suggestion certainly, but the Hon. the Chief Minister knows that that is not the point. I have a time stamped screen grab of the relevant Government website when I ask the questions and the information was not there when I asked the question and therefore should have been provided in this House. It really is as simple as that.

250 Now, if I have no option but to review the information, which I can easily do on my MacBook Air (*Laughter*) I am happy to do so, Mr Speaker.

Mr Speaker: I am not ruling or anything like that.

255 No, the only thing is that the hon. Member when he drafted the question and he checked the website, it was not there. It could well be that by the time whoever drafted the answer for the Chief Minister, the person who was dealing with drafting an answer... it may have been on the website. That is possible.

Hon. Mr S M Figueras: In that case, Mr Speaker, I would be grateful for the opportunity to review the information and revisit the issue of supplementaries at a later stage today.

Mr Speaker: Of both.

Q420/2014

Juan Verde –

Connection to companies tendering for Government projects

260 **Mr Speaker:** Question 420.

Substitute Clerk: Question 420, the Hon. D J Bossino.

265 **Hon. D J Bossino:** Can the Chief Minister please state whether Juan Verde has or has had any connection with any company which has so far tendered for any Government projects?

Substitute Clerk: Answer, the Hon. the Chief Minister.

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is clear that Members opposite have something against Mr Juan Verde. It is difficult to see why that should be the case.

In respect of this question in particular, Mr Speaker, the answer is that it is impossible for the Government to answer this question. How could we possibly know with any certainty if Mr Verde has had any connection with any of the many companies that tender for Government work? We would have to ask Mr Verde to reply or each company that has tendered for Government work.

Q421-422/2014

Jason Cruz –

Details of role in Gibraltar's London and Hong Kong offices

275 **Substitute Clerk:** Question 421, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether Mr Jason Cruz will play any role in the Gibraltar Office in London?

280 **Substitute Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 422.

Substitute Clerk: Question 422.

285 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide details of the remuneration and any other employee benefits agreed with, or intended to be provided, to Mr Jason Cruz in respect of his position in the Gibraltar Office in Hong Kong, and in respect of any position he may have in relation to the London Office?

290 **Substitute Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, Jason Cruz is one of those Gibraltarians who has done extraordinarily well outside of Gibraltar. He is the sort of man we as a community are justly proud of. I cannot emphasise enough how happy this Government is that he is now working for Gibraltar in the highly competitive market that is South East Asia.

295 Jason has worked for almost 20 years in Hong Kong's commercial sector. His family has lived in Hong Kong for almost 40 years and enjoys an excellent reputation and an excellent network of relationships which will happily now accrue to the benefit of Gibraltar.

300 Jason was a Director of Cushman and Wakefield in Hong Kong, no mean feat in what is the world's largest privately-owned commercial real estate firm, and recognised as leaders in their field, who have vast amounts of experience in working with over half of the Fortune 500 companies.

In that role, Jason has been responsible for the completion of commercial transactions totalling over US\$1 billion. Indeed, it is not just the Gibraltar Government that is justly proud of him, for Jason's achievements have been recognised by the Royal Institute of Chartered Surveyors for the most significant commercial transaction in Hong Kong in 2013. Well done that Gibraltarian. Now, that is something for the whole of Gibraltar to be proud of, Mr Speaker.

305 Jason was co-Head of Asia Pacific of Cushman and Wakefield's Banking and Financial Services practice between 2011 and 2013, and previously head of Asia Pacific for Cushman and Wakefield's Global Alternative Investment Services, working with hedge funds and private equity firms.

310 Mr Cruz is presently Hong Kong SAR representative and Deputy United Kingdom representative. He will also become United Kingdom representative on 1st June 2016 or such other date as may be mutually agreed between him and the Government.

315 His remuneration is £130,000 per annum with an allowance for housing, education of his children and an annual return flight to Gibraltar.

Hon. D A Feetham: Mr Speaker, can he provide more information, in terms of the allowance that has been agreed for this gentleman's education of his children and any other allowances that may have been agreed with this particular gentleman? Does he have a figure in mind or is it going to be elastic in terms that Mr Cruz is to find a suitable school for his children and the Government has agreed to pay? There must have been already an agreement in relation to a sum as an allowance for this gentleman's education of his children and any other allowance that the Government may have agreed with him.

Hon. Chief Minister: Mr Speaker, it is not something I intend to get involved in.

325 What has happened is that there is an agreement that an allowance will be made for housing and for education of his children. I do not intend to be looking up the cost of accommodation in London or the cost of schools in London and Hong Kong as that is going to be done by the Chief Secretary, who is responsible for those things. I assume that it will be brought to me just for final approval before it is agreed, but it is an amount that is reasonable in the eyes of the Chief Secretary who will be having these discussions with him.

330 But, Mr Speaker, I am conscious of the fact that a number of people have wanted to congratulate Mr Cruz on having taken the appointment for Gibraltar, including Mr Michael Feetham, who was a Minister with the GSLP between 1988 and 1996 who publically said on Twitter that he was very happy for Jason having accepted the role.

335 **Hon. D A Feetham:** Mr Speaker, I am very glad and indeed I found the exposé in relation to this particular gentleman's experience very interesting indeed; but in the words of Jessie J – he is a great fan of Jessie J – I am interested in the price tag that comes attached to this particular individual's role in Hong Kong and also in London.

340 The hon. Gentleman says this is a question for the Chief Secretary and he does not get involved in these things, but of course he is accountable to this House for taxpayers' money and this is taxpayers' money. Perhaps I might be able to jog his memory. The word is that this gentleman is being paid £200,000. Would I be far off in relation to that particular figure?

Hon. Chief Minister: Mr Speaker, yes, sir, very far off. This gentleman is being paid £130,000 and then there is an amount for allowance on housing and education.

345 Mr Speaker, if housing costs £70,000, well look, I can only... the only other reference to an allowance
for housing is an allowance for housing that was agreed by them for the person they sent to London to be
Director of the London office where the amount might have been... I cannot remember what the exact amount
was. It was brought to me for ticking off at one stage. I am reminded by the Hon. Mr Bossano, who tends not
to get things wrong in respect of numbers, that what they might have agreed might have been in the region of
350 £1,000 a week, which might have meant £52,000 a year. So, Mr Speaker, if what they are doing is applying
the standards of the lavish accommodation that they thought was appropriate and adding it to £130,000, then
they are already £182,000; but it may be that in Hong Kong the accommodation is much cheaper or that Mr
Cruz does not want to live in St. James' Square, where they thought it was appropriate to put the person they
sent to London at £1,000 a week.

355 I certainly do not know what rents are in London, but this man is the sort of man that we need doing our
work in Hong Kong. He is the sort of man who may do very well for us in London also in the future. If he is
quantifying the package at £200,000, so be it. I do not have any details as to what the housing allowance
proposed to be agreed by the Chief Secretary is or what the education allowance is going to be. It is not that
I am trying to hide anything. If he wants to ask me in a couple of months, I guess that by then it will have
360 been agreed and then I can give him the exact figure because I will ask the Chief Secretary, but I am not the
person in the driving seat of agreeing it and neither would I ever recommend that the Chief Minister should
be involved in looking at that sort of detail of one particular civil servant.

365 **Hon. D A Feetham:** Mr Speaker, I have to say I find that very odd indeed, bearing in mind that no one
would actually agree to take on a particular post unless all the major details of his contract had actually been
agreed. But he says that something as central, no doubt for Mr Cruz, as accommodation allowance and an
allowance for the education of his children has not been agreed, well, so be it. But even on the figures that
the hon. Gentleman is talking about, probably my figure of £200,000 a year is probably a conservative
estimate, because if we are talking about £50,000 for accommodation alone, bearing in mind that this
370 gentleman has a family and the previous incumbent, if I can call him that, does not have a family... well
£200,000 is probably short.

I do not want to have a controversy across the floor of this House this afternoon. If I write to him about
this, will he undertake to provide me with the information in correspondence? I just want the information. I
do not care whether he provides it across the floor of this House or in correspondence.

375 **Hon. Chief Minister:** Mr Speaker, he says he does not want to cause controversy after having tried to
cause it. It is like every olive branch he offers: it is littered with thorns.

Mr Speaker, the reality is that the previous incumbent, who did not have a family, may be one of two
people. I do not know whether he is describing Mr Poggio, who has long been in London, or Mr Canessa,
380 who went to London. Mr Canessa is no longer in London. His salary was in the region of £70,000. His housing
allowance was in the region of £52,000. You are already at £130,000 before the many flights that Mr Canessa
was entitled to under his arrangement to Gibraltar. You may be very close to £170,000. He is no longer going
to be doing that job. We save that money. So we save £170,000-odd in respect of Mr Canessa and Mr Cruz,
who has no previous incumbent, because we have never had anybody in Hong Kong, is by his calculation, he
385 says, going to cost us £200,000. Well, look, Mr Speaker, then we are really arguing over, by his calculation,
about £30,000, if Mr Canessa's package was not worth perhaps even slightly more. I do not know. I cannot
actually put my finger on what Mr Poggio's package is worth, and I do not know whether anybody ever has,
but anyway let us just assume that it is in the region of the same sort of cost to have that level and that standard
of representation in the United Kingdom.

390 Mr Speaker, I am a huge fan of Albert Poggio – a huge fan of Albert Poggio. I believe Mr Poggio was
instrumental in defeating joint sovereignty. I believe he has the ability to communicate with well on nigh
seven eighths of the Chamber of the House of Commons at the drop of a hat and he is a huge asset for
Gibraltar. But, Mr Speaker, he and I have had to have a serious conversation about the fact that he is not
getting any younger and Gibraltar needs representation of that standard.

395 So can I put it to him, Mr Speaker, that if he is so concerned about cost, he applauded the fact that given
what the cost of Mr Canessa will have been, and what the cost of Mr Poggio would have been, if in the long
term what we have is Mr Cruz in London, that is actually an overall saving with a person, who he has seen,
is imminently well qualified to represent us today in South East Asia and in the future in London. The cost
actually may represent a full saving. As to the detail of the Housing and the Educational allowance, I am very
400 happy, Mr Speaker, for him to either write to me or to ask me again and when that amount is determined,
then I am quite happy to write to him and give him the detail or answer his question across the floor of the
House.

I put it to him however, Mr Speaker, that if he wants to be the CEO of this great corporation that we call
Gibraltar, the shareholders, although expect to hold him to account and they expect him to get the best value
405 for money, do not expect him to be involved in working out what the cost of a flat in London is or what the

cost of a public school in Hong Kong is. He needs to be looking at the broader picture. Sometimes he does not see the broader picture because he is stuck in the detail.

410 **Hon. D A Feetham:** Mr Speaker, I have to say that the hon. Gentleman judges me by different standards than he used to employ himself when he was on this side of the House. He used to lambast his predecessor for using the private suite at Heathrow for £1,500 a go. Now he is lambasting me because I am asking questions that could cost the taxpayer between £70,000 and £100,000, but that is up to the hon. Gentleman.

415 Can I ask him two supplementaries arising from the answers that he has given? The first one is, so the intention is for Mr Cruz to effectively replace both Mr Poggio and also Mr Canessa? And the second one is why this particular post was not advertised in order to determine whether there were other candidates that might have been better than Mr Cruz?

420 No doubt Mr Cruz has his qualities, but this being such a central and important role, both in Hong Kong and in London, we think that it ought to have been advertised, at the very least it would have given the Government a choice of candidates, rather than just simply hand picking one individual *a dedo*, so to speak.

Hon. Chief Minister: Mr Speaker, it is not that I used to lambast the Hon. the previous Leader of the House, the Hon. Sir Peter Caruana – (*Interjection and laughter*) I used to simply say that to use the lounge every time he went to London was excessive and that of course he should use it on particular occasions if he needed to, but not on every single occasion.

425 But, Mr Speaker, let us be clear. It is not that I am not responsible for the £70,000 to £100,000 that *he* estimates that the allowance for Mr Cruz may be – it may be more, it may be less. It is that the principle of an allowance is agreed and the detail of it is to be pursued by a third party, and I do not think the Chief Minister of Gibraltar, with all of the issues that any Chief Minister of Gibraltar has to deal with, should be involved in negotiating the minutiae issue of contracts.

430 He is right if he were to say, but he does not, that I used to lambast the Hon. the previous Chief Minister for being involved in that level of detail and not allowing people to do their jobs, but look, so be it... everybody has a different way of doing things. I happen to think that the right way to do them is the way I am doing them, otherwise I would not be true to myself or doing the job that Gibraltar, I think, deserves to be done.

435 Mr Speaker, he has asked me the question why did we not advertise. Why did we not interview and why did we not perhaps choose somebody who might be even more qualified to do this job than Jason Cruz? Well, Mr Speaker, because I took a leaf out of the books of Joe Bossano and Peter Caruana. I know that he has loved them and criticised them both at different times in his political career, but when it comes to precedent, precedent is precedent. Mr Poggio was appointed by Joe Bossano without an interview process or without choosing to advertise the post. Mr Canessa was appointed by Mr Caruana overnight without choosing to advertise or propose to see whether others were appointed.

440 In the same way, Mr Speaker, as the Chief Secretary is appointed, the Financial Secretary is appointed and the Chief Technical Officer is appointed, there are some posts which are simply within the purview of the Chief Minister. I actually think it is just a very few and perhaps those four are the only ones. So in this instance, Mr Speaker, I was simply following the procedure established before. I know that the fact that Sir Peter did it is not going to stop him from criticising, because he has become his biggest critic.

450 **Hon. D A Feetham:** Mr Speaker, before I ask another supplementary, he has not answered the first supplementary, which was whether it is the intention of the Government that Mr Cruz take over *both* the roles of Mr Poggio and also Mr Canessa.

Hon. Chief Minister: Mr Speaker, yes, thank you for that opportunity. I am sorry I missed that first limb of his supplementary.

455 Mr Canessa is back in Gibraltar. There were never two people in London. The advent of two people in London arose from circumstances, which I think were not happy ones and led to a situation where there were two captains trying to steer a ship. In any organisation it is important that there only be one captain. We have now corrected that situation: Mr Poggio is in London and Mr Canessa is back in Gibraltar. As I told him before, Mr Speaker, and I am surprised he did not deduce it from what I said, the long-term aim is that Mr Cruz should take over from Mr Poggio in the United Kingdom.

460 As I said before, and I say again, I am a huge fan of Mr Poggio, but he is getting no younger and therefore we need to ensure that we plan for a future when Mr Poggio decides that he wants to enjoy his retirement. He is almost 70, Mr Speaker. Mr Poggio looks very well for his age – I have to say that in case he reads *Hansard* – but actually 70 is the new 60 these days. Mr Poggio does not look almost 70, but he is literally almost 70 years old and therefore at some stage those who are in their seventies may wish... I know there are some who are less resilient than others (*Laughter*) but some people in their seventies have indicated that they want a future where they do not work five days a week and they are not...

In fact, if I may say so, the Office of Representative of Gibraltar in the United Kingdom is not a nine to five, five days a week job, it is a very intensive job involving weekends etc. Therefore what we are doing is planning for the future, and in the future if this Administration is able to see through our plans, Mr Cruz will have taken over from Mr Poggio. Mr Poggio today is the only person representing us in London. Mr Canessa is back in Gibraltar... or will be back in Gibraltar on 23rd June, I am told by Mr Isola, working in the Ministry for Financial Services.

Hon. D A Feetham: Yes, Mr Speaker, the hon. Gentleman says that I have loved and criticised both the hon. backbencher and also the hon. the Father of the House in equal or less equal measure at different times. I have to remind the hon. Gentleman that of course he used to talk to me in less than becoming terms of the hon. the Father of the House, almost 10 years ago when we were talking about and planning as to how we could oust the hon. the Father of the House.

Mr Speaker: But we are not going to go into that, are we?

Hon. D A Feetham: No, we are not. Absolutely not, Mr Speaker. But, Mr Speaker, does the Hon. the Chief Minister (*Interjection*) not recognise that there is a fundamental distinction between the example that he has drawn, which is Mr Canessa and Mr Poggio on the one hand and Mr Cruz on the other in this sense, that Mr Canessa is a public servant and Mr Poggio was in fact appointed – I think I am right in saying – by the GSLP Administration and the policy of the GSD Government was a continuation of effectively that appointment that was made? Whereas here, what we have is a new appointment which has not gone out in any form of advertorial to see whether the Government is obtaining the best candidate for this particular job, which is highly remunerative, with benefits, let me repeat, at least we think £200,000, and therefore there is a distinction to be drawn in relation to the two examples that he has given.

Hon. Chief Minister: Mr Speaker, I forgive him for disclosing the least indiscreet of my youthful indiscretions. (*Laughter*) But anyway, if anybody is reading history, they might think that at least I stayed and saw the job through with a smile, rather than with a dagger... but never mind.

Mr Speaker, the position is very simply this. Whether Mr Canessa was a public servant or not, he was simply appointed *a dedo* to London. The vacancy was not opened internally in any way. There was absolutely no question of others being able to apply for the job.

Mr Poggio was appointed by Mr Bossano and that appointment must have been a good one because it was seen through for 15 years – despite their criticisms before they were elected – by the previous administration and very well done too, because it saw Gibraltar out in great measure of the joint sovereignty issues that we faced in 2003.

Mr Speaker, Jason Cruz is an outstanding individual. We think we have made the right choice. We made it because we came across an individual who had all the qualifications that anybody could have thought were necessary for this job.

Does he really think that what we should have done is advertise in the *South China Morning Post* ‘Wanted: Gibraltarian. Must be sociable, able to manage London office and have done largest transaction in Asia last year?’ (*Laughter*) Is that what he is really proposing, because, Mr Speaker, I must tell him that of all the things that he needs to be analysing and putting under the microscope, this decision, which is the right decision for Gibraltar, because Gibraltar by the way is falling behind in representation in Asia when many of our other overseas territories competitors as financial services hubs have got representation there already? It is a decision long overdue and it is the right decision with the right individual in post at the right level of remuneration. If he says he would not have done it this way, so be it.

The problem he has got, Mr Speaker, is 16 years of track record of his party in Government having done the opposite – the complete opposite. Appointments, which he now calls *a dedo*, not at top levels like this where you can point to previous administrations having done similar or identical things in just a handful of posts along the top ridge of appointments to the public service, but throughout the sector. Or does he really... is he such a glutton for punishment that he wants me to remind him of the people appointed at the new terminal in Gibraltar Airport simply out of –

Mr Speaker: I would rather the Chief Minister did not and we get on with the business in hand, please.

Hon. Chief Minister: Mr Speaker, you are absolutely right. I would rather, myself, not have to do that.

525 **Hon. D A Feetham:** Mr Speaker, does he not recognise that really there is a fundamental distinction here? Mr Canessa is a public servant who has been deployed to London. This individual is not a public servant, and he has been appointed directly by the Government.

Does he not also recognise that the examples that he has given are, with respect to him, ridiculous examples about advertising in the *South China Times* or whatever. There may well be people in the United Kingdom or elsewhere, English speaking... they do not have to necessarily be Gibraltarians, although I accept
530 that if you are going to have two candidates of equal ability and equal standing, it is always preferable to employ a Gibraltarian over somebody from the outside.

But we are talking about the economic driver, economic development for Gibraltar and that he could have advertised in the United Kingdom. There may well be candidates in the United Kingdom or elsewhere who may have been able to do this particular role and would have been far more qualified, but what the
535 Government has done is effectively deprived itself of that opportunity. Does he not recognise the distinction?

Can he at least satisfy me that this has nothing to do with the fact that Mr Cruz is very supportive of the Hon. the Chief Minister and his Party?

540 **Hon Chief Minister:** Mr Speaker, I knew it had to come, the allegation somehow that there is impropriety; it always is ever thus with the hon. Gentleman, Mr Speaker. Somehow it is connected to you, Fabian and somehow it is connected to the Party.

Mr Speaker, when – may he rest in peace – Mr Cantos was appointed as the Director of Media Relations for the Government of Gibraltar weeks after the 1996 Election, there was no interview for that post. When Mr Golt was appointed, there was no interview for that post. When Mr Flower was appointed, there was no
545 interview for that post, Mr Speaker. Was it because they were particularly close to the previous Administration? I know at least that Mr Flower and I will laugh about the fact that I have had to mention him in *Hansard* again when I see him later.

Mr Speaker, the hon. Members opposite have established a course of dealing in the past 16 years where it is impossible to distinguish their appointments from those that supported them. Most of those appointments were *a dedo*. We have established a criteria. We will not in any way be involved in simply appointing people whether they are GSLP or otherwise. We will do this in the proper way. There will be interview boards where
550 necessary, but in some instances, at the very top level, we will continue to exercise the prerogative that a Chief Minister is able to choose who represents Gibraltar as Chief Secretary, as Chief Technical Officer, as Financial Secretary, as our representative in London and our representative officers elsewhere. Mr Speaker, the hon. Gentleman may not like that. He may be saying, but I do not know if he is, that if he were elected, he would always interview for the posts. Well, Mr Speaker, that is a matter for him, he can develop that policy if he wishes, but he must if he does so say that he eschew the actions of the previous GSD Administration and adds that to the many critiques he is making of the 16 years of Government that previously he had praised as amongst the best.
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560 Mr Speaker, I defend the fact that we have chosen Jason Cruz and I do not believe there is anybody out there who could do the job. One of the qualifications we would be looking for is that the person be a Gibraltarian, because in my view, Mr Speaker, to represent Gibraltar in a representative office, in London, or in South East Asia or anywhere else in the world, not to lobby but to represent, a Gibraltarian is always best and being a Gibraltarian is, in my view, a requirement of the role.

Mr Speaker: Next question.

Q423-425/2014
Lobbying/marketing abroad for Gibraltar –
Consultants; details

565 **Substitute Clerk:** Question 423, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please explain what criteria the Government used to select Holland and Knight Limited Liability Partnership to undertake lobbying work in the United States?
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Substitute Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 424 and 425.

575 **Substitute Clerk:** Question 424.

Hon. D A Feetham: Can the Chief Minister please provide details of the work undertaken by GSLP Member Glyn Ford for the Government since it started to pay him as a consultant, and will Mr Ford continue as a consultant after the European Elections?

580 **Substitute Clerk:** Question 425.

Hon. D A Feetham: Can the Chief Minister please provide a list of consultants currently working for the Government on lobbying or marketing for Gibraltar abroad?

585 **Substitute Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as usual when choosing service providers we looked at various entities in relation to Holland and Knight, who might provide the service. We looked at track record and took references from third parties. We then made the selection and set up a meeting when I was last in Washington.

590 Mr Speaker, in relation to Question 424, the fact that Mr Ford has been a GSLP Member is irrelevant to this Government. We do not choose the people we do business with based on their partisan affiliations, but on their ability and their expertise and if he does not believe me, he might want to ask the question to the person sitting at the end of the row who has been instructed by my Government on various occasions. Indeed, the Government is working with people who have been and some who are still GSD Members, and I do not hear Members opposite asking questions about them, but that demonstrates that we, as a Government, do not consider partisan affiliation to be either a qualifier or a disqualifier when determining who we do business with.

600 Mr Speaker, we will not in any event be taking any lessons on the subject from the party opposite, who exclusively favoured its own people to the exclusion of those who were not their supporters when they were in Government. Mr Ford will continue in his role as part of the bolstering of our lobbying efforts in Brussels. I should add, Mr Speaker, now that the European Election has passed, and he was not returned as a second MEP for Labour. As for the exact work he does, I do not believe sharing information of this nature publically is in the public interest of Gibraltar.

605 Mr Speaker, in respect of lobbying, my answer remains as my earlier answer to Questions 1084/2012 and 429/2013, namely that we will continue the practice of the previous GSD Administration and not provide a breakdown. What we give is in exactly the same form as it was given to us by Members opposite when they were in Administration. I agree with the position of the previous Chief Minister, that sharing information of this nature publically is not in the public interest of Gibraltar.

610 In respect of marketing, other than the UK, US, Hong Kong and Brussels representatives, there are none.

Hon. D A Feetham: Mr Speaker, so is he saying that he will be willing to provide me with the information as to what work is being undertaken by Glyn Ford for the Government privately? Is that the position?

615 **Hon. Chief Minister:** Absolutely, Mr Speaker. I offered to do so the first time that they asked about Mr Glyn Ford and the second time that they asked about Mr Glyn Ford, and if he bothers to look at *Hansard*, they said, 'We do not want it privately. You must answer in this House'.

620 But I am delighted, Mr Speaker, to share with him what work is being done for Gibraltar's benefit, but I will do so *privately*.

Hon. D A Feetham: My recollection is that it was a different question that I was asking then. In relation to the consultants and the list of consultants, is he also prepared to give me a list of consultants currently working or lobbying abroad for the Government on a private basis?

625 **Hon. Chief Minister:** Is he saying privately?

Hon. D A Feetham: Privately. Yes.

630 **Hon. Chief Minister:** Absolutely, Mr Speaker. I have absolutely no difficulty with that at all.

Mr Speaker: Next question.

Q426-427/2014
Radio Bahia/Samuel Fernandez –
Government subsidy; licence to transmit

Substitute Clerk Question 426, the Hon. D A Feetham.

635 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether it is subsidising either directly or indirectly, Radio Bahia and/or Samuel Fernandez and/or any entity associated with him?

Substitute Clerk: Answer, the Hon. the Chief Minister.

640 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 427.

Substitute Clerk: Question 427.

645 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether Radio Bahia and/or Samuel Fernandez and or any entity associated with him has applied for any licence or permission in Gibraltar associated with the transmission of radio signals?

Substitute Clerk: Answer, the Hon. the Chief Minister.

650 **Hon. Chief Minister:** Mr Speaker, Her Majesty's Government of Gibraltar is not subsidising either directly or indirectly Radio Bahia and/or Samuel Fernandez.

In relation to Question 427, the answer is no in respect of information we have sought and obtained from the Gibraltar Regulatory Authority that regulate these matters.

Q428-438/2014
Sunborn Hotel/Credit Finance Company Ltd –
Details

655 **Substitute Clerk:** Question 428, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J... no? It is a question posed by Mr Netto and we would like to know who is going to be asking the question. Question 428, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

660 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government say if during the lifetime of the Sunborn Hotel in its current location, will there be a need to carry out yearly infrastructural or maintenance works, either on land or sea, within the vicinity of the area in order to maintain the environment and/or applicable health and safety conditions and, if so, please state what are such requirements, who will undertake such works and what costs are required on an annual basis?

Substitute Clerk: Answer, the Hon. the Chief Minister.

665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 429 to 438.

Substitute Clerk: Question 429, the Hon D A Feetham.

670 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please confirm that all monies due to Credit Finance Company Limited in respect of any Sunborn related loans have been repaid on their original due date?

675 **Substitute Clerk:** Question 430.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether the amounts lent by Credit Finance Company Limited to the owners of the Sunborn or in respect of the Sunborn have increased since 5th July 2013?

680 **Substitute Clerk:** Question 431.

Hon. D A Feetham: Can the Chief Minister please state whether the owners of the Sunborn or anyone else have made requests for an increase in the amount of Sunborn related loans since 5th July 2013, either from Government, the Gibraltar Savings Bank or any Government-owned or partly-owned company?

685 **Substitute Clerk:** Question 432.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of the total amounts of loans provided by Credit Finance Company Limited as at 31st March 2014, 30th April 2014 and 20th May 2014?

690 **Substitute Clerk:** Question 433.

Hon. D A Feetham: Mr Speaker, other than in respect of the commuted pensions of civil servants, Government arrears and other loans, can the Chief Minister please provide details of all payments made by Credit Finance Company Limited as at 31st March 2014, 30th April 2014 and 20th May 2014, broken down by (a) the amount of each payment made in each case whether the payment was made to an individual company or partnership; (b) the date of each such payment; and (c) their purpose?

700 **Substitute Clerk:** Question 434.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state how much has Credit Finance Company Limited paid out in respect of the commuted pensions of civil servants as at 31st March 2014, 30th April 2014 and 20th May 2014?

705 **Substitute Clerk:** Question 435.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details as at 31st March 2014, 30th April 2014 and 20th May 2014, of all sums paid by Credit Finance Company Limited to individuals and entities in order to allow them to pay off their debts to Government in respect of Government arrears broken down by (a) the amounts of each loan, indicating in each case whether these loans were provided to an individual, company or partnership; (b) the date such loans were provided; and (c) the type of Government arrears each loan was used to pay for?

715 **Substitute Clerk:** Question 436.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state as at 31st March 2014, how much money the Gibraltar Savings Bank has invested in Credit Finance Company Limited?

720 **Substitute Clerk:** Question 437.

Hon. D A Feetham: Can the Chief Minister please state as at 31st March 2014 how much the Government has, either directly or indirectly, invested in Credit Finance Company Limited?

725 **Substitute Clerk:** Question 438.

Hon. D A Feetham: Can the Chief Minister please provide a list of all employees of Credit Finance Company Limited as at 31st March 2014?

730 **Substitute Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, barely 30 months into Government we have delivered the now operating Sunborn Hotel, which provides the fabulous five-star hotel facility that the Financial Services and the Gaming Industry were saying Gibraltar needed. Now that it is on site and being used, people can see it is a fantastic asset for Gibraltar. A number of conferences have already been organised on board that might not otherwise have been organised in Gibraltar. I understand that others are already planned and booked.

735 The Government's first event aboard Sunborn, the Gala Evening for the Queen's Baton Relay, was a huge success. I trust the Opposition Member for Sport enjoyed his meal as we invite them and do not exclude them from such events as they used to exclude us.

740 The US Trade Mission event, which I was invited to open, was similarly an excellent function that really was to the standard one might expect in any modern European city as was, Mr Speaker, I hasten to add, the event at St. Michael's Cave, catered for by the Elliott Hotel and brilliantly supported by the Royal Gibraltar Regiment Corps of Drums and Band. Both the Leader of the Opposition and the Deputy Leader of the Opposition were invited, but unfortunately were apparently unable to attend.

745 So, on present showing, Mr Speaker, already we were certainly right to bring Sunborn to Gibraltar. The Sunborn Hotel is nonetheless a private facility and it is the responsibility of the owners and operators to ensure it complies with any requisite regulations and laws and the Government has no involvement in this.

Mr Speaker, in answer to Question 429, I am informed that it is indeed the case that all amounts due from all debtors to Credit Finance have been repaid on their due dates.

750 In answer to Questions 430 to 433, the total amount of the loan book of Credit Finance Company Limited, as at the end of March 2014 and at the end of April 2014, stood at £49.4 million. As has already been explained in the House previously, details of individual loans issued by Credit Finance Company Limited will not be given.

755 The total amount paid out to Government pensioners by Credit Finance Company Limited, stood at £21.4 million at the end of March 2014 and £22.6 million at the end of April 2014. The figure, as at 20th May 2014, is not yet readily available in the Treasury. A month end figure will be available.

The details requested in Question 435 remain the same as provided in answer to Question 758/2013 by letter of 23rd November 2013. Mr Speaker, I note that this letter was also copied to you.

760 Mr Speaker, the total amount invested, in answer to Question 436, by the Gibraltar Savings Bank in Credit Finance Company Limited stands at £400 million.

In answer to Question 437, the equity funding to date by the Government in Credit Finance Company Limited stands at £30 million.

Mr Speaker in answer to Question 438, other than the Directors of the company, who are all Government officials, Credit Finance Company Limited has no other employees as at 31st March 2014.

765 Mr Speaker, in order to alleviate the need for the Leader of the Opposition to continue to put recurring questions, I am asking that the information on the total size of the loan book of Credit Finance, the total amount of commutations paid as at the end of each month, the total equity invested by HMGOG in Credit Finance and the amount of any arrears to Government paid by loans from Credit Finance on the terms the information that was previously provided, should be put up on the Government website and updated as appropriate as at the end of each month.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman has provided me with the loan book which is nearly £50 million... just short of £49.5 million. He has also provided me with a figure of the payments made by Credit Finance Company Limited in respect of commuted pensions, which stood in April at £26.6 million. Can he confirm that the total amount paid, and there is a distinction... I am not talking about loan book. I am talking about the *total* amount paid by Credit Finance Company Limited in respect of loans, commuted pensions or anything else that Credit Finance has paid out, exceeds, and does he have the figure, exceeds effectively, the £49 point whatever, plus the £26.6 million?

780 Indeed, it is actually one of the questions that I have asked about the payments made, the total payments made by Credit Finance, which the hon. Gentleman has not answered.

Hon. Chief Minister: Mr Speaker, I do not think that I have not answered.

785 The loan book, the amount of the commutations... and that is it, Mr Speaker. I think we have had this discussion before. I do not know whether he is specifically asking...that is it. I think we have given, in the exchanges that we have had in the House, what it is that Credit Finance is spending on and I think I have given him every figure.

I do not recognise the figure of £26 million that he has mentioned –

A Member: It is £22.6 –

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Hon. Chief Minister: It is £22.6 million. That is the figure in respect of commutations. So unless I am missing something or unless I have given him information before, which I am referring to having given before and therefore is not a figure referred to here, I do not think there is anything else to speak of, Mr Speaker.

795 **Hon. D A Feetham:** Mr Speaker, can I draw the hon. Gentleman's attention... this is the danger with bunching up so many questions like this, but can I draw the hon. Gentleman's attention to Question 433? Question 433 asks, other than in respect of commuted pensions of civil servants, Government arrears and other loans, can the Chief Minister please provide details of all payments made by Credit Finance Company Limited?

800 Now, is he saying that effectively all that has been paid out by Credit Finance is its loan book, commuted pensions and payment of, or the provision of these loans to allow for the payment of Government arrears? That is it? There is nothing else?

805 **Hon. Chief Minister:** Yes, Mr Speaker, that is the position, but he is doubling up when he talks about the arrears paid to Government. Those form part of the loan book because they are part of the loans granted by Credit Finance, the purpose of which has been to repay Government arrears. So it is not that there is an additional amount; it is included in the £49.4 million.

810 **Hon. D A Feetham:** So effectively we are talking about £49.4 million, plus the £22.6 million. That is the totality of all payments made by Credit Finance as at the dates that I have asked.

Hon. Chief Minister: With the caveat, Mr Speaker, that there may be a figure for May 2014, which will be available at the end of the month.

815 **Hon. D A Feetham:** Mr Speaker, turning to Question 438 and to the employees of Credit Finance Company Limited, it just strikes me that Credit Finance Company Limited is making some very important decisions in relation to what payments are made, what loans are made and what we have is effectively... or is this the position that effectively the people that are making the decisions as to who gets loaned any money or any payments made are just simply the Chief Secretary, the Financial Secretary and the other civil servant
820 from the Treasury, who are making the decisions between them as to how £400 million is to be effectively invested. Is that the position?

Hon. Chief Minister: Mr Speaker, I do not see what it is that surprises him of that because of course we have added the Chief Secretary and somebody else from the Treasury to the position under the Act, whether
825 it is just the Financial Secretary on his own who can decide how the investments are made with the monies in the Savings Bank.

Hon. D A Feetham: Mr Speaker, is it the Government's intention for the entirety of that £400 million that has been invested in Credit Finance to be used as required by – and I hesitate to use the term – his
830 Government, but that is effectively what the reality of the situation is. Let us just call it Gibraltar Plc, shall we?

Hon. Chief Minister: Mr Speaker, we have had this discussion before and he has actually listed every single project in our manifesto and asked us whether we were going to fund it from Credit Finance and we have specifically said no in respect of each of them. So he has his answer, Mr Speaker. We are not going to be using it.

My Government, as he likes to put it, is not going to be using the monies in Credit Finance to finance any of the projects in our manifesto, if that is what he is trying to get at.

840 **Hon. D A Feetham:** Well, but Mr Speaker –

Hon. Chief Minister: I know he says it constantly.

845 **Hon. D A Feetham:** Actually, Mr Speaker, yes, he is using this particular money in order to pay for Government expenditure, because the very fact that it is being used to pay off the commuted pensions of civil servants, that is Government expenditure. The very fact that he is also using this particular money in order to allow people to pay off their debts, their arrears to the Government, releases other Government income in fact, and distorts the public finances of Gibraltar, but we are not going to have a debate in relation to this.

850 It just strikes me that £400 million is an awful lot of money that has been caused to be transferred... of savers' money from the Gibraltar Savings Bank into Credit Finance Company Limited and there must be a purpose, because if we are simply talking about loans to the Sunborn, Government arrears and commuted pensions, I do not expect that the payment of commuted pensions is going to escalate to £400 million. I am just asking what the Government's plans are in relation to this £400 million. Why such a colossal sum of money, which now exceeds over a third of the size of the economy, has been invested in this particular
855 company? What does the Government intend to do?

Hon. Chief Minister: He has got the wrong size of the economy, Mr Speaker; it is much bigger than that already.

860 Mr Speaker, let us be very clear, nothing that is being done distorts public finance in any way, because he knows what the numbers are. So if he says this – and I take the words much more elegantly used by the

backbencher – this *flatters* the Government accounts because you are not paying the commutations from the Government accounts, you are paying them from Credit Finance. We have told you what the figure is and so you can simply add it or subtract it from the amounts that you will have seen in the Estimates Book and you can say if you had paid the amount from here, then this is the amount you would have left over. This is not a distortion. This is just asking him to do simple mathematics; but if he is not able to do so, then I suppose then there would be a distortion.

Mr Speaker, we have explained the purpose of Credit Finance before on many occasions. It is intended as a vehicle that will produce the returns required in order to be able to pay the interest that the bank offers – that is the purpose of it. We say repeatedly that we are not paying for any Government projects out of it. Of course, as I have told him that we are paying the commuted pensions out of it, and we have answered all his other questions in respect of specific projects – the housing, the cladding etc. That is the position. He knows that is the position.

The only thing that fascinates me, Mr Speaker, is that it does not stop him – having had the information and having had all the detail – trying to go out and say the opposite to try and create a spectre of fear in people that something is somehow going wrong. But he gets it wrong, Mr Speaker, even when he says this is larger than one third of our economy. Where is he, Mr Speaker? Does he still think that the economy is at £1.2 billion, because that is what it would be if this were larger than one third of our economy. He has had the estimates, Mr Speaker. I tell you what, Mr Speaker, he has had last year's estimates and we have had a debate on last year's estimates and we were above £1.2 billion, so what is he talking about? Can he not do the simple maths?

Mr Speaker, the fact is that the Credit Finance debate has been had. All his questions have been answered. In future, all the information will be available on a monthly basis on the website. He cannot pretend that there is a distortion, because all the information is available to him, but he wants to go out and say the opposite. He wants to talk about a perfect storm, although the clouds have dispersed after 8th December. He wants to talk about there being financial problems, although, Mr Speaker, he knows that today, Community Care, for example, already has not zero, which is what it had the last time that they were in Government until 8th December 2011 and when I am doing like this across the floor, Mr Speaker, I am not saying to him that he did things well, it is that they left Community Care with zero. Today, Community Care has £35 million already, and it is not as if we have a usable cash reserve of £2 million. I am not saying to him, 'Well done. Peace brother', across the floor of the House. I am just reminding him of how much we had left at the end of their last financial year in office: £2 million.

The perfect storm gathered, Mr Speaker, but on the day of the new dawn the clouds dispersed. *(Laughter)* Financially Gibraltar is much better off. Look at the deposits in Community Care. Look at the usable cash reserve. Look at the size of the economy. It is not an amount of which £400 million is more than a third. Look at the facts and then make the argument, that is good politics; but distorting reality, trying to scare people and pretending something else is happening, that is bad politics.

Hon. D A Feetham: Mr Speaker, *mea culpa*. I am a complete illiterate – £400 million is just 2% of the size of the economy, it is really miniscule. £400 million is absolutely miniscule in terms of the size of the economy! It is absolutely miniscule.

Mr Speaker, look, the hon. Gentleman has said that the purpose as I understood it, the purpose of this investment was to allow for a return on investment to be made so that, presumably, those debenture holders in the Gibraltar Savings Bank could be paid off and it does not cost the Government money. Because, of course, if the Government is loaning... or the Gibraltar Savings Bank, I beg your pardon, is being lent money and is paying at 5% – and really in the market place at the moment it would be very difficult to actually get in any kind of safe investment, more than 1% I would have thought, the Government is really funding the balance.

Now he is saying, or the purpose as I understood him of this investment of £400 million, is to allow for the Government to pay that back. Now, how does he intend to do it? What super venture does he have, bearing in mind that I have been asking him about inward investment and all he was able to say to me at the beginning of the year was that all those trumpets that he blew in 2011, all that he has attracted is a coin-minting company, how in his miraculous way of dealing with the public finance of Gibraltar... what is he going to be doing with this £400 million to allow for those losses to actually be paid to the Government, or so that there is no loss to the Government?

Hon. Chief Minister: Mr Speaker, he wants to have the debate now on Credit Finance again. We have had it many times already.

Look, Mr Speaker, let me remind him of what it was that they used to do when they used to take the money in respect of debentures and offer a return. But first let me tell him that he should not distort – to use his words – what I have said to him in reply.

I have not said that £400 million is a small amount of money. I have not said it is 2% of the size of the economy. He said, Mr Speaker, and he is responsible for his words in this House, that £400 million was more than a third of the size of the economy. That put the economy at £1.2 billion. Our economy is bigger than that. He needs to understand that, otherwise the whole of the premise of the debate is incorrect.

925 So, having established that and assuming that he accepts he was wrong in that remark – but he says things quickly off the cuff without thinking and I accept that and I forgive him – let us move on to understanding what they used to do, because then he might be able to understand what it is that he is criticising.

930 His Government, the GSD under Sir Peter Caruana, used to issue public debt. They used to issue it directly, Mr Speaker – something which has been defended by his predecessor in this House. They used to issue debentures and they used to offer 5%. When they offered 5%, Mr Speaker, what they did was, they took the money from the debenture holder and they spent it on Government projects. They then repaid, from taxpayers' money, the capital and the interest. That is what they did and they have defended that Mr Speaker, which is one of the ways you can structure Government borrowing – perfectly acceptable.

935 There is now, Mr Speaker, the money going into the Savings Bank. The Savings Bank is offering the returns. The Savings Bank, in order not to have to ask the taxpayer for that money in order to pay that return, has got to make those returns in the market. It is making those returns with the money invested in Credit Finance that Credit Finance has applied to the purposes that we have discussed. It may be that Credit Finance does more loans and it may be that Credit Finance does more of these commutations – very good business it is too, very much the returns required are being produced in respect of the amounts already being used for that purpose, full stop. It is quite simple. In that way you produce the return.

940 If you do not invest the balance of the £400 million in anything that produces anywhere near the return, you have to put your hand in your pocket to pay the balance of the investment. That is what we are trying to avoid by making the money work. It is what every institution that takes deposits does – except of course the Savings Bank does it by buying the shares in the redeemable preference shares in Credit Finance in the way that has already been explained.

945 But Mr Speaker, he does not really want to have this this debate; he wants to talk about Credit Finance in pejorative terms in order to scare people, in order to talk about the perfect storm. That perfect storm, Mr Speaker, is not something that is remotely an issue based on reality. It is something that is absolute conjecture, designed by him for political purpose to scare people.

950 **Mr Speaker:** May I warn the Chief Minister and the Leader of the Opposition that they are now beginning to debate. I have been liberal, but I am not prepared to allow it very much longer. They will have an opportunity next month to debate to their heart's content but not this afternoon.

955 I will allow the Leader of the Opposition a supplementary.

Hon. D A Feetham: Mr Speaker, nobody here on this side of the House is trying to scare anybody. But of course, we are talking about significant amounts of money and we are talking about a break in practice from the past in the way that the Government is undertaking the public finances of Gibraltar.

960 And look, when I was asking the questions a number of months ago, the investment in Credit Finance Company Limited was £344 million. Now it is £400 million by the Gibraltar Savings Bank and another £30 million by the Government. That is £430 million and I just want an idea of what the Government policy is in terms of what it intends to spend this money on, because I need – because it is my duty as Leader of the Opposition – to be in a position to assess the risk to savers' money in relation to the expenditure. I understand that the Government underwrites it all, because the Government underwrites everything within the Gibraltar Savings Bank, but we are talking about significant sums of money.

965 Whether we talk about a third more than the size of the economy or just under a third of the size of the economy, it really does not matter, Mr Speaker, because these are very, very significant sums of money indeed.

970 I would have thought that as a democrat, as a man who placed as the cornerstone of his policy at the last election, openness, transparency, accountability, that he ought to see the concerns on this side of the House in relation to this particular issue and that he ought to be able to answer a straight question with a straight answer.

975 **Hon. Chief Minister:** Mr Speaker, the answers are always straight; it is the questions that are crooked. Does he not see, Mr Speaker...? Look, of course, it is a significant amount of money, but does he not realise, when he talks about whether as a democrat I want to be transparent or not, that we have given him full transparency. He knows what the money has been spent on. Now his questions... because it used to be, 'You will not tell us what it is spent on, hell and brimstone,' he used to say. But when he is told everything that the money has been spent on, Mr Speaker, he says, 'Now you must tell me what you *might* be thinking of spending it on.'

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So his question now is not about the £72 million or £73 million that has been invested. It is about the balance that has not been invested and he is not asking about actual investment; he is asking about future prospective investment.

985 Well, Mr Speaker, look, if I am telling him that we are going to tell him what has been loaned and what has been commuted etc, he is going to see what things Credit Finance is investing in. It is going to be entirely transparent. Whilst that remains a vehicle that the Government wishes to use for this purpose, he is going to not even have to ask questions in this House. It is going to be on the website, Mr Speaker. So what more transparency can he want?

990 They *like* to say Mr Speaker, that we are not transparent. Ten meetings a year, thousands of questions, every one of them answered. I offer them answers in private, they say no. Ten months later they ask the same question. I give the same answer and they say, 'What about private now?' I say, 'No problem, in private, you can have the answer on the things that matter to Gibraltar and could be a route map to our enemies.' Full and utter transparency Mr Speaker, because of course these are significant amounts of money and we are talking about what it is that they are being applied to and therefore there is no distortion. He just has to do the mathematics.

995 He says there is a break from the past, Mr Speaker, in the way that this money is being managed. Yes, there is a break from the past. We have been defending that break from the past from the minute that we started answering questions about this. We are saying this is active management of that money and he says, Mr Speaker, that he is the guardian and it is his duty to ensure that this money is being properly invested.

1000 Well look, Mr Speaker, as Leader of the Opposition he has wider duties than that. He can look at every penny that is being spent. We are answering his questions. But actually, it is the Financial Secretary that has statutory responsibility for that money. This money has not passed from his control into the hands of a third party. It has gone from one hand of the Financial Secretary into the other hand of the Financial Secretary and therefore there is absolutely no risk that the money is being dealt with by anybody other than the person who has statutory responsibility for it in the way that he thinks is the appropriate way to deal with it, and with more active management will come the better returns.

1005 Now, Mr Speaker, it will be a matter for him at the time of the election to be able to say, 'This has not produced the results that would have been produced', or to accept, as I hope he will, Mr Speaker, at the time of the next election if we are proved right, that Credit Finance was the right vehicle, that Credit Finance has produced the return, that Credit Finance has delivered no risk, but an excellent source of investment for the taxpayer.

1010 In respect of one particular thing that Credit Finance does, which are these commutations, he has to remember that Credit Finance is paying to the pensioner the commutation and is receiving a very steady income stream and that actuarially it is very clear that that is absolutely safe. All that is in the pot, Mr Speaker. All of that information is out there. It is now going to be available to anybody on the internet, month in, month out. What more does he want? He has had the information on what money has been spent on. He will see what future money is invested in and that is the end of it, Mr Speaker. There can be no more to delve for.

1015 But of course, Mr Speaker, there is one added element to all of this. It was he himself, Mr Speaker, who said that it is very likely that he is just at the end of the day the GSD's night watchman. Well, Mr Speaker, night watchmen spend their time at the graveyard, on the graveyard shift. What he needs to do, Mr Speaker, is stop digging.

1020 **Mr Speaker:** Does the Hon. the Leader of the Opposition have any – I will allow him one more supplementary arising from these ten questions that we are answering, because we must draw a line under this debate.

1025 **Hon. D A Feetham:** I have one more and the hon. backbencher has another one as well.

1030 **Mr Speaker:** Yes, go ahead.

1035 **Hon. D A Feetham:** Well Mr Speaker, the hon. Gentleman delights in the use of the words 'night watchman'. I have to say that I do not have the arrogance that has been displayed only this morning by the Hon. Minister Balban when he said that his Government was going to remain in office for 16 more years, or indeed the Hon. the Chief Minister when I think in the same programme or the *Talk About Town* programme, he said that he was going to be serving the people of Gibraltar for the next three terms. It is a matter for the people of Gibraltar, and then for my party.

1040 **Mr Speaker:** The Hon. the Leader of the Opposition might like to know that, on one occasion in a test match at Lords between England and New Zealand, the nightwatchman scored 99 not out! (*Laughter*)

Hon. D A Feetham: Mr Speaker, and this particular nightwatchman intends to deliver one or two knockout punches and one or two sixes from now until the next general election.

1045 But Mr Speaker, the hon. Gentleman tries to characterise this in a particular way, minimise the importance of this. Look, he has already invested a substantial... the company has invested a substantial amount of money. We calculate about £70 million loan book and commuted pensions, some of which has gone to housing estates, some of which has gone to allow people to pay for the Government arrears, including arrears of tax. That is not possible for the Opposition to determine what kind of risk to assess, get a flavour of the risk that this involves, because of course, we do not know the identity of who is in receipt of this particular money. That is the substance of our criticism as well as, of course, other criticism about the distortion of public finances.

1050 It just strikes me that the Government continues to invest substantial amounts of money in this particular company. As I said, it has gone up by nearly... Well, it has gone up from £334 million to £430 million, by about £100 million. Does the Government envisage that by the time of the next election the entirety of that £400 million is actually going to be used in whatever venture the Government chooses that this particular company invest in?

1060 **Hon. Chief Minister:** Let me start at the beginning, Mr Speaker, of that intervention. Mr Balban this morning did not say that we were going to stay in Government for 16 years. He said, Mr Speaker, that if we were to do something about that road, we would certainly do it in our first 16 years of Government because they seem to be very keen to ask questions and push us to do things which they appear to have had absolutely no interest in during the 16 years that *they* were in Government.

1065 I did not say Mr Speaker, and he knows it is not in my character however much he tries to mischaracterise me, that I would be Chief Minister for 10 years. What I said was that even if I had the opportunity of staying for longer than 10 years, because the people of Gibraltar might be prepared to tolerate me, I would not stay for more than 10 years because I have said repeatedly, Mr Speaker, that I will not be Chief Minister of Gibraltar when my son reaches the age when he becomes a student at Bayside. That is a personal choice of mine, whether or not my party wants me to stay or whether or not the people of Gibraltar want me to stay.

1070 I would have thought, Mr Speaker, that he would say, 'You are closer to my idea of term limits which I constantly put' – which is him – that he says it should be a maximum of eight years. Well, I am saying, Mr Speaker, I would do a maximum of three. That does not mean I think I am going to win three or I am taking anything for granted. Or is it, Mr Speaker, that every time he has talked about doing two, he has assumed that at one stage he is definitely going to win and do two and get the chance. So this bears absolutely no relation to reality other than just his attempts to twist everything to try and win an easy 'spin-able' political point – nonsense, the lot of it.

1075 But it comes to something, Mr Speaker, when you try and throw him a lifeline, he shows who he really is, because when you referred to the nightwatchman that succeeded, he says that he intends to land quite a few punches. Well, Mr Speaker, I remind him that when Mr Bossano used a punching analogy, he thought that this was absolutely terrible, that it showed a preponderance for violence, that he was a man of words, not a man of physical violence. Well, I commend to him, Mr Speaker, that he re-read his speech and not use that sort of language anymore because I certainly am not a man of violence. I am a man of words and I would not be looking to spend the next three or four years having a punch-up. I would much rather we just have civilised debates on issues.

1080 Now, Mr Speaker, avoiding a debate, but trying to answer the question: it is about £72.2 million that we have given the information today has been invested in a particular way. Mr Speaker, we have said on a number of occasions, and he likes to forget because it does not work for the argument he is trying to spin, that the amounts on the loan book are more than fully secured and those that had previously had arrears to Government did not, because of the fact that there was a debt, have in any way the Government debt secured, whilst through Credit Finance, the Government has – or the Credit Finance Company – has lent the amount against security. So there is now security in respect of those loans where there was not security in respect of those arrears.

1090 We have *had* this debate. He has *had* the information. He likes to pretend he did not so that he can continue to ask the same questions over and over again. [*Technical difficulties*]

1095 Well, it is not a power cut, Mr Speaker, but it is a gremlin in the system somehow that seems to have gone wrong. Oh, it is a power cut!

I am told, Mr Speaker, we should stop whilst they... Shall we recess for 10 minutes?

Mr Speaker: We will recess until we get power.

The House recessed at 4.37 p.m. and resumed its sitting at 5.40 p.m.

Substitute Clerk: Mr Speaker.

1100 **Mr Speaker:** The Hon. Sir Peter Caruana I think wanted to ask a supplementary before the power cut. Chief Minister?

1105 **Hon. Chief Minister:** Mr Speaker, I had not finished my answer when the power was interrupted, but given that I think I had given the substance of what I was going to say to the Hon. the Leader of the Opposition and obviously my thread has gone, I think I will leave it there.

Obviously the interruption of the power reminds every one of the urgent need for the grid and the new power station to be developed as soon as possible in the interests of our community, which is exactly what we are working on.

1110 **Hon. Sir P R Caruana:** Yes, Mr Speaker, as I understand the hon. Member's position, it is that of the £70-odd million that have been invested, the bit that has been invested in the... which we debated last time I took part in a question and answer session on this subject that has been invested in an attempt to boost the yield so to speak of the fund in the Government pensions commutations.

1115 Is there anything the hon. Member can tell us by way of just information about how that investment is calibrated in terms of releasing profit? Given that in effect what you are doing is buying the pension rights which die with the pensioner and therefore it is a straightforward sort of life insurance annuity company type investment, is the release of profit which you can then use for the general yield of the investment, is that done on the basis of, per pensioner, has this particular pensioner died early thereby liberating profit or died late thereby creating profit rather, as opposed to costing profit, or is it done on an actuarial basis?

1120 If on the latter, presumably you would need statistics before it could be particularly reliable. You would need a longer tail to use insurance company jargon, before you could rely on it.

How do you calculate profit is the question, really?

1125 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I believe that the way we are calculating the level of profitability is in fact the more conservative way, which is since the yield exceeds the cost... that is to say, the return on the money is 8% because the commutation is a lump sum which is 12 times the pension. So if you do it in the reverse, the return happens to be 8% per annum on the amount that will be given to the pensioner. Not the cost, the income, the revenue of the pension is 8% of the lump sum –

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Hon. P R Caruana: Whilst he lives.

1135 **Hon. J J Bossano:** Whilst he lives, so we are paying out 12½ times the pension and therefore if you pay out x thousands of pounds – in some cases we are talking about a couple of hundred thousand quid or more – then that in effect starts yielding 8% per annum from the first monthly pension that is received.

Since that is in excess of the cost of the money, what we are doing is that in effect in terms of accounting for the income stream, it is being used as if it was similar to a mortgage which is a repayment mortgage where you are reducing the capital by the surplus of the interest which is the profit.

In terms –

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Hon. P R Caruana: You might end with a capital loss –

1145 **Hon. J J Bossano:** You might end with a capital loss if a lot of our civil servants die within eight or nine years of retiring. Given that they are all retiring at 55, it would be a major change in the demographic statistics with which we are working. The reality of it is that life expectancy is around 78 years in Gibraltar, the average male life expectancy. I know what a hard life civil servants have, which may reduce our life expectancy, but there is no evidence of that happening. *(Laughter)* Therefore, if anything, they are likely to live more. Some politicians expect to live well over 90 years, so on that basis the commutation is likely to be a very profitable business.

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The reality of it is that we are taking a conservative view, rather than saying well look, we will take all the income up front and by reducing the amount of capital that we have outlaid, rather than taking the profits upfront, we are likely to have a situation in a not very long space of time, where the amounts that are coming in will be, to a very large extent, financing what we put out once it gets to a certain critical mass. The income that comes in will mean that we have reached, for example, the end of the repayment of the original lump sum and we will still be getting an income which as well as being 8% to start off with, is actually programmed

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to increase by a minimum of 2% per annum, because the hon. Member will remember that he introduced into the Civil Service Final Salary Scheme, a minimum increase which was either inflation or 2%.

1160 **Hon. Sir P R Caruana:** And of those pension payments that you are collecting, are you releasing any part of it? Did I hear him say that he was or he was not releasing a part of it or he was keeping the whole of the annual pension payments for the eight years and then only kept the profit if the pensioner lived more than eight years, or in year one, on the basis of some actuarial assumption that people will live more than eight years – of course some might not but many more will than will not – are you releasing part of each payment, even from the very first payment? Are you releasing any actuarially computed part of each premium payment, 1165 if you could call it that, which would have been the monthly payment of pension collected by the pensioner had he not commuted with you, is any of that being released as profit, which is how an insurance company or how life insurance annuity company would do it?

1170 **Hon. J J Bossano:** This is why I started off by saying I believe we are adopting a more conservative approach, so rather than taking the profits as we go along, on the basis that every year we will have a profit, we are taking enough of the income to cover the cost of the capital and the balance we are using to reduce the amount of the loan, as it were. So that in fact the...

1175 **Hon. Sir P R Caruana:** On the capital in terms of what the commuted... what you are paying to savers, not in terms of... That is how you get the return –

Hon. J J Bossano: That is right, yes.

1180 **Hon. Sir P R Caruana:** – that we spoke of before. That is how you are matching the yield gap, closing the yield gap that you need to pay the [*inaudible*].

1185 **Hon. J J Bossano:** If I were to give a simple example, if the cost of the money is 5% and the income is 8%, then effectively the 3% would go to reduce the size of the money that theoretically we have got at risk. So in effect, it means that the amount we have paid up is... I mean in terms of the amount of cash in the company does not make any difference, but we are treating some of it as repayment of capital and some of it as income.

1190 **Hon. Sir P R Caruana:** So in fact the Government, for the company as a whole, not to be in a loss-making situation, pensioners need to live more than eight years because if you are only using 3% a year, and of the 8% the other 5% is going to meet the cost of capital, the amount by which you are reducing the 5% is going to pay the cost of capital in terms of the annual interest cost of capital, only 3% of the 8% are going to reduce the capital liability, so they would have to live more than eight years for the whole of the capital to be repaid, so to speak, at the rate of 3% per annum.

1195 **Hon. J J Bossano:** Well yes, and then the effect of that is that after year one, the return goes up every year because you have got two elements that are increasing the yield. You are reducing the size of the payment that you made, but the return that you are getting is the same as if the original amount was there and the original amount is index linked.

1200 It is true that it will take more than eight years for the whole of the capital, but in fact the return in the final year is that you might be getting £50,000 on a theoretical return of an investment which is only £1.

1205 **Hon. Sir P R Caruana:** Yes, in terms of return on capital, yes, but in terms of capital at risk of not being... In terms of return on capital, yes, every year that passes, your return on the remaining capital outstanding is hugely increased, but in terms of the amount of capital in jeopardy, if I could just call it that, it may not be covered. People may die soon and you may be left, having commuted a civil servants pension – let us say somebody unfortunately dies young – you will have a capital loss that might run into £100,000 if he dies very young. That hopefully will be covered by the many other civil servants who do not die before the capital has been repaid.

1210 So in terms of the recoverability of the capital, it is not really done on an individual by individual basis, some individuals will be loss making, obviously – the ones who die. Other individuals will be hugely profitable if they live to a ripe old age of 100 and the Government is having to carry on paying the premiums, the monthly sums, those will be hugely profitable and those will make up for the capital loss in the cases of people that you have paid out a commutation to and then die the next day. In which case, all of that capital will have been lost.

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1220 **Hon. J J Bossano:** Yes, it is in fact... You could argue that you are going to lose money on 5% and make a profit on 95% but it is not being done on an individual basis. The whole of the money that is paid out in one year is then treated in that way and even if there are some unfortunate people who die before, the amount that we lose on the basis of the statistics that we have got of the rate at which people die after they retire, we are fairly confident from the figures the Treasury has produced that the whole thing will be quite a profitable thing and since people want it, and we are delivering them, it is their choice. I mean people can choose to carry on with their pensions because it is their –

1225 **Hon. Sir P R Caruana:** Actually it suits the Government that people should retire earlier rather than later.

Hon. J J Bossano: Well, it suits the Government that if they choose to retire earlier, they take the option. That is what suits the Government!

1230 **Hon. Sir P R Caruana:** You are more likely to recover your investment, the earlier you retire.

Hon. D J Bossino: Mr Speaker, there is just one question arising in relation to the Credit Finance Company Limited which I would like to pose. It is simply a factual point in respect of which I would be grateful if the Chief Minister could assist.

1235 There is a scheduled answer which was provided to my Hon. and Learned Friend, Mr Figueras to Question 419, which lists the Government-owned companies which have paid out in legal fees to legal firms. There are two instances where Credit Finance Company Limited features. One is in September of last year to a firm called Hammarström Puhakka Partners, Attorneys Limited for a sum of about £14,000 and the other one is in March of this year to Hassans for about £75,000.

1240 Given that the expenditure as explained by the Chief Minister before, or rather that Credit Finance Limited has a loan book of about £44.5 million and I think he also mentioned the other expenditure is in relation to commuted pensions of about £22-odd million, can he explain how this fits in? Is this only in relation to the loan facilities which have been provided? Is that the legal work in relation to that?

1245 **Hon. Chief Minister:** Mr Speaker, I do not like to speculate but I will assume for the purposes of a debate that it is the case, and it is very likely that as part of such loan facilities the costs of Credit Finance Company Limited will actually have been amortised and borne by the borrowers. (*Interjection*) Yes, but it does not mean that Credit Finance would not pay it. They would have been assumed by the borrowers, but it would be Credit Finance instructing and making the payment, even though then it recovers it from loans. That would be the usual way in which it is done, even in a commercial transaction.

1250 **Hon. D J Bossino:** Perhaps if we can find a way of securing confirmation of that information, because I take it that the Chief Minister is unsure of the answer he has given, by writing to him.

1255 **Hon. Chief Minister:** Mr Speaker, I would seek to confirm that, but again, without indicating in respect of what particular facility it might be, I would simply write to the hon. Gentleman if he wishes and say yes, I can confirm that this relates to work done in respect of the loan facilities granted by Credit Finance Company Limited.

1260 I am quite happy to confirm that to him in writing if somebody who is listening is making a note and ensuring that my Office prepares a response.

Hon. D A Feetham: Yes, Mr Speaker, and that obviously it forms part of the £49 point something million – £49.4 million I think it was – loan book for Credit Finance.

1265 And just, Mr Speaker, for the sake of the record, the economy was forecast by the hon. Gentleman to grow in his Budget speech last year to £1.224... so if I said over a third, it is just about a third of the size of the economy, £400 million. Indeed if one takes £400 plus, the £430 million is probably a third of the size of the economy or slightly over.

Hon. Chief Minister: I am grateful that he accepts that he was wrong about that, Mr Speaker.

1270 Of course, Mr Speaker, it is Hassans that were paid the fees. So given that it appears he acts for Credit Finance Company Limited, I am sure that he thinks that it is not such a problem company after all.

1275 **Hon. D A Feetham:** Well, Mr Speaker, as a partner of Hassans, the hon. Gentleman probably knows as much as I do. I stay away from partnership issues of Hassans, because of course every single time, he makes exactly the same point, and therefore I choose to stay out of it. But he is a partner of Hassans, so therefore he has as much knowledge as I do.

Hon. Chief Minister: Mr Speaker, whether he likes it or not he is a partner of Hassans and whether he stays away from things or not, I am on a sabbatical. He is not: he is actively a partner of Hassans. Credit Finance can consider him their lawyer and take very badly the fact that he is suggesting it is in some way acting and not in the interests of the Gibraltar taxpayer, and may want to take that up with his partners.

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Hon. S M Figueras: Mr Speaker, I would like, if it is alright by the Chair, to ask a supplementary in relation to the information, I think it was also in relation to Question 419 where I was provided with information about the legal drafting services, where we had the dispute as to whether it had been published or not.

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Yes, Mr Speaker, the information that the Hon. the Chief Minister provided me – well, did not provide me, sorry, as the case may be – that I accessed on the internet, there is a discrepancy between that information and the information as was published at the time when the question was asked, Mr Speaker.

The one particular discrepancy I am referring to is that in respect of one of the legal drafting service providers, namely Mr Vinet, who had, until the point when the question had been asked, been included on the list of legal drafting services providers, is now, in the information that is posted on line, in the general legal services table.

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Could the Chief Minister perhaps provide an explanation as to why that is the case?

Hon. Chief Minister: No, Mr Speaker, the fact is that I – (*Interjection*) no, hang on! (*Interjection*) Okay.

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Hon. D A Feetham: Just to clarify that, when the information... you may recall that when I asked the question, the Hon. Chief Minister said, 'We are going to be posting this information today.' When it was posted there was a list of people, including Mr Vinet, as legal drafters. In fact the work that each drafter had done for the money had not been published, which was what I asked.

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It appears now that in recent weeks, he has been taken out and placed somewhere else, and that is really what we are querying – the reason for that.

Hon. Chief Minister: Mr Speaker, I do not know the answer to that. I do not actually contract these services myself. I am quite happy to look at it. It may be that he has been put in a drafting table when actually it is a services table and whenever they have done the refiling of the information, they have changed it round. I am quite happy to go back and check and if the hon. Gentleman writes to me, I will send him the answer.

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Mr Speaker: Now we revert to the Hon. Mr Damon Bossino who had not finished with questions to the Hon. the Minister for Employment.

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Hon. D J Bossino: Yes, before everybody falls asleep, Mr Speaker!

Actually just to point out, I was quite interested when I was listening to the Hon. the Minister for Employment's answer, when he was answering the hon. Member Mr Caruana, when he said in terms of life expectancy, just to point out that Santiago Carrillo and Dom Mintoff both on the left of the political spectrum lived way into their 90s. So the hon. Member really can draw comfort from that!

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Mr Speaker, if I could go back to Question 402, one of the companies which featured in that question is SECL, which relates to those who are in supportive employment. Can he explain what criteria there are, if any, to allow individuals basically to be employed by this company? What is it that his Department considers in terms of disabilities and what are the requirements in order to access employment in this particular company?

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As I understand and recall from his previous answers, this is not one where you enter into agreements with the private sector and they are permanently employed with this company for obvious reasons.

I would just like to know whether there are any criteria in terms of admission, in effect.

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Hon. J J Bossano: Well, the number that we originally inherited was 46 and it has grown since, basically by virtue of the people that we have registered as looking for employment and their ability to cope with a normal job – although in fact some of the people that were there originally have actually been able to get jobs in the market. They have applied for jobs, we have helped them and they have actually left, so in fact the total, you will see that in some months it is actually lower and that is because some people have actually left the company and gone into employment with a normal salary and a normal job and that kind of thing.

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The bulk of those who are there are people we are trying to help effectively to finish up with a normal job but it may not be possible. Therefore it is an evaluation that is done based on the experience we have of trying to get them work.

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In some cases, it is obvious from the moment they leave school that they are not going to be able to cope with the normal problems of the job market and generally it is the same criteria that were used in terms of the original 46, there are a certain kind of problems related to some kind of conditions, which were generally the

ones that led to the 46 individuals in the beginning – people who fall into that kind of category automatically when they leave school would have gone into the old system and now go into this one, using the same criteria that was being used before.

1340 But, because we have widened the net as it were, the increase is because it was not just a kind of traditional conditions that were thought to make it very difficult to get work that are in there. In some cases, it is because people have been in normal jobs and it has been impossible for them to carry on working and in some instances it may be that they are close to the age when they become entitled to some income from the social security or from community care or something like that and we are bridging the gap by putting them here for
1345 two or three years and giving them an income and giving them some kind of a job to do in return for that income, which in those cases is usually somewhere in the public sector.

About two thirds of them are placed in the private sector and those in the private sector often make the transition to a normal job. But the answer is that the criteria that were being used for the original 46 are still used for people with similar conditions and in other cases, it is a question of people having been identified as
1350 being difficult to place through the time that they have been registered seeking employment or the problems they have had in keeping a job when they get one.

Hon. D J Bossino: That is precisely the point I wanted to explore further in terms of the ‘widening of the net’ as he puts it. How has the net been widened? Can he be more specific in relation to that?
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Hon. J J Bossano: Well I have just explained it, Mr Speaker. The net has been widened because there was a list of conditions that the 46 fell in and if anybody is covered by those, then we take it for granted that they would have gone into the old system and we put them in the new one.

In addition to that, some people who are in their 50s and who for a variety of reasons may find it impossible to get work and are caught in-between – maybe they have had an illness, they have had an operation, they are not able to hold a job – we then help them by giving them an opportunity to be in this company, to be doing something and to have an income, until they get to the age of 60 and they get an income.
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Other people are people that, having come out of school and having been in the labour market in competition with others, have found it very difficult to get a placement or to get... We try first through ETCL and the normal placement and a business partnership agreement and a job at the end, so we try with everybody in that scenario. It is only when we find that it is very difficult and we think that we may not be successful, that we then look at the possibility of putting them in the Supported Employment Company. But even when they go in there, what I am saying to the hon. Member is that it is not the end of the road, we still try to get them back into the normal job market and we have succeeded in two or three cases this year so far, for example. So we have actually had two or three people leaving the system of SEC and entering back. So whereas at the beginning in 2012 when we started it, SEC was, as it were, a closed shop in the sense that the categories that were there were the ones that were there. Since then we have used it to be more of a half-way house between ETCL and unemployment.
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Mr Speaker: Next question.
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Hon. D J Bossano: Mr Speaker, I think there is one further supplementary which arises from a question which has been answered by the Hon. Minister and that is Question 405 and for his assistance, it relates to the GRAD trainees and as to where they are currently placed.

I took a very quick note of what he said. I think he talked about public administration and other services. There are one or two questions I wish to ask. The first one is are all these trainees exclusively in the public sector or are some of them also in the private sector?
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Hon. J J Bossano: Those in other services are in the private sector and those in the private sector are all with business partnership agreements and a job guarantee at the end.
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Hon. D J Bossino: And if he could explain how that fits in with the manifesto commitment in relation to graduates’ employment because I think the idea, certainly how it started off in 2011, was that this would be offered to returning graduates to Gibraltar and that they would be specifically carrying out work – I think the wording used is ‘in the Department’, I assume it is in the hon. Member’s Department – to assist in research activities in connection with inward investments. There was a very specific commitment. Presumably the Minister has decided to move away from that and use and widen the policy, if you like. Can he accept that the premise of my question is right, that there has been a moving away from the commitment as set out in the manifesto?
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Hon. J J Bossano: Well, not quite, Mr Speaker, because we have not moved away because what was done in the manifesto is what we intended to do when we were told by the previous Administration that the

1400 numbers of graduates were about six. That is what we were told in the budget before the election and the unit that is doing the research consists of six. But we have not got six; we have got 60 – ten times the number. We have not got the amount of work in research for investment opportunities and training and the kind of research that has been done in the skills audit and that kind of thing, to keep 60 people involved in doing that.

1405 Moreover, some of the people that were taken in during the course of the last 12 months were not people who were returning graduates, but people who had become unemployed having already been in the labour market. Therefore, those are, in effect, in GRAD on the same terms that they would be if they were in ETCL.

1410 If they are in a private placement, they are in a private placement with a BPA at the end and a job guaranteed. If they are not in a private placement, then they are effectively in different Government Departments where they are really doing something for the Government on the basis that they are moved around and they acquire skills which improve their prospects of employment, when they apply for jobs either in the public or the private sector. But they have to apply in competition with everybody else; they do not get a greater opportunity than if they were not in there.

1415 In some specific instances, there are some graduates, particularly in... I think we have got three or four that are civil engineers, where we are giving them the opportunity to work in civil engineering, because in fact, in looking at the succession planning in the Government, the reality is that the returning graduates would have been in the impossible situation that when vacancies come up, they would not have been able to apply because the requirement would have been that they would have had post-graduate experience of working in a civil engineering capacity which does not exist outside the Government. So you had a situation where if we did not give them the opportunity of getting experience, when the jobs are advertised, we would have finished up with unemployed civil engineers in Gibraltar and having to import experienced civil engineers from outside.

1420 So that is one kind of category that was not envisaged at the beginning, but in the light of experience and the advice from the Department that they have in problems of recruitment that they cannot put somebody straight out of university into the job and expect him to do it, simply because he has got all the necessary qualifications, if he has not been working previously somewhere. So we have got a number of grads who do not have a guaranteed job in the Government, but what they are getting is the experience that will qualify them to apply for the job when the job comes out.

1425 That is true also of some cases where what we have done is provide people with the opportunity of doing some work in certain Departments where their registration in the United Kingdom in the profession would be lost if they did not get continued experience to prove that they are still using their knowledge, for example in the laboratory in the Health Authority and that kind of thing.

1430 So really, the extension of the scheme beyond the original programme for six or seven graduates doing research has been driven by a number of different factors. One of them has been giving specific professionals an opportunity to gain experience so that they are able to compete for jobs when the jobs come out, giving people the opportunity to retain their registration in the United Kingdom, or else simply helping people who have been unemployed so that they do not have a period of unemployment when we have had difficulty in finding them a placement. In some respects, it is more difficult to find work for graduates than for non-graduates.

1440 **Hon. D J Bossino:** So, Mr Speaker, just to be absolutely clear, the hon. Member's position is that this commitment was made on the basis of answers that he was given in the previous House by his predecessor, to the effect that the number of returning graduates was six in number. So is my understanding correct or is it not?

1445 **Hon. J J Bossano:** Well Mr Speaker, I think my command of the English language is sufficient to make myself understood!

1450 I have said before and I have said today, that the commitment to set up a unit of graduates to carry out research for the Employment Service was on the basis that the information available to us when we designed the concept was that on average, at any one time, the number of people who were unemployed who were returning graduates was of the order of six or seven people.

1455 Therefore we thought well, six or seven people can come in, do the research for the Government, rather than come in, be unemployed, not find work and then go back to the UK because all they did was come here in the summer and if they could not find work at the time, of course it might have been that there were periods in the past when the situation in the United Kingdom was that people that came out of university found work easier than has been the case recently. Maybe in the past the numbers were not as great as they have been in the last couple of years.

Because of course it is true that in many instances we used to have a lot of the graduates coming back and just working the summer here, and if by September or October when the summer season finished they could not find work here, they would go and most of them would not come back.

1460 The idea was that if we had six or seven people who were doing that and then disappearing, it was better to give them an opportunity to do something here which would retain them in Gibraltar, we would use them to do research for the Government and by being here, they would be able to be in a position to apply for the jobs that come up which they might not do if they left Gibraltar. Because we want, having invested, as we do, £12 million every year in sending people to university, then if we can provide them with work here, it is better that our people should be here in the view of the Government than that we should have to import graduates from elsewhere while we are losing ours to other places.

1465 So that is the context of how the scheme started and the context in which it has grown as it has grown. The present size is composed therefore of three elements. There is the Research Department that was there originally; there are the people who are in a discipline where we need to help them in order to be able to equip them to be able to apply for jobs, because the degree with no experience post-graduate is not much use; and the third category are people that we are giving an opportunity to get experience and do work for the Government in different Departments, but with the intention that they should find work in the private sector and they know that. They know that what they are doing is being helped to obtain experience but not being offered a job in the Government.

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q406/2014 Skills audit – Progress update

1475 **Substitute Clerk:** Question 406, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide the House with an update as to progress in relation to the skills audit which he has said the Government is conducting?

1480 **Substitute 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, this is an ongoing exercise. There have been regular updates of the analysis for the construction industry – which I told the House about when this question was previously asked – monitoring its composition in terms of skills and as regards age and nationality of the workforce.

In addition, an audit has been conducted in the care services and related industry, electricians and related trades, tourism and leisure, gaming, child minders, hairdressing and beauty, and the accounting sector.

Currently the Research Unit is doing an audit for the wholesale and retail sector.

1490 **Mr Speaker:** Does the Hon. Mr Bossino have any supplementary on this, arising? Please do.

1495 **Hon. D J Bossino:** Mr Speaker, I think the hon. Member mentioned a unit that is looking into this. Is that correct? Can I ask him what resource has actually been dedicated to this in terms of, the resources in his Department in terms of employees who form part of this unit? How many people are looking into it and if it is possible, and I understand it may not be, to break it down in terms of how much expenditure is being dedicated to this?

1500 **Hon. J J Bossano:** Well, the only expenditure is the wages and the cost of the electricity for the computers. The team is a team of six graduates that are in the Research Unit so they are the ones who are doing it. This is one of the jobs that they are doing. It is not the only thing they do but this is one of them. I mean for example in terms of the construction industry, which is the one we concentrated on from the beginning, because it was evident from the employment surveys that the participation of Gibraltar and other residents was very low, but we did not know before the exercise was done. We had an average figure but we did not know in different trades what was the share held by residents.

1505 Well, for example the first thing we found out – which was the reason why we decided as a matter of policy to start last September with training for tilers, bricklayers and plasterers – is that in that area Gibraltarians were 7% of the workforce. So that for every 100 employees in the construction industry in the work trades, seven were Gibraltarians and 93 were outsiders. So clearly there was an area where there was a skills deficit which was very visible.

1510 In the case of plumbers, for example, the situation was that 55% of the plumbers were Gibraltarians and
45% were outsiders. So given that the entire concept of everything that we are doing with the companies and
with the training is that we provide people with skills for which there is an identified demand, we identified
the demand first and the demand is identified by the need to import labour to meet the demand. So where we
1515 have got a situation where we are having to import 93% of the workforce, it is logical to say well if we had
more people here, we would need to import less than 93% and that is part of the rebalancing exercise that
will be taking place and it started in the construction industry.

I can tell the hon. Member that the latest report that I have had from the unit is that for example in the last
12 months – that is, in the last financial year – the Gibraltarian workforce in the construction industry has
gone up by 18% and the non-resident workforce has gone up by 17%. We have still got a very long way to
1520 go because of course there are many more of the non-residents than residents, but we are beginning to try and
recover a greater involvement in that area.

We are therefore looking at other areas initially on the basis of deciding where we need to be encouraging
people and providing training. So if we find – as I have told the hon. Member – in the other areas that we are
looking at, the purpose of the exercise is to establish which areas in terms of skills and which areas in terms
1525 of industry are very highly dependent on Frontier Workers and which are less. Therefore in those where there
is a very high dependence is where we want to do something to change that so that our dependence is less.

In addition, at the same time we are looking at the age profile, particularly the age profile of the resident
workers because the reality is that the imported workers tend to be on the whole younger. But the age profile
of the resident workers means that as well as being in some areas a small percentage, they tend to be a small
1530 percentage and in the higher age ranges. So it means that if we do nothing, the percentage will go from being
small to being zero, because there are people who are closer to retiring age, people in their 40s or their 50s
rather than in their 20s. So you know that is essentially the work that is being done in terms of the nature of
the audit and the use to which the audit results are being put.

Q411/2014

Public Service personnel – Net increase in numbers

1535 **Mr Speaker:** Can we deal with the questions in the Order Paper down to the Leader of the Opposition,
to enable him to attend a pending engagement? Can we call Question 411?

Substitute Clerk: Question 411, the Hon. D A Feetham.

1540 **Hon. D A Feetham:** Mr Speaker, I am very grateful.

The Hon. the Minister for Financial Services and myself are attending a black tie function by the Funds
Association at half past seven. That is the reason why.

1545 Mr Speaker, can the Chief Minister please provide the total net increase in the number of personnel in the
public service from 1st April 2013 to 31st March 2014, by reference to the Civil Service, Gibraltar
Development Corporation, Government-owned companies and Public Authorities?

Substitute Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health &
Safety.

1550 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr
Speaker, the net increase in the financial year 2013-14 in the number of personnel on the public service
payroll in each of the four areas is as follows: Civil Service, 47; GDC, 12; Government Companies, 40; Public
Authorities, 48.

1555 **Mr Speaker:** Next question.

Q412-414/2014
Public debt and debentures –
Figures for 2014

Substitute Clerk: Question 412, the Hon. D A Feetham.

1560 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please give a breakdown by bank and amount, of that part of the aggregate public debt which comprises bank debt, as at 28th February 2014, 31st March 2014, 30th April 2014?

1565 **Substitute 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 that question together with Questions 413 and 414.

1570 **Substitute Clerk:** Question 413.

1575 **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 28th February 2014, 31st March 2014 and 30th April 2014?

Substitute Clerk: Question 414.

1580 **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 31st March 2014?

Substitute Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1585 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the aggregate public debt consisting of bank debt was Barclays Bank plc £150 million and NatWest Offshore Limited £50 million for each of the three months.

The part of the debt in Government debentures by maturity dates were as follows: in February, 2017 debentures, £67,813,800; one month's notice, £87,859,400.

1590 In March, the figure for debentures is the same: £67,813,800; and the one month's notice is slightly down, £87,148,200.

And in April the same figure for debentures and the one month's notice is £86,940,100.

1595 The value of the Gibraltar Savings Bank debentures and other debt security by maturity dates as at 31st March was: one month, £24,123,900; 2015 Debentures, £44,161,200; 2016 Debentures, £23,068,600; 2017 Debentures, £87,840,000; 2018 Debentures, £165,054,000; other Debentures, £25,533,300; Bonds, £73,880,639; Deposit Accounts, £404,382,242.

The aggregate Public Debt consisting of Bank Debt was; Barclays Bank plc £150 Million, and NatWest Offshore Limited £50 Million, for the three months.

Government Debentures by maturity dates were as follows:

As at 28 February 2014:

2017 Debentures	£67,813,800
One month's notice	£87,859,400

As at 31 March 2014:

2017 Debentures	£67,813,800
One month's notice	£87,148,200

As at 30 April 2014:

2017 Debentures	£67,813,800
One month's notice	£86,940,100

Cont. Q414/2014

The value of the Gibraltar Savings Bank Debentures and other debt security by maturity dates, as at 31 March 2014, was:

One month	£24,123,900
2015 Debentures	£44,161,200
2016 Debentures	£23,068,600
2017 Debentures	£87,840,000
2018 Debentures	£165,054,000
2019 Debentures	£25,533,300
Other Debentures	£7,913,973
Bonds	£73,880,639
Deposit Account	£404,382,242

Mr Speaker: I think the hon. Member may have left out 2019 Debentures, I did not hear him.

1600 **Hon. J J Bossano:** 2019 Debentures is £7,913,973.

Mr Speaker: No, if he will check again, I think it is £25,533,300.

1605 **Hon. J J Bossano:** I will read the whole thing again just to be on the safe side, Mr Speaker. (*Interjection and laughter*) Why not?

Chief Minister (Hon. F R Picardo): Too much information.

1610 **Hon. J J Bossano:** Well Mr Speaker, if they are so keen for these figures, I thought they would enjoy hearing it. (*Interjections*)
2019 is £25,533,300. Then the Other Debentures is £7,913,973. The Bonds £73,880,639. £404,382,242 is the Deposit Accounts.

Q406/2014
Skills audit –
Question continued

1615 **Mr Speaker:** We now come back to the Hon. Mr Damon Bossino.

Substitute Clerk: Question 407. (*Interjections*)

1620 **Mr Speaker:** Do you have another supplementary? I am becoming very frustrated just now, because neither the questions nor the answers are short or sharp or to the point. This is going on and on and on and that is not the purpose of Question Time.

1625 **Hon. D J Bossino:** Okay, Mr Speaker, in relation to the skills audit, the hon. Member has said in the past that the census would have an influence in the production of the skills audit. Can he give any information in relation to the census? Is that complete?

Mr Speaker: No, no he cannot.

1630 **Hon. D J Bossino:** No?

Mr Speaker: He cannot.

1635 **Hon. D J Bossino:** I thought he was just about to Mr Speaker.

1640 **Mr Speaker:** He cannot! I do not see where the census arises from any of these questions. I am sorry. None of the questions on the Order Paper have anything to do with the census and we are not going to inject new material that could keep us here till tomorrow. I am not having that, I am sorry. I am very sorry for hon. Members, but if they want to ask questions on the census, you put the census down on the Order Paper.

1645 **Hon. D J Bossino:** But Mr Speaker, with respect, the answers that the hon. Member – I can refer to *Hansard* – has given in the past directly relates the skills audit to the census which was anticipated to be conducted by the time that he last answered these questions in October 2013, and he thought – because I think the questionnaires which were being sent out as part of the census project would elicit information which would be very useful to the Minister in finalising and producing the skills audit.

So I think there is a very clear link in the answer that the Hon. the Minister has given in the past and I just wanted to know given – (*Interjection*) No, Mr Speaker, just so that there is a correlation with the previous answers which the Hon. the Minister has given in relation to this specific issue in the past.

1650 **Mr Speaker:** Okay.

1655 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the census should have taken place in 2011. For reasons which are not very clear, it never happened. When they eventually got round to doing it, it was a lengthier exercise than anticipated and it has still not been put together, so the answer is that we still have no information on the result of the census.

What I did say initially was that there is a difference between the information I am giving him because the information that I am giving him includes Frontier Workers and the census will only include the resident workers, but –

1660 **Hon. D J Bossino:** You have explained that before.

1665 **Hon. J J Bossano:** Yes, I have explained that before. But it would give us another source of raw data to test against the resident workforce composition, which would enable us to, if you like, improve the accuracy of the information that we have got. But it is not available yet. I do not know how long it will take. Clearly the sooner we get it, the happier we will be.

Hon. D J Bossino: But the Skills Audit will not be delayed as a result of the delay in relation to the census? The skills audit continues progressing and moving forward? Just so that I have that clear in my mind.

1670 **Hon. J J Bossano:** The audit is being done on the assumption that the data we have got is reasonably accurate. Once we get the census, we will be able to test whether it is or it is not.

Q407/2014
Registered unemployed –
Figure for last quarter

Substitute Clerk: Question 407, the Hon. D J Bossino.

1675 **Hon. D J Bossino:** Can the Minister for Employment state what the figure for registered unemployed is for the last quarter?

1680 **Substitute 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. The average number of Gibraltarians registered unemployed in the first quarter of 2014 was 386. (*Banging on desk*)

Q408-409/2014–
Vacancies created by Sunborn Hotel –
Places taken up by Gibraltarians, registered unemployed and FJS trainees

1685 **Substitute Clerk:** Question 408, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state how many vacancies have been opened by the Sunborn Hotel and how many of these have been taken up by Gibraltarians and how many are from the

1690 registered unemployed, stating the areas of unemployed activity that they are... involved in? 'Unemployed activity' – I am not sure why that...

Substitute Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1695 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** I will answer the question together with Question 409, Mr Speaker.

Substitute Clerk: Question 409, the Hon. D J Bossino.

1700 **Hon. D J Bossino:** Can the Minister for Employment state whether any FJS trainees have been placed with the Sunborn Hotel since it started operations?

Substitute Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1705 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker as at the end of April 2014, the number of jobs filled by Gibraltarians in the Sunborn Hotel was 46. Of these, 25 had been registered unemployed.

1710 The areas of employment and the vacancies in the company is information that is not made public in respect of individual employers.

Up to the end of April 2014, three trainees were placed in the Sunborn Hotel. (*Banging on desks*)

1715 **Hon. D J Bossino:** Mr Speaker, in relation to Question 409, I think in his last answer he gave me dealing with trainees, he said that when the Sunborn is able to sit down with us and do a programme for training which will lead to maybe replacing some of the people that they have, because the training will presumably take more than just the short-term training that is now taking place, then if there are suitable candidates and people interested, we will be happy to provide the trainees and finance them.

Has he sat down with the Sunborn and is the programme for training up and running?

1720 **Hon. J J Bossano:** Well, other than the three trainees that I mentioned, that were there in April, in fact none of the three are there now. One lasted a week and the other two were given permanent jobs by the company! (*Banging on desk*)

1725 The reality of it is that in the areas that they are opening vacancies and recruiting people, there is no training at the moment because they have not found suitable candidates. They selected these three individuals themselves and, given that the three individuals expressed an interest in what was being offered, and that the company – in the interviews that they gave to the unemployed persons that we submitted – thought they looked like suitable candidates and was willing to take them on.

1730 As I say one person found after the first week that it was not what he thought it would be and did not want to carry on and therefore he left. The other two carried on and they finished in April and the company was happy with the performance they had and they were employed in May.

We are open, because clearly we want to give as many opportunities as we can to local people, but it is not easy. But if anybody is interested and the company thinks that they can make it, then we agree the level of training that is required, depending on the nature of the job and the previous skill of the person. So it is a one-to-one thing.

1735 But I have got somebody permanently on board the ship now, working with the Human Resources Department from the Employment Service.

1740 **Hon. D J Bossino:** Mr Speaker, in relation to that last point which was very interesting, so he has somebody from the ETB permanently with the Sunborn Hotel? What role is that person discharging? Can he be more specific in relation to that?

1745 **Hon. J J Bossano:** Well, of course, I will tell you why, he is trying to get as many Gibraltarians employed as possible! That is what his role is and therefore because he is there first hand, we are able to be sure that the people that we send get seen, if they need any advice from him. At the same time he provides assistance to the company in the process of registration, opening vacancies, making sure that everything is going smoothly. He is not going to be a permanent feature, but given that initially the company started with zero employees, in order to help them and help ourselves in reducing our unemployment figures, we placed somebody on board.

1750 **Hon. D J Bossino:** Is that individual a public servant or is he a trainee under the FJS?

Hon. J J Bossano: No, no, no. He is somebody on a HEO equivalent grade.

**Q410/2014–
Health & Safety Inspectorate –
Review of team, legislation, policies and procedures**

Substitute Clerk: The next question has been posed by the Hon. J J Netto. Is...?

1755 **Hon. D J Bossino:** I think I am doing that one.

Substitute Clerk: Question 410, the Hon. D J Bossino on behalf of the Hon. J J Netto.

1760 **Hon. D J Bossino:** Has the Government conducted any reviews of the Health & Safety Inspectorate team, the current legislation, its policies and procedures since December 2011, insofar as it applies to the private sector and Government's organisations and if so, provide Parliaments with the dates of the reviews, the name of the person or entity and details of the items examined and any implementation emanating from such a review?

1765 **Substitute Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health and Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): No, Mr Speaker.

1770 **Mr Speaker:** Next question.

DEPUTY CHIEF MINISTER

**Q415/2014–
Town planning legislation –
Update on overhaul**

1775 **Substitute Clerk:** Question 415, this is the last question, Question 415, the Hon. D J Bossino on behalf of the Hon. S M Figueras. (*Interjections and laughter*)

Hon. D J Bossino: Does this make me Acting Leader of the Opposition? (*Laughter*) Acting Opposition. (*Interjections*) Let me relish the moment!

1780 Mr Speaker, can the Deputy Chief Minister update this House as to when the overhaul of the town planning legislation can be expected?

Substitute Clerk: Answer, the Hon. the Deputy Chief Minister.

1785 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the review of the town planning legislation is proceeding well and is now at an advanced stage. The principal Act is almost complete. Then work will move to reviewing all the various Regulations, as the Government would like to introduce everything simultaneously.

Questions for Written Answer

1790 **Substitute Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker I have the honour to table the answers to Written Questions W64 to W171 of 2014 inclusive.

ADJOURNMENT

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn.

1800 Whilst I do so, and in order to attempt to assist hon. Members with their own time planning, I want to inform the House that it is my intention after tomorrow when we deal with the Bills and the Motions that are outstanding, it is my intention to return to the House in June, not the third week but the fourth week, because the United Nations have given us notice that the session relating to Gibraltar will be held in the third week in June.

1805 I therefore intend to call the House for the 25th June, which will be a Wednesday, and to go through in those last three days of that week – the 25th, 26th and 27th – through any questions there may be and I just want to give the hon. Members opposite a ‘heads up’ that I intend to take the debate on the Appropriation Bill on Monday, 30th June.

1805 I now move the House adjourn to tomorrow at 11.00 a.m.

Mr Speaker: I now put the question, which is that this House do now adjourn until tomorrow morning at 11.00 a.m. Those in favour? (**Members:** Aye.) Those against? Carried.

The House adjourned at 6.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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Gibraltar, Friday, 30th May 2014

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The Gibraltar Parliament

The Parliament met at 11.10 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[SUBSTITUTE CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

BILLS FIRST AND SECOND READING

Companies Bill 2014 – First Reading approved

Substitute Clerk: Sitting of Parliament, Friday 30th May 2014.
Bills – First and Second Reading.

A Bill for an Act to re-enact, with amendments, the provisions of the Companies Act (1930-07) as amended; to incorporate the Companies (Accounts) Act 1999 and the Companies (Consolidated Accounts) Act 1999; to take account of the effect of the Insolvency Act; to incorporate amendments proposed by a Law Reform Committee of the Gibraltar Finance Centre Council; and for connected purposes.

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 a Bill for an Act to re-enact, with amendments, the provisions of the Companies Act (1930-07) as amended; to incorporate the Companies (Accounts) Act 1999 and the Companies (Consolidated Accounts) Act 1999; to take account of the effect of the Insolvency Act; to incorporate amendments proposed by a Law Reform Committee of the Gibraltar Finance Centre Council; and for connected purposes, be read a first time.

Mr Speaker: I think this is probably the shortest Bill that I have seen in the last 40 years. (*Laughter*)

I now put the question which is that a Bill for an Act to re-enact, with amendments, the provisions of the Companies Act (1930-07) as amended; to incorporate the Companies (Accounts) Act 1999 and the Companies (Consolidated Accounts) Act 1999; to take account of the effect of the Insolvency Act; to incorporate amendments proposed by a Law Reform Committee of the Gibraltar Finance Centre Council; and for connected purposes, be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Companies Act 2014.

Companies Bill 2014 – Second Reading approved

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill for a new Companies Act be read for a second time.

The Bill brings the Government's manifesto commitment in this area closer to completion by providing a much needed and thorough review of the present Companies Act and related legislation. It has been felt throughout the industry that the current Act is in need of a wholesale review to update it in line with the needs of the Gibraltar Finance Centre industry.

As Parliament is aware, the review involved consideration of proposals put forward by the Company Law Reform Committee, set up by the Finance Centre Council, and a consultation process which culminated in the publication of a Command Paper.

35 The Bill before Parliament today incorporates a number of issues which were also raised during the Command Paper consultation period. The process has involved input from the Association of Trust and Company Managers (ATCOM), Companies House, the Financial Services Commission, the Gibraltar Society of Accountants, Gibraltar Funds and Investments Association and a number of fund administrators, as well as individual legal practitioners.

40 Since the Bill was published, further representations have been received from the Gibraltar Funds and Investments Association relating to the filing requirements of certain regulated entities, and I will deal with that particular point later.

45 The aim of the Bill, Mr Speaker, is to consolidate and codify existing practices, as well as to modernise the current Act in preparation for, amongst other things, electronic filing at Companies House. The Bill is made up of 18 parts, 490 clauses and 29 schedules, and rather than go through these provisions one by one, the House will, I am sure, be very happy that I shall only refer to occasions where changes have been made to the existing provisions in the current Companies Act.

Mr Speaker, Part II of the Bill deals with formation of companies. This part of the Bill includes provision:

50 (1) Expressly allowing a company limited by guarantee and an unlimited company to have a share capital, which is current practice but not expressly provided in the law.

(2) Reducing the number of persons required for the formation of a public company from seven to one.

(3) Including a statutory definition of a public company.

55 (4) Removing the requirement for object clauses in a Memorandum of Association, resulting in a shorter form of memorandum. This follows from the presumption in clause 21(3), that a company is authorised to carry on any type of lawful business making redundant the requirement to list the types of authorised business in the memorandum.

60 (5) Allowing a company that is a collective investment scheme the option to formally notify the Registrar that it is a CIS within 30 days of establishment of the scheme. This option is based on submission received from the Gibraltar Funds and Investments Association. A further amendment was proposed by GFIA after the Bill was published and will be presented at Committee Stage. A letter setting out the proposed amendments has been sent to Mr Speaker and I understand circulated to all Members. It will be proposed that clause 18 be amended to include a subclause (2) which provides that any notification given pursuant to section 18 shall confirm whether the company is a private scheme as defined in section 2(1) of the Financial Services (Collective Investment Schemes) Act 2011. The reason for this is that there are
65 distinct exemptions which apply, depending on whether it is a private scheme or otherwise. Collective Investment Schemes, which are not private schemes, are afforded more exemptions.

(6) Removing the current 50 member maximum for a private company, bringing our legislation in line with the equivalent UK Act. Section 369 of the current Act is also being repealed, so that a partnership with more than 20 members is no longer required to be incorporated as a company.

70 (7) Removing the requirement to file a statement of incorporation containing details of the first directors before the company may be incorporated.

(8) Setting out clearly the documents to be included in the company's application for registration. These include: a statement of capital and initial shareholdings, if applicable; a statement of guarantee, also if applicable; a statement of proposed officers; a statement of the intended address of the registered office; and a copy of the proposed Articles of Association.
75

Mr Speaker, Part III of the Bill deals with the Companies Constitution and powers. This part includes the following provisions:

(1) Defining a company's constitution as including a company's articles and any relevant resolutions and agreements. The current Act refers to Companies Constitution throughout, but without a definition.

80 (2) Providing that the validity of an Act done by a company shall not be called into question on the ground of lack of capacity of such company. The reason behind this change is that those dealing with the company should not bear the risk of the company claiming that dealings in question are *ultra vires* and therefore void.

85 (3) Empowering the Minister by regulations to prescribe model Articles of Association for companies. The current tables A to E will be replaced by model articles, which will only apply to companies incorporated after the introduction of those model articles. Clause 488 provides that until the model articles are introduced by regulation, tables A to E containing schedule 1 of the current Act will continue to have effect.

90 (4) Changing the time limit for sending amended Articles of Association to Companies House. This has changed from 15 days to 30 days, so as to standardise time periods throughout the Bill. A number of additional variations are made to this part regarding the changing of the company status, such as private

company to public company and vice versa. This conversion is currently possible, but is not expressly provided in the current Act. Public company to unlimited private company, company limited by shares to company limited by guarantee having a share capital, company limited by guarantee having a share capital to company limited by shares, and limited company to a company limited by shares or guarantee. There is also clarification as to the requirements to be satisfied by a company when executing deeds and documents.

Part IV of the Bill, Mr Speaker, deals with prospectuses, share capital and debentures. These include the following new provisions... or amended provisions:

(1) For an exception to collective investment schemes, which means that this type of company is not required to file returns of allotment at Companies House, there is a proposed amendment to this clause or clauses 188 and 189 of the Bill, pursuant to representations made by GFIA. In order to ensure that all collective schemes are caught, we have made reference to section 18, which is the obligation to notify the Registrar. This section captures all in Collective Investment Schemes (CIS).

(2) Amending the current prohibition on financial assistance so as to enable the company to give financial assistance for the purchase of its shares by another entity, so long as certain provisions are complied with. A private company can give financial assistance under the Bill if its net assets are not thereby reduced or to the extent that they are reduced, if the assistance is provided out of distributable profits. A company looking to provide financial assistance, unless it is a wholly-owned company, will be required to (1) pass a special resolution; (2) cause the directors to make a statutory declaration; and (3) engage an auditor to prepare an auditor's report confirming the statutory declaration.

It should be noted that: (1) the definition of what constitutes 'financial assistance' has been tightened to reflect the position under the UK's 1985 Act by the inclusion of the words 'or any of its subsidiaries'; (2) the proposal is to reflect the position, as I have said, under the 1985 Act, in spite of the fact that in 2006 the prohibition was relaxed in the UK. This, Mr Speaker, is an area on which I have had some correspondence with the Hon. Mr Damon Bossino, and I have explained the rationale for the decision that has been taken to introduce what are essentially termed 'white-wash provisions', rather than removing the prohibition of financial assistance altogether, and I will be happy to deal with any other points that Mr Bossino may raise in connection with this in my response; (3) a CIS will no longer be required to deliver a return to the Registrar when purchasing its own shares; (4) all companies having a share capital will be able to use fractional shares, unless prohibited under its constitution; (5) creating an exemption for CIS's in relation to the need for a notice to the Registrar of consolidation of share capital and conversion of shares into stock – again, there is a proposed amendment to this clause at Committee Stage; (6) the introduction of a new type of protection for Members against being unfairly prejudiced. A Member or the Minister may apply to the Court where such Member feels that the company's affairs have been conducted or are proposed to be conducted in a manner that is unfairly prejudicial to the interest of Members, generally or some part of the Members. Clause 147 sets out the type of order that the Court may make if it finds the petition to be successful, including ordering the company to refrain from doing any act complained of. These clauses have been largely taken from the UK Act. The reason for this change is to bring the protection of Members in line with that which exists in the UK; (7) a new requirement is introduced that all companies, except for a company which is a CIS, file the prescribed form at Companies House within 30 days of any change in its members or in any of the particulars contained in the register of members. Currently there is no statutory provision for the filing of a change of members; (8) a statutory basis is created formalising the current practice of allowing the redenomination... no. (*Interjections*) (**A Member:** Re-domiciliation.) The redenomination of share capital... it is not domiciliation. (*Interjections*) It was the other one. (*Laughter and interjections*); (9) the removal of all references to bearer shares as a result of the abolition of share warrants to bearer implemented by the Companies, Partnerships and Trusts (Miscellaneous Amendments) Act 2012.

Mr Speaker, Part V deals with the registration of charges. In this part there are amendments to the time period for registration of charges created by companies registered in Gibraltar.

Clauses 168 and 171 extend the period for registration of charges by companies registered in Gibraltar from 21 days to 30 days. The period for charges over property situated outside Gibraltar has also been extended from 21 days to 30 days after the date on which the instrument could have been posted. The Bill still contains a discretion given to the Registrar in cases of late filing of documents received from abroad.

Clause 168 also clarifies the law which emanates from the Slavenburg case.

Section 128 of the current Act requires registration of every charge created by a company registered in Gibraltar. This includes companies registered in Gibraltar under Part X, which is a place of business registration, or Part XIV, which is branch registration.

Since the Slavenburg case, it has also become common practice to present for registration charges over present or future property in Gibraltar created by overseas companies which do not have an established place of business or branch in Gibraltar. If the company is not registered as a branch or place of business in Gibraltar, Companies House will make note of the documents sent and return them to the sender with a standard form of letter as proof of delivery, but the documents will not be registered. This practice was also carried out in the UK, but was removed as a result of section 105(2) of the UK Act.

Clause 168(11) makes it clear that only charges which are created at a time where the company is registered in Gibraltar shall require registration.

155 Currently there is no statutory procedure for the registration of charges by a company which re-domiciles into Gibraltar from another jurisdiction, with existing charges or mortgages registered against the company.

160 Clause 168(8) of the Bill includes provision for the registration of existing charges of re-domiciled companies and clarifies that the time period for registration commences the day after the company is registered in Gibraltar.

Mr Speaker, Part VI of the Bill deals with management and administration. Provisions under this part include the following:

165 (1) Formalising the current practice of the filing of statements at Companies House in relation to the authority of a company to use a registered address. There is currently a form which can be filed at Companies House, entitled 'Statement that the company does not have authority to maintain a registered address at specific premises'. There is, however, no statutory authority to allow for this notice. We are therefore plugging this gap.

(2) Amending the requirement that a company display its name outside its office to require such display at every office – in other words, not necessarily outside the office.

170 (3) Regarding annual returns, clause 188 of the Bill remains largely unchanged from the equivalent section 153 of the current Act, except that it provides an extended period of six months instead of 30 days after the date on which the return is made up for Collective Investment Schemes to deliver the annual return to the Registrar. Amendment exempting certain CIS's from certain obligations in relation to annual returns will also be proposed at Committee stage. These amendments are, as I have mentioned, the result of representations made by GFIA and they have followed discussions with Companies House.

175 As I have already mentioned, Mr Speaker, GFIA made a number of proposals following which, and after extensive deliberation with leading individuals in the Fund industry, it has been decided that the following amendments be considered at Committee stage: (a) subclause 188(6) introduces an exemption for Collective Investment Schemes which are not private schemes. These funds will be exempt from the requirement to provide the information listed in clause 188(4) in relation to its members in the annual return; and (b) an exception has been inserted at clause 189(2) so that only private schemes are required to submit a statement of allotment, redemption and purchase of its own shares.

180 GFIA's reasoning for these proposed amendments is that EIFs and other such funds are regulated by the Financial Services Commission and as such they are already under an obligation to submit information to the Commission in relation to their members. CIS's which are not regulated are under no obligation to submit information and therefore should submit the same information under the Bill as non-CIS companies, and the Government has agreed with the proposals submitted by GFIA and with a reasoning and rationale for those proposals. That is why we are making those amendments to the Bill which are set out in the letter.

185 Mr Speaker, clause 197 of the Bill has been taken directly from section 309 of the UK Act, which sets out the requirement where a company wishes to notify the members of a meeting via website. The reason for this change is to bring the Bill in line with the UK Act and give companies the option to use technology as a means of communication with its members. There are similar provisions, including allowing for members to signify written approval by electronic means, allowing for the sending of documents relating to written resolutions by electronic means, and for the publication of written resolutions on websites.

190 (5) The current Act refers to ordinary resolution throughout, but does not provide a definition of the term. Clause 200 of the Bill codifies the definition which is actually used in practice, namely a resolution passed by members representing a simple majority of the total voting rights of the members.

(6) Clause 205 provides that where a company's articles prohibit the company from passing a resolution in the form of a written resolution, such provision in the articles shall be void.

200 (7) The time limit for the filing of resolutions is increased from 15 days to 30 days from the date of the resolution.

(8) Clause 231 of the Bill provides a new power to any person, not including the company, to indemnify a director against any liability which by virtue of any rule of law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the company.

205 Additionally, clause 231 allows companies to purchase insurance for a director of the company, which is in addition to the existing power of a company to indemnify any director against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted. This clause clarifies that the rule against indemnifying an officer of the company does not preclude the company from taking out directors' and officers' liability insurance.

210 The new powers contained in clause 231 are not provided in the current Act. This change is as a result of one of the many proposals put forward by the Company Law Reform Committee of the Gibraltar Finance Centre Council.

215 (9) Clauses 232 to 236 create a statutory basis for the remedy of a derivative action. I know the Hon. Sir Peter Caruana was particularly interested in this area. These new clauses allow a member to bring an action on behalf of the company in respect of a cause of action arising from an actual or proposed act or omission involving negligence, default, breach of duty or breach of trust by a director of the company. In order to bring a derivative action under the Bill, a member must apply to the court on behalf of the company for permission to continue such action. A derivative action may be brought only in respect of a cause of action
220 arising from an actual or proposed act or omission involving, as I have said, negligence, default, breach of duty or breach of trust by a director of the company.

Mr Speaker, Part VII of the Bill deals with accounts and audit. This part consolidates the Companies (Accounts) Act and the Companies (Consolidated Accounts) Act, within the Companies Act. It seeks to remove any ambiguity which existed between these Acts and the current Act, as well as removing any
225 inconsistency which existed with any other legislation, notably the Income Tax Act 2010.

Part X of the Bill deals with liquidation. This part is divided into two chapters: voluntary liquidation and other liquidation provisions. Mr Speaker, as a result of the new Insolvency Act 2011 and the Insolvency (Consequential Provisions) Bill, which I will be moving later on in this session, all of the insolvency provisions in the current Act have been transferred to the new Insolvency Act 2011. The Companies Act
230 will therefore only cover voluntary liquidations. Where a voluntary liquidation becomes an insolvent liquidation, the Bill provides that at that stage the Insolvency Act will apply.

Under clause 362(2) and (3) of the Bill, the directors of a company are required to comply with the following requirements when making a statutory declaration of solvency: (1) They must make the declaration within five weeks before the date of the passing of the resolution for the appointment of a
235 voluntary liquidator; and (2) they must deliver the declaration to the Registrar for registration within 15 days after the date on which the resolution for winding up is passed.

Clause 362(4) of the Bill introduces an offence with a penalty of up to two years' imprisonment where a director makes a declaration without having reasonable grounds for giving such a declaration. This offence is inserted so as to ensure that directors do not sign the declaration, which is a declaration which could have
240 very serious consequences for the company, without considering its content and validity fully.

Part XI, Mr Speaker, of the Bill deals with general provisions as to registration.

Clause 413 provides for a new requirement whereby the directors of a company must state in an application to strike off a company that the company has no assets or liabilities. This change clarifies the procedure for voluntarily striking off a company and is in line with common practice.
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Clause 421 of the Bill introduces new requirements in relation to the authentication of a document sent to the Registrar.

Clause 421(3) details how a company is to authenticate a document supplied in electronic form. This clause is introduced so that companies may take advantage of the e-filing platform being developed by Companies House.
250

Clause 422 of the Bill allows the Registrar to impose requirements as to form, authentication and manner of delivery of documents which are to be delivered to the Registrar.

Part XII of the Bill deals with companies incorporated outside Gibraltar, carrying on business within Gibraltar.

255 Clauses 436 to 438 of the Bill clarify the requirements in respect of the execution of documents by foreign companies. These allow foreign companies to execute documents and deeds by (a) affixing its common seal; or (b) by any person who, in accordance with the laws of the territory in which the company is incorporated, is authorised to do so.

Part XVIII of the Bill deals with miscellaneous provisions. This part includes provisions regarding the sending or supplying of documents or information setting out requirements that need to be fulfilled, be it in a document sent in hard copy or electronically, creating a right for a member to request a hard copy of a document and setting out the requirements for the authentication of documents – again being in hard copy or electronic format.
260

Clauses 488 to 490 of the Bill set out the transitional provisions, consequential amendments and repeals arising from the provisions of the Bill.

265 Mr Speaker, I move to schedules. The schedules to the Bill are largely the same as those in the current Act, with a few exceptions, and includes those schedules taken from the Companies (Accounts) Act and the Companies (Consolidated Accounts) Act, which are being repealed.

Schedule 5 deals with annual return. The form of annual return has been amended so that a company must also confirm the main activity of the company, the size of the company, the number of employees and its financial year end.
270

Schedule 9 deals with definition of a small, medium and large company. The definitions of these companies have been amended to be brought in line with EU definitions.

275 Schedule 23 deals with powers of a voluntary liquidator. This schedule is taken from clause 54 of the Insolvency (Consequential Provisions) Bill, which I will be moving later, and sets out the powers of a voluntary liquidator.

Schedule 28 deals with index of defined expressions. This schedule contains a table which sets out where to find definitions of terms used throughout the entire Bill.

280 Mr Speaker, that concludes my run through of the Bill, in particular the new provisions of the Bill and what this actually does. It is in fact, Mr Speaker, very satisfying for the Government to see the vast amount of work, which has been put in over more than two years, approach fruition by the consideration of this Bill by Parliament today.

285 I mentioned at the outset, the Second Reading of this Bill, the various organisations which had been involved in this process and I would like to publically thank them all. It would simply not have been possible to undertake this task without their expertise and effort. In particular, I would thank those involved in the Company Law Reform Committee of the Finance Centre Council, who initially set out to consider the existing Companies Act and to make a substantial number of proposals to improve our legislation and that is precisely what we are doing today. We will now have a modern, up-to-date and comprehensive Companies Act, which will give all practitioners the tools required to service the needs of a finance centre in a jurisdiction that can be regarded as a model of excellence for the whole world.

290 Finally, I wish to thank all practitioners, both in Government and the team at Hassans led by Ian Felice and Gemma Vasquez, who have put this Bill together in an extensive drafting exercise. They have had to endure numerous requests by me for explanations and clarifications as we painstakingly went through each provision of the Bill.

295 Mr Speaker, it will be clear to hon. Members that this is not just a re-enactment of the current Companies Act with a few tweaks or amendments. This is a complete overhaul by way of a new Act. The Government recognises that it will take some time for practitioners to get to grips with the full effect of the Act. It is therefore now the Government's intention – apart from the fact that the Bill was published some time ago and a Command Paper was also published – that practitioners should be given around three months to fully familiarise themselves with the legislation and the related insolvency legislation before they are commenced. We are therefore proposing to commence the legislation, both this and the insolvency legislation, on 1st September 2014.

300 Mr Speaker, I commend the Bill to the House. (*Banging on Desks*)

305 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. D J Bossino: Yes, Mr Speaker.

310 This is a bit of a baptism of fire, given that I was only given responsibility for financial services on my appointment by the Leader of the Opposition as Deputy Leader about a month or two ago. Some would say that it is a hospital pass, given that this is a Bill which runs into almost 900 pages. But, Mr Speaker, simply to be... the introductory comment would be that I am grateful to the Hon. Minister for going through this very lengthy piece of legislation in summary form, in redacted form. I think that is something which will be welcomed by everybody in this House, and highlighting simply those changes to the current Bill, which in fact originally dates from 1930, based on the 1929 legislative provisions in England and Wales.

315 I would also, Mr Speaker, like to associate myself with the comments made at the end by the Minister, in terms of acknowledging the assistance provided by the Law Reform Committee and other groups, such as ATCOM that he mentioned at the beginning, Companies House and the Financial Services Commission. He talked about the Gibraltar Accounts Association and others, and indeed, those professional competitors in Hassans, who I see sitting behind the Government benches now, to also acknowledge their assistance in this.

320 Mr Speaker, this is certainly welcome from the Opposition benches as a legislative initiative on behalf of this Government, one which I am sure will also be welcomed by many practitioners in the field, such as myself as somebody who deals in company matters, if I can put it in the broadest terms possible.

325 The Minister is absolutely right in saying that this is a particular area of the law which is crucial to one of those central sectors of our economic activity that is the finance centre and obviously all the ancillary services which are provided to it. They are very important services provided by the legal profession, accounting professions and I can think of corporate service providers and fund managers, for example.

330 The introduction of this Bill into our Statute Books is very positive and indeed complements in a very useful way, I think. I think it has to be acknowledged by everybody the sister legislation to this particular Act or Bill, which is the Insolvency Act, which was introduced by the Leader of the Opposition when he was Minister for Justice when we were on the other side of the House, which is also another very important piece of legislative initiative in this particular area of activity.

I would highlight a few of the points. One of them has already been acknowledged by the Minister in his address and I would welcome in his reply any further comments he may wish to make in relation to financial assistance.

But if I could deal first with the provisions – he and I have discussed this behind the Speaker’s Chair in recent days – set out in clauses 72 onwards, under the heading ‘*Execution of documents by companies*’. I have had some difficulty when reading those provisions, although I derive comfort from the fact that it appears that this wording is already the subject of settled interpretative law in that, as I understand it, there is – and I have not read the Act in any detail – a Supreme Court decision of England and Wales which deals with this matter. I just found it rather strange, Mr Speaker, the provisions, particularly if I could highlight Clause 72(1) and then the subclause to that which is (2). Clause 72(1) states that a contract may be made (a) by a company, by writing under its common seal or on *behalf* of a company – not by a company. The wording is slightly different and I raise that because that featured in the Supreme Court decision which I referred to earlier and which was referred indeed rather hopefully by the Minister to me when we have had these discussions. So on behalf of a company, by a person *acting* under its authority, express or implied. Presumably that is a contract, as I see it, which would be entered into orally, for example; however, it may not necessarily exclusively deal with that and I see that the Hon. Minister shakes his head.

If a contract is then reduced to writing and therefore becomes – I am just reading on the face of the language of the Bill – a document, under clause 72(2) it says a document is validly executed by a company if it is signed on behalf of the company (a) by two authorised signatories, or; (b) by a director of the company – and this is the important bit, Mr Speaker – in the presence of a witness who attests the signature. Those of us who deal in this area of law and have to provide opinions to banks and other clients, the position – and I think it is correct advice that I have certainly been providing – is that if it is an ordinary contract, i.e. if it is not a contract which is entered into, for example, by way of deed, then the signature of a director, or indeed an authorised signatory, is sufficient without the requirement of that signature being witnessed. I see that as an added burden, which does not currently exist in the Companies Act which we have today, and that is something I would welcome the Hon. Minister’s views on to be placed on record across the floor of the House, because I am sure that that will be of assistance to those of us who deal in this area of the law.

Mr Speaker, moving on swiftly to clause 100, I believe it is, under the Bill, which deals with the prohibition of financial assistance. This is also a point which I raise with the Hon. Minister and the point I raise is that in England, under the 2006 Act currently in force in England and Wales, the prohibition has actually been removed insofar as it impacts on private companies. As I understand it, the position in respect of plc’s – public limited companies – still exists, but as far as private companies are concerned, Mr Speaker, it has been removed.

The information that I received is that that was a reaction by the legislators in the United Kingdom to complaints made by those petitioners in the field as to the expense in complying with the white-wash provisions which now apply under this Bill, i.e. the Minister went through it... the requirement to have a shareholders’ resolution, the requirement to have a statutory declaration, presumably in relation to solvency and also the requirement in particular of having an auditor’s report. Those did not exist in our current legislation. They do not exist in our current legislation. They have been introduced in this Bill and in fact they have now been removed as a result of the 2006 Act in the United Kingdom.

From speaking to the Hon. Minister, I am sure he will not mind if I say so, the decision-making process which has influenced him in coming up with the wording in the current Bill is not as a result of any Government policy decision, but in fact simply responding to the various representations which he has received. He has explained to me and I would give him... certainly welcome him to explain the position, no doubt far better than I, that what was placed in the balance in England was that there was a codification of directors’ duties, directors’ duties which were in any event prevalent there as a result of developments of the common law, but they were actually formally codified in the legislation in England in the 2006 Act. If that had been done... if that particular route had been taken by the Government on this occasion, it would also have required the imposition of offences and that is something which is placed in the balance and therefore it was felt that it was better to retain the pre-2006 position in England and Wales and retain the whitewash provisions, despite the alleged cumbersome nature of them, because there was a reticence to impose offences in relation to those directors’ duties. I would welcome the Hon. Minister’s contribution in relation to that particular point.

And simply to mention finally two minor points. One is very close to my heart, in terms of the area of law ID, the codification of the Slavenburg register, and I think that is something which is going to be very much welcomed for those practitioners in this field. I think that if Companies House has had a difficulty when we as a matter of practice have tried to follow the route, which is now codified from my understanding of the Bill and what the Minister has explained... they have had a difficulty in accepting those notifications from practitioners. Now it is clearly set out and it is clear for all to see that that is the

procedure set out in statute and I very much welcome that, certainly from a personal perspective as somebody who deals in matters like this.

395 Also, I found very interesting the new clause 197, which adopts the practice in England, in relation to the publication of notice of meetings on a website. I am sure that is also something which will be welcomed by practitioners.

Mr Speaker, that is the end of my contribution. I am not sure if the hon. the backbencher wants to say anything.

400

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, just to say this, that in the past I have said that I could not have hoped for a better successor as Minister for Justice than the hon. Gentleman. I think that the work that he has done in that area justifies the view that I have expressed publically within the House. I commend him for the work.

405 It is one of the quirks of politics and living in a small community, such as Gibraltar, that effectively when the hon. Gentleman opposite won the last election, that the hon. Gentleman, Mr Licudi, and myself effectively switched roles. I inherited his legal practice within Hassans and he inherited my role as Minister for Justice. Just as I am bringing hopefully to a successful conclusion many of the cases that he began when he was a legal practitioner, I congratulate the hon. Gentleman too for bringing to a successful conclusion some of the work that we had commenced when we were in Government and I was Minister for Justice. Not only has he done so in commencing the Criminal Procedure and Evidence Act and also the Crimes Act, but also now this particular Act enables him to commence the Insolvency Act. I wish to just stand up and recognise it and commend the hon. Gentleman for it.

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Mr Speaker: Does any other hon. Member wish to contribute before I call on the mover to reply?

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, very briefly as Minister for Financial Services and working with the sector as closely as I do, I have to say that I am absolutely delighted by the presentation of this Bill by my Hon. and Learned Friend. I think he does a quite stunning job in bringing together not just the private sector by itself – in other words, all the individual component parts that are often pushing in different directions – but to bring the regulator on board, to bring Companies House on board, to bring all the different facets all in almost unanimous praise of the work that he has done, I think is quite a staggering achievement.

420 This Bill is hugely important to the industry, because it provides them with clarity, it provides them with certainty and as the Hon. the Shadow Minister for Financial Services has said, quite rightly, it is a key component part of the work and one of the tools that the sector relies on to be able to go about its business. To bring it up to date, to consolidate it and at the same time to bring amendments, which the sector has specifically requested, is an example of the partnership that we are all trying to engage in with the private sector that we work in to bring about the necessary tools for them to go about doing their business.

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So I certainly commend the Bill and I congratulate my Hon. and Learned Friend for the quite fabulous work that he and his team have done in bringing us this Bill today.

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Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, very often in this Parliament we have had to endure in the past 30 months – this is, I think, our 23rd meeting of Parliament since we were elected – calls from the hon. Gentlemen to look at where we have made progress in our manifesto and where we have not. So I think it is incumbent on me to raise the point they might have been raising if we were at the last meeting of the lifetime of this Parliament and we had not brought this Bill, which would have been on page 66 of our manifesto. We say that we are committed to revising our company legislation and adopting a new, consolidated and revised Act as soon as possible and this is in full compliance with that commitment. It reflects yet another one of the commitments that we acquired at the General Election fulfilled, and fulfill House, Mr Speaker, as I think the House unanimously agrees, in fantastic and excellent fashion.

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Mr Speaker, apart from giving the Hon. the Deputy Chief Minister another good reason to tick a box and issue a detailed press release reminding Members opposite and the rest of our community just how much progress we are making in the delivery of our manifesto, this Bill demonstrates also of course something else. Gilbert Licudi is not just, in my view, a worthy successor to those who have come before, he is undoubtedly and without a shadow of a doubt one of the greatest Ministers for Justice that Gibraltar will ever see.

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But (*Laughter*) he is not Minister for Financial Services at the moment, Mr Speaker, and neither is he Minister for Finance, and yet this is a Bill that he started working on when he was Minister for Financial

455 Services. He brings it to the House a year after having moved on from that portfolio, demonstrating the collegiate way in which this Government works, in a cross-Ministerial way, always ensuring that we deliver for our community in the best possible way and in our collegiate fashion with full Cabinet responsibility being something that all of us are very much aware of.

460 Mr Speaker, I want to say a few words about some of the people who have been in his team. They are the lawyers I have been working with since they arrived at Hassans as baby lawyers and they have done an excellent job in working with Mr Licudi on this.

I commend, of course, the Bill to the House. I will be very pleased to see the House support this Bill unanimously.

465 **Mr Speaker:** The Hon. Mr Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, I am very grateful for the comments that have been made today in the House and in fact very flattered to receive those comments, not just from my colleagues in Government, but also from the Opposition benches.

470 It is true, as I mentioned at the beginning, that this is not the work of one man or one Minister, by a long, long shot. This is the collective work of not just the professionals, who have assisted in actually putting it together, but a great many individuals, practitioners and professionals, who have been involved for two and a half years in the process of consultation, collaboration, advice and assistance for the Governor, and once again, I express my gratitude to them all. It is really a tribute to them that in a Bill that we have before the House, which runs to almost 1,000 pages, that does not just re-enact the current
475 legislation that brings in substantial new provisions and amendments, that in all of those there should be so little – in fact nothing between us – but so little by way of comment or issues that need clarification. It really is a testament to the excellent work that has been done by those who have put this together. It is a tribute to them that that is indeed the position.

480 The hon. Member opposite, Mr Bossino, has raised in particular two issues, and those are the same two issues that we have already been in correspondence with. I have provided explanations for the views taken by the Government on this and I will be happy to provide those again. The two issues he raises are in relation to the execution of documents provisions at clause 72, etc, and in relation to financial assistance provisions at clause 100.

485 In relation to the execution of documents, as the hon. Member has acknowledged, this has been taken from the equivalent provisions in a UK Act – not the most recent provisions that exist in the UK. Those are reflected in the 2006 Act which remove...sorry, that is in relation to financial assistance, but this is taken from the 2006 Act, the execution of documents provisions. The 2006 Act. So they do reflect the most up-to-date practice, legislative practice in the UK. They have been in place since 2006. So for eight years now the UK has had these provisions and, from what I am told, they work well and do not impose any particular
490 onerous burden.

It is also worth mentioning that this was one of the specific proposals that was made by the company Law Reform Committee of the Finance Centre Council. They proposed that these particular provisions from the 2006 Act be adopted and taken for Gibraltar. Not only was it a proposal from the industry, but following publication of the Bill, and also in relation to the Command Paper when we published a draft of the Bill and invited comments, we did not have any particular issues of concern raised as this creating an added burden.
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I am assured that this creates a clearer scenario as to what is required to be done in relation to the execution of documents. I know, and certainly from discussions with my colleague, the Minister for Financial Services, I know that he has had issues as a practitioner in the past as to what the current provisions in the Companies Act and what the current practice actually should be and there has been some disagreement between practitioners. So there was a need and that is why the proposal was made in the first place. There was a need to clarify the position and make it crystal clear. Given that this was a proposal by the Committee, it was a proposal that I accepted. It seemed to make sense and I asked that the drafters include this in the draft bill that was presented to me. When I saw it, I must say that I raised exactly the same points that the hon. Member has raised in relation to these provisions, because it did seem to me at
500 first blush that the requirement for certain documents to be signed by a director with a witness may, in certain circumstances, be more onerous. In response to the raising of that issue, a specific paper was prepared for me in relation to these provisions and I have in fact shared that paper that was prepared for me a number of months ago. I have shared that paper with the hon. Member and that paper refers to the decision in the UK Court which sets out the jurisprudence which has been developed as a result of these
505 provisions.

510 The crucial issue which arises from that jurisprudence and in fact it is on the face of the sections, or the provisions, is the distinction as to whether a document is signed by a company or on behalf of a company. I am assured that as a result of what the provisions say, the statutory provisions, the interpretation of those provisions by the Court already in England is that for the most part most of the documents, including

515 contracts, and not just oral contracts, written contracts by a company are signed on behalf of a company, although it is true that the judges do say in that case that sometimes it is an artificial distinction as to whether something is done by a company or on behalf of a company, it is always done on behalf of a company because you cannot get a company with a pen and write itself. A company officer can put a seal and that signifies that it has been done by the company, but if something is done without a seal, signed by
520 somebody on behalf of the company, in the main will be regarded as a document signed on behalf of the company, even if it is signed by a director.

There is provision in section 72 that where a document or contract – it does not distinguish between oral and written, so it must include written contracts – is signed on behalf of a company, as long as that person has authority to sign and expressly it is provided that that authority can be expressed or implied in the
525 normal course of events and we are all familiar with those provisions, as long as that is the case, it is sufficient for one person, the authorised person, to sign that contract on behalf of the company. That is the analysis that has been made for me. As I have said, this originates from the industry. It is already established practice in the UK. It seems to be working well and therefore we have decided, for the sake of certainty, to produce that.

530 It also provides, as I have mentioned to the hon. Member that although we could take issues on board and say, ‘Well, let’s make it even clearer. Let’s change a word here or a word there’, that may well destroy the jurisprudence that comes out of the UK if we do not reflect the wording that is being interpreted by Courts in the UK. So it is always useful. We do not have to slavishly follow what the UK does in any Act, but when we are adopting those provisions, it is useful to follow the words because then the jurisprudence
535 from the Courts will be applied equally in Gibraltar and that is always a useful provision. So the Government is satisfied that this is what the industry wants and that it works well. It has been shown to work well and so we have no particular concerns about those added burdens that the hon. Member mentions.

540 The other point is in relation to financial – (*Interjection*)
I am happy to, yes.

Hon. D J Bossino: Yes, Mr Speaker, I am grateful to the Hon. Minister for giving way.

Simply to point out the point that I intended to make when I made my contribution, but it escaped me, and acknowledge that other than the issue that I have raised in relation to clauses 72, etc, in relation to
545 execution of documents, acknowledge that what is there now is by far a huge improvement to what is the position in the current Act, which is, I think, section 47. I think it does provide for clarity, which is certainly not there under the current legislation. I am grateful.

550 **Mr Speaker:** I now put the question –

Hon. G H Licudi: Sorry, Mr Speaker, I have not finished dealing with –

Mr Speaker: Sorry.

555 **Hon. G H Licudi:** I just gave way to the hon. Member.

I was just seeking clarification on one particular point, if I may?

Mr Speaker, the other point that the hon. Member raised is the question of financial assistance and that is an issue that has been live with practitioners for a number of years and what changes should be made to that. We pondered on the various options. The options that we had available was to adopt the provisions
560 that are currently contained in the 1985 Act in the UK which are essentially what is generally called the white-wash provisions, whereby a procedure can be followed to make things right, or to remove the prohibition on financial assistance altogether as they have done in the 2006 Act.

The advice that I was given, which I have also shared with the hon. Member in terms of what I was told, was that coupled with the removal in 2006 was a codification, as the hon. Member has already alluded to,
565 of directors’ duties in the UK Act – in Gibraltar we have not gone as far as codifying all directors’ duties and we will continue to rely on common law provisions – and because there were specific statutory duties, it appears that in the UK it was felt that that should be sufficient protection and therefore there was no need to keep the prohibition on financial assistance. That is why they moved down that route in 2006.

In Gibraltar, we have had consultation with practitioners. We have looked at the provision extensively and eventually we decided that the better option was to go for what they had previously because we are not
570 codifying those directors’ duties in the Act and therefore we are following the 1985 Act. As the hon. Member has said, this is not something specifically as a matter of policy of the Government. There is no particular policy; it is just doing what is best for the jurisdiction and for practitioners and what works well. We will now have a provision which will allow the white-wash procedure, subject to certain steps being
575 taken. And, yes, it is true, as the hon. Member has said, that certain steps will have to be taken and that will

incur some time and sometimes some expense, but that is what we have felt is the best option for the industry in Gibraltar, having regard to what they have done in the UK more recently and the reasons why they did it and we have not followed fully what they have done in the UK in this. So that is the explanation in relation to financial assistance.

580 It simply remains for me again to thank all hon. Members for their contribution, for their very positive contribution to this and for the fact that this has been welcomed by the whole House.

Mr Speaker: I now put the question, which is that a Bill for an Act to re-enact, with amendments, the provisions of the Companies Act (1930-07) as amended; to incorporate the Companies (Accounts) Act 1999 and the Companies (Consolidated Accounts) Act 1999; to take account of the effect of the Insolvency Act; to incorporate amendments proposed by a Law Reform Committee of the Gibraltar Finance Centre Council; and for connected purposes, be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

590 **Substitute Clerk:** The Companies Act 2014.

**Companies Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

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 this Bill be taken later today, if all hon. Members agree.

595 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today? (**Members:** Aye.)

**Insolvency (Amendment) Bill 2014 –
First Reading approved**

Substitute Clerk: A Bill for an Act to amend the Insolvency Act 2011.
The Hon. the Minister for Education, Telecommunications and Justice.

600 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Insolvency Act 2011 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Insolvency Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Substitute Clerk: The Insolvency (Amendment) Act 2014.

**Insolvency (Amendment) Bill 2014 –
Second Reading approved**

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to move that a Bill for an Act to amend the Insolvency Act 2011 be read a second time.

610 Mr Speaker, as we have already heard this morning, this arises from a need to make certain changes, minor changes to an Act, which was passed by Parliament in 2011. The Insolvency Act is also an extensive Act, which was passed by my predecessor, the Hon. the Leader of the Opposition, when he was Minister for Justice and certainly a great deal of work went into putting that together as well and that must be acknowledged today.

615 The Bill was passed, as I seem to recall, in June 2011, but it has not been commenced yet, and it has not been commenced for a number of reasons. Firstly, there was a need to finalise the drafting of a number of pieces of regulations and rules. There are in fact six Rules and Regulations – I will go through them later – which required to be finalised, and those are now just about in the final form. There was a need also to pass, apart from this Bill, the other related Bill which I will be moving today, which is the Insolvency

620 (Consequential Provisions) Bill. That, in the form that it was previously, made amendments, necessarily
made amendments to the existing Companies Act and we felt that it made no sense when we were
overhauling the Companies Act, for the sake of saving one or two months... or three or four months, to
introduce these provisions and to commence the Insolvency Act, make wholesale amendments to the
Companies Act as it is and then come back to Parliament a couple of months later and make all those
625 amendments again to reflect the changes in the new Companies Act. So that did not make sense. It made
sense, we felt, to put it all together as one overall revision of companies and insolvency legislation. Part of
it had already been enacted in 2011 and the rest we are doing today.

In the same way as it is proposed that the Companies Act be commenced on 1st September 2011, we
will be publishing very shortly the various pieces of regulations – not commencing them, but just
publishing for public knowledge – and again to give practitioners the opportunity to get to grips with the
630 whole new regime, the whole new insolvency regime, which will commence at the same time as the new
Companies Act on 1st September this year. In relation to this particular Bill, Mr Speaker, this is in the main
a housekeeping Bill in that it introduces changes, which are necessary or desirable to the Insolvency Act
2011 as a result of the provisions of the Companies Act which we are enacting today, and in order to make
a number of minor corrections to the Insolvency Act 2011.

635 The Bill also introduces a number of changes arising from decisions which we have taken since we have
been in Office, following consultation with the practitioners in the field of insolvency.

The amendments consequent to the enactment of the Companies Act consists simply of updating of
references in the Insolvency Act to the new Companies Act because the existing Companies Act clearly
was done having regard to the existing Companies Act and some of the terminology will need to be
640 changed. So what we are doing is generally ensuring that there is consistency of terminology between the
two pieces of legislation – the existing Insolvency Act and the new Companies Act.

There are also a number of corrections to the Insolvency Act consisting primarily of rectifying cross-
referencing errors and a number of typographical errors which we noted. There are, as I have said, also
a number of changes to the Insolvency Act which are being made, and these have followed consultation. I
645 will go through the various changes. There are essentially four changes.

The first, Mr Speaker, is to provide for the licensing of insolvency practitioners by the Financial
Services Commission. The Insolvency Act 2011 provides for this function to be exercised by the Minister
with responsibility for Financial Services. The Act in fact distinguishes in relation to insolvency
practitioners, between the licensing of insolvency practitioners, which is a responsibility given to the
650 Minister, and the supervision of insolvency practitioners, which is a responsibility given to the Financial
Services Commission.

The Act in fact allows the Minister to designate another person or entity as essentially the licensing
authority. The Government has decided that that function should not be exercised by the Minister, but by
the Commission. The licensing function should be exercised by the Commission. Although it is true that
655 this could have been done by designation under the existing provisions, we were in any event, as a result of
the Companies Act, bringing an amendment to the Insolvency Act and the Government's decision is not
that the primary power under statute should be held by the Minister, subject to a designation, but that the
statutory power should be held by the Commission itself; therefore, we felt that it was best to do this by
bringing this amendment to the Act.

660 Secondly, Mr Speaker, we have widened the scope of what is currently contained in section 136(3) of
the Insolvency Act. This provides that where there is any inconsistency between the Act and legislation
transposing EU Directives on collateral arrangements and securities, the EU provisions naturally prevail.
However, section 136(3), which is the current provision which reflects this, is limited to set-offs. The
amendment makes it clear that this applies to all arrangements and transactions caught by the relevant
665 collateral and securities laws.

Thirdly, we have placed the responsibility for distributing the report on the outcome of a creditors
meeting on the interim supervisor. We have done this because it is the interim supervisor and not the
Chairman. At the moment under the Act it is the responsibility of the Chairman, but it is the interim
supervisor who prepares the report on the creditors meeting and we felt that the interim supervisor would be
670 better placed to have the obligation to distribute that report.

Fourthly, we have provided when considering the appointment of a liquidator on a public interest
ground, the Court must include the interests of the public outside Gibraltar. We have done this because we
have been advised that it has previously been argued in proceedings that 'public' may only mean or should
only mean the public in Gibraltar, and if that were to be the case, it could possibly undermine the
675 confidence of overseas' investors in Gibraltar companies if we do not take their interests into account or the
Court was not to take their interests into account.

Mr Speaker, the existing Companies Act provides for certain offences for both solvent and insolvent
liquidations. We consider that offences in the new Companies Act should apply only to solvent liquidations

680 and the equivalent offences for insolvent liquidations should be placed in the Insolvency Act. The Bill before this House gives effect to this.

685 Finally, Mr Speaker, we have given notice by letter to Mr Speaker of a further amendment which we will be proposing at Committee Stage. I understand hon. Members have a copy of the letter with the proposed amendment. The purpose of the amendment is to introduce a new provision in the Insolvency Act which reflects the current section 42A of the Bankruptcy Act and as Members know, the Bankruptcy Act will be repealed when the Insolvency Act is commenced.

690 Section 42A of the Bankruptcy Act contains provisions relating to Asset Protection Trusts. These are not used to any particularly great extent, as I understand it; however, there have been regulations made under section 42A, and that is the Bankruptcy (Register of Dispositions) Regulations, and a number of dispositions are in fact registered under the existing regulations. We have received representations from the industry that it would be desirable to keep the equivalent of section 42A in the new Insolvency Act. The Government has agreed and we will therefore be proposing at Committee a new clause to the Bill which will give effect to that.

695 Mr Speaker, as with the Companies Act, as I have already indicated, it is the Government's intention to commence all the legislation on 1st September 2014. At the same time a number of Rules and Regulations will be commenced, having previously been published and these are the Insolvency Rules, the Insolvency (Transitional Provisions) Regulations, the Insolvency Partnership Regulations, the Insolvency (Administration of Insolvent Estates) Regulations, the Insolvency Practitioner Regulations and the Cross-Border Insolvency Regulations.

700 Once again, Mr Speaker, I wish to thank all those who have been involved and assisted and advised the Government in putting together the various strands of this undoubtedly complex process. In particular, I would thank members of what we call the Insolvency Group, who are a group of practitioners in insolvency work who have for the last two years been involved with myself and the Minister for Financial Services in consultation, advice and have reviewed various drafts, in particular the drafts of the Rules and Regulations which are necessary to give effect to the provisions of the Insolvency Act.

705 I would also extend the Government's appreciation for their input to the Financial Services Commission, in particular, the Commission's Chief Executive Samantha Barrass.

Mr Speaker, I commend the Bill to the House. *(Banging on Desks)*

710 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. the Leader of the Opposition.

715 **Hon. D A Feetham:** Mr Speaker, just to say that the Opposition will be supporting this Bill. This Bill is introduced in order to allow four amendments of the Insolvency Act, which the Hon. the Minister for Justice has acknowledged was introduced into this Parliament by us when we were in Government, not only to enable it to be commenced, but also they made a number of amendments.

720 Whilst perhaps we would have dealt with certain issues differently and indeed, in terms of the amendments to the licensing regime, we took a conscious decision to deal with it in a different way, the reality is that there is more than one way to skin a cat and simply because we decided to deal with it differently does not mean that there is anything wrong with the way that the hon. Gentleman has sought to deal with this particular issue through these amendments.

So the Opposition will be supporting the Bill for those reasons.

725 **Mr Speaker:** Does the hon. mover wish to...?

730 **Hon. Sir P R Caruana:** Yes, Mr Speaker, there is just one minor point on which... I am grateful to the Hon. Minister for handing me the Act as it stands. I was a little bit concerned when he said that the effect of the amendment to section 229 was to define the public interest, including the public interest of a place *outside* of Gibraltar. I think that might be a happy misspeaking on his part because I think in fact it does something slightly different in that it defines 'public' as being the public both within and without Gibraltar, which is slightly different to defining the public interest. I think it would be dangerous, as a matter of generality, to define the public interest in the laws of Gibraltar as the public interest of every country in the world. The public interest of some countries is that Gibraltar should not have a finance centre, should not have laws to encourage people and therefore I think as a matter of general statutory provision, it would need very careful thought before the definition of 'public interest' were broadened in that way. I do not think that that is the effect, even though that is how he has described it. I do not think on a very quick reading that is the effect of this amendment, which is simply to do probably what is already the position and that is simply where it says 'public', as in members of the public. It means members of the public who are both in and out

740 of Gibraltar and that must be true, that a creditor of the Gibraltar company is a member of the public in Gibraltar for that purpose already.

On that basis there is a provision in clause 229 that refers to the public interest, the Court is of the opinion that it is in the public interest for a liquidator to be appointed. The amendment is, public, includes public within and outside of Gibraltar. Whether that would influence the interpretation of the word 'public', whether the reference to the 'public' in that sense would influence the interpretation of the phrase 'public interest', which includes the word 'public', I do not know. But I do not think it is hugely important in the context. In any event, I do not think it would be hugely important in the context of this legislation, but I think it is worth just bearing in mind perhaps in other legislation where it might be more sensitive, to perhaps focus on this point.

750 **Hon. G H Licudi:** Mr Speaker, I agree entirely with the clarification and the interpretation given by the hon. Member Sir Peter Caruana. Certainly it is not our intention to signal that the Government considers that any reference to public interest is anything other than the public interest in Gibraltar. There is a particular provision here in relation to the public and what that means and public must necessarily for insolvency purposes. We are only dealing with this and therefore we are making no wider statement than what is contained in this particular Bill. We are simply clarifying that 'public' for these purposes, means the public in Gibraltar and outside because of the interests of people outside Gibraltar in Gibraltar companies who may be affected by this. Therefore, I am happy to agree with the clarification which has been put forward and I am in fact very grateful for it.

760 **Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the repeal and amendment of certain enactments consequent on the enactment of the Insolvency Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Insolvency (Amendment) Act 2014.

**Insolvency (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

765 **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.

770 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Insolvency (Consequential Provisions) Bill 2014 –
First Reading approved**

Substitute Clerk: A Bill for an Act to provide for the repeal and amendment of certain enactments consequent on the enactment of the Insolvency Act 2011.

The Hon. the Minister for Education, Telecommunications and Justice.

775 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the repeal and amendment of certain enactments consequent on the enactment of the Insolvency Act 2011 be read a first time.

780 **Mr Speaker:** I now put the question which is that a Bill for an Act to provide for the repeal and amendment of certain enactments consequent on the enactment of the Insolvency Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Insolvency (Consequential Provisions) Act 2014.

**Insolvency (Consequential Provisions) Bill 2014 –
Second Reading approved**

785 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to move that the Insolvency (Consequential Provisions) Bill 2014 be read a second time.

This Bill makes amendments to various Acts, Regulations and Rules arising from the enactment of the Insolvency Act 2011, as amended by the Bill which we have just considered.

790 As the name of the Bill implies, the intention is to give effect through this Bill to changes which are necessary or desirable simply as a consequence of the enactment of the Insolvency Act. As hon. Members are well aware, the Insolvency Act 2011 introduces the concept of administration of companies. This makes it necessary for various statutory provisions to be amended to reflect the fact that companies, apart from being placed into liquidation, may also now be placed into administration. As an example, Mr Speaker, the application of the Crime (Money Laundering and Proceeds) Act 2007 and the Drug Trafficking Offences Act 1995 is extended to assets held by companies which are subject to administration under the new procedure.

795 A number of amendments are also being made to the Protected Cell Companies Act. Although special provisions apply in relation to the liquidation of a protected cell company, there is no reason to exclude the Insolvency Act completely. However, in relation to individual cells, the Protected Cell Companies Act provides for the appointment of an administrator and this is a self-contained procedure within that Act and the proposed new section 2A of that Act therefore excludes the administration provisions in the Insolvency Act because the Act already has its own procedure. Other amendments are also made to this Act to reflect the change in terminology in the Insolvency Act.

800 Mr Speaker, the other pieces of legislation which are amended by this Bill are the Deposit Guarantee Scheme Act 1997, Financial Markets and Insolvency (Settlement Finality) Regulations 2011, Financial Services Commission Act 2007, Financial Services (Temporary Administration of Companies) Act 2010 and a Supreme Court Rules 2000.

805 Mr Speaker, I commend this Bill to the House.

810 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question which is that a Bill for an Act to provide for the repeal and amendment of certain enactments consequent on the enactment of the Insolvency Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

815 **Substitute Clerk:** The Insolvency (Consequential Provisions) Act 2014.

**Insolvency (Consequential Provisions) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

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.

820 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

**The Companies Bill 2014;
The Insolvency (Amendment) Bill 2014;
The Insolvency (Consequential Provisions) Bill 2014.**

Substitute Clerk: Committee Stage.
The Hon. the Chief Minister.

825

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Companies Bill 2014; the Insolvency (Amendment) Bill 2014; and the Insolvency (Consequential Provisions) Bill 2014.

In Committee of the whole Parliament

830

**Companies Bill 2014 –
Clauses considered and approved**

835 **Substitute Clerk:** A Bill for an Act to re-enact, with amendments, the provisions of the Companies Act (1930-07) as amended; to incorporate the Companies (Accounts) Act 1999 and the Companies (Consolidated Accounts) Act 1999; to take account of the effect of the Insolvency Act; to incorporate amendments proposed by a Law Reform Committee of the Gibraltar Finance Centre Council; and for connected purposes.

840 Clauses 1 to 17.

Mr Chairman: Stand part of the Bill.

Substitute Clerk: Clause 18.

845 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, I have given notice in a letter, which I understand hon. Members have, of various amendments to this Bill, including an amendment to clause 18. I am happy to go through the various amendments or for the record to show that these amendments are formally put before the Committee.

850 **Mr Chairman:** Do all hon. Members agree that having regard to the fact that it has been circulated in detail, we dispense with the need to actually read them out? Agreed.

Clause 18, as amended, stands part of the Bill.

855 **Substitute Clerk:** Clauses 19 to 85.

Mr Chairman: Stand part of the Bill.

Substitute Clerk: Clause 86.

860 **Mr Chairman:** The Hon. Mr Licudi. No?

Substitute Clerk: There are amendments, but they are covered by the general amendment. If you could say that it is covered by the general memorandum. (*Interjection*)

865 **Hon. G H Licudi:** Mr Chairman, I understand that all the amendments have been accepted and therefore it is clause 86, as amended, should stand part of the Bill.

Mr Chairman: Clause 86, as amended, stands part of the Bill.

870 **Substitute Clerk:** Clauses 87 to 113.

Mr Chairman: Stand part of the Bill.

875 **Substitute Clerk:** Clause 114.

Mr Chairman: Again, there is an amendment which has been circulated. Clause 114, as amended, stands part of the Bill.

880 **Substitute Clerk:** Clauses 115 to 130.

Mr Chairman: Stand part of the Bill.

Substitute Clerk: Clause 131.

885 **Mr Chairman:** Clause 131, as amended, stands part of the Bill.

Substitute Clerk: Clauses 132 to 187.

Mr Chairman: Stand part of the Bill.

890 **Substitute Clerk:** Clause 188.

Mr Chairman: Clause 188, as amended, stands part of the Bill.

895 **Substitute Clerk:** Clause 189.

Mr Chairman: Clause 189, as amended, stands part of the Bill.

Substitute Clerk: Clauses 190 and 191.

900 **Mr Chairman:** Stand part of the Bill.

Substitute Clerk: Clause 192.

905 **Mr Chairman:** Clause 192, as amended, stands part of the Bill.

Substitute Clerk: Clauses 193 to 490.

Mr Chairman: Stand part of the Bill.

910 **Substitute Clerk:** Schedules 1 to Schedule 29.

Mr Chairman: Stand part of the Bill.

915 **Substitute Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Insolvency (Amendment) Bill 2014 –
Clauses considered and approved**

Substitute Clerk: A Bill for an Act to amend the Insolvency Act 2011.
Clause 1.

920 **Mr Chairman:** Stands part of the Bill.

Substitute Clerk: Clause 2.

925 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, I have given notice by letter of a proposed amendment to clause 2 to introduce a new 35A and the details are set out in the letter which I understand has been circulated to the hon. Members opposite. As I explained during the Second Reading, this is to re-introduce the provisions relating to asset protection trusts.

930 **Mr Chairman:** Is it agreed that clause 2, as amended in the terms the hon. Member has given notice, stands part of the Bill?

Clause 2, as amended, stands part of the Bill.

Substitute Clerk: The long title.

935 **Mr Chairman:** Stands part of the Bill.

**Insolvency (Consequential Provisions) Bill 2014 –
Clauses considered and approved**

Substitute Clerk: A Bill for an Act to provide for the repeal and amendment of certain enactments consequent on the enactment of the Insolvency Act 2011.

Clauses 1 to 3 and the long title.

940 **Mr Chairman:** Stand part of the Bill.

FIRST AND SECOND READING

**Criminal Procedure and Evidence (Amendment) Bill 2014 –
First Reading approved**

Substitute Clerk: A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.

Mr Speaker: The report...?

945 **Substitute Clerk:** We report at the end. (*Interjection*) Yes.
A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.
The Hon. the Minister of Education, Telecommunications and Justice.

950 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a first time.

Mr Speaker: I now put the question that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a first time.

955 Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Criminal Procedure and Evidence Act 2011.

**Criminal Procedure and Evidence (Amendment) Bill 2014 –
Second Reading approved**

960 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to move that the Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a second time.

Mr Speaker, this Bill introduces a number of amendments to the Act so as to increase the range of sentences to which rehabilitation attaches and to decrease the rehabilitation period in respect of certain sentences.

965 The provisions regarding the rehabilitation of offenders introduced in the Criminal Procedure and Evidence Act 2011 aim to give those with convictions or cautions the chance, in certain circumstances, to have their convictions or cautions regarded as spent after a specified period of time, known as the rehabilitation period. The length of that specified period depends on how the individual concerned was dealt with, including the length of prison sentence where such a sentence has been imposed.

970 Prison sentences of over 30 months are excluded from the scope of the Act and can therefore never become spent, subject of course to the possibility of a review, which is an amendment we have previously introduced. The rehabilitation periods for other types of sentence vary according to the person's age and whether the person was cautioned or convicted, and if the latter, the type of sentence imposed. Once the conviction or caution becomes spent, the offender is regarded as rehabilitated and for most purposes is treated as if he had never committed the offence.

975 The amendments included in this Bill are based on recent changes in the United Kingdom made to the Rehabilitation of Offenders Act and these amendments came into force on 10th March 2014. As a result of the amendment in the UK, there is now a very wide gap between rehabilitation periods in the UK and those in Gibraltar. As an example, someone sentenced to six months imprisonment in the UK has a rehabilitation

980 period of four years; whereas someone sentenced to the same period of imprisonment in Gibraltar, has a rehabilitation period of 10 years – in other words more than double.

The UK regime was amended following criticism as to it being inconsistent with contemporary sentencing practice, with the result that it failed in its aim to help reformed offenders resettle into society. It was suggested that the rehabilitation periods were too long and did not reflect the point at which re-offending tails off following a conviction. When these changes were introduced in the UK in March of this year, a number of reports also suggested that studies have shown that shorter rehabilitation periods made a critical difference on whether or not an offender was able to find employment and turn his or her life around. That in turn also reflected on re-offending rates. Shorter periods of rehabilitation resulted therefore in offenders being more likely to find employment and in turn less likely to re-offend.

985
990 That does not of course mean or lead to the conclusion that rehabilitation periods should be eliminated altogether. It is necessary to have rehabilitation periods. The question is simply what those periods should be. The UK has now pitched those periods at a level considerably shorter than those which currently apply in Gibraltar. There appears to the Government to be sound public policy, criminal justice policy and social policy reasons for these shorter periods. We have therefore decided to follow the periods recently set in the UK.

995
1000 The changes in the Bill involve two key matters. The first change is to extend the scope of the Act to cover custodial sentences of up to 48 months and the second is to change the length of some of the rehabilitation periods and the manner in which they are calculated. These changes will result in a simpler system which will no doubt help in a more realistic opportunity being given to offenders to get on the right path and contribute to society. That is in line with Government policy as reflected in our manifesto where we set out the importance of rehabilitation of offenders provisions. Other changes are simply to simplify the system in line with current UK practice.

Mr Speaker, I commend the Bill to the House. (*Banging on Desks*)

1005 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. the Leader of the Opposition.

1010 **Hon. D A Feetham:** Mr Speaker, this Bill seeks to amend legislation that we introduced into this House... I think it was in 2011, in the Criminal Procedure and Evidence Bill, which introduced for the very first time into Gibraltar the concept of rehabilitation of offenders.

1015 Mr Speaker, I recall from the debate in relation to that Bill that in fact the hon. Gentleman, when he was shadowing me, he raised a number of concerns about the shortness of the rehabilitation periods. He also raised some concerns as well as to the schedule annexed to the Bill, which listed all those professions. He may recall all those professions that had actually been excluded. I told him then that really the question of rehabilitation of offenders was very much work in progress and that it may well have been that at some point in the future a future Gibraltar Government would have to review the rehabilitation periods, and indeed also the exclusions, the list of professions that were excluded from being... or people working in those professions were excluded from being rehabilitated at some point in the future.

1020 The hon. Gentleman has decided to do this at this point in time because what he is doing is, he is following UK amendments to the legislation in the UK. I think that it is something that actually ought to be kept under constant review and it is something that may well in the future lend itself to Gibraltar going down a different path to the United Kingdom, particularly too in relation to re-examination of all those professions that are excluded from being rehabilitated.

1025 I will just explain, for the benefit of viewers, that there is a list of professions annexed to the Criminal Evidence and Procedures Act, as it now is, and anybody wanting to work in those professions will never be rehabilitated. In other words, a conviction will always – no matter how spent the conviction would have become – would always weigh effectively against that person when that person wanted to work in those professions, and of course that makes sense in relation to, for example, professions such as people working with children or with vulnerable people; but indeed, the list is a very wide list indeed. We chose to follow the UK because at the time we thought that that was appropriate, but I think that is something that also ought to be re-examined by the Government and I urge him as part of this continuing process, of course, of keeping our laws updated that he should look at that, but other than that Mr Speaker, the Opposition will certainly be supporting this Bill.

1035 **Mr Speaker:** Does the hon. mover wish to reply?

Hon. G H Licudi: Yes Mr Speaker.

The hon. Member mentions certain issues which are raised at the Second Reading of the Bill in 2011. I have no independent recollection of that, but be that as it may, I do agree that this legislation, as many other

1040 pieces of legislation, needs to be kept under constant review. The review that we have done now in relation
to the periods do arise because of changes in the UK. The hon. Member has mentioned – and again he is
correct, as I acknowledged earlier in the context of a separate Bill – that we should not and we do not need
to follow slavishly in Gibraltar whatever happens in the UK. So it is not that it is a reaction to a change in
1045 the UK, but a consequence of consideration of the reasons why those changes have been made, the studies
that have led and the criticisms of the longer periods that have led to those changes. And after some
consideration of those reasons – and those changes were only made in March of this year – we have felt that
it made sense to move in that particular direction, but I do acknowledge that there may well be local
circumstances which may make us in the future go down a different direction to the UK.

1050 I also agree that the list of professions, which is quite extensive needs to be kept under review. We have
not decided at this stage that we should make any particular changes, but it is something that certainly needs
to be kept under review as we see how the effect of the changes of the introduction in the first place, and let
us recall that although this was introduced in Parliament in 2011, it did not actually come into effect until
November, as I recall, of 2000... sorry, the whole Act came into effect in November 2012, but very early
1055 on in 2012, we introduced the Rehabilitation of Offenders Provisions as a commencement of a part on its
own.

So this is not something that has been around for years and years and we have learnt from the practice as
to what it actually means to people who have come out of jail and end their rehabilitation periods. In the
main part, people who have been subject to rehabilitation periods since the commencement have not had the
opportunity of having that period end and then be rehabilitated. This will certainly help because it will
1060 automatically mean that somebody who is currently subject to a longer rehabilitation period, who is caught
by the new provisions, will have that period automatically shortened and therefore that person may well
now find, as a result of this commencement, that that conviction becomes spent and has those extra
opportunities which is what we all want to achieve.

1065 Certainly this is a matter that needs to be kept under review and I am certainly grateful on this occasion
that the Opposition is supporting the changes we are making.

Mr Speaker: I now put the question which is that a Bill for an Act to amend the Criminal Procedure
and Evidence Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1070 **Substitute Clerk:** The Criminal Procedure and Evidence (Amendment) Act 2011.

**Criminal Procedure and Evidence (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

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.

1075 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be
taken today. (**Members:** Aye.)

**Prison (Amendment) Bill 2014 –
First Reading approved**

Substitute Speaker: A Bill for an Act to amend the Prison Act 2011.
The Hon. the Minister for Education, Telecommunications and Justice.

1080 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have
the honour to move that a Bill for an Act to amend the Prison Act 2011 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Prison Act 2011 be
read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1085 **Substitute Clerk:** The Prison (Amendment) Act 2014.

**Prison (Amendment) Bill 2014 –
Second Reading approved**

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill for an Act to amend the Prison Act 2011 be read a second time.

1090 Mr Speaker, we seem to be dealing with a number of amendments to Acts which were passed by this Parliament in 2011. For some reason –

A Member: Very welcome.

1095 **Hon. G H Licudi:** Yes, certainly very welcome Acts, but for some reason there seems to have been a flurry of activity in 2011 (*Laughter*) to get some legislation through Parliament. But this, of course, is certainly a welcome amendment... a welcome provision and updating of the Prison Act, which as I recall was welcomed by all.

1100 Mr Speaker, this Bill includes a number of amendments to the Prison Act 2011 which can be split into three groups. The first set of amendments is contained in clauses 2 and 3. These deal with the position of prisoners aged 17 and their classification under the Act. The changes ensure that persons aged 17 are treated as juveniles during the judicial process under the Criminal Procedure and Evidence Act and also under the Prison Act. At present, special treatment is required under the Prison Act for those aged *under* 17 – this does not of course include 17-year-olds.

1105 Hon. Members will recall that I explained, in answer to a question from the Hon. Selwyn Figueras in March of this year, how juveniles who are detained at HM Prison are dealt with. It became apparent during the course of preparing the answer to that question that whereas in prison 17-year-olds are treated as adults – because it is only under-17's that are given that special treatment... so in prison 17-year-olds are treated as adults and under the Criminal Procedure and Evidence Act, 17-year-olds are treated as juveniles. This discrepancy exists as a result of the commencement of the Criminal Procedure and Evidence Act in 2012, which changed the age at which young persons become adults from 17 to 18. This discrepancy in fact, Mr Speaker, was also highlighted in a recent case before the Court, which was reported by the *Gibraltar Chronicle* on 5th April this year. As a result, Mr Speaker, the Government considers that it is right that 17-year-olds should be treated as juveniles for all purposes under the Criminal Justice System. It is therefore necessary to amend the Prison Act to bring the classification of 17-year-olds in line with the definition of 'juveniles' in the Criminal Procedure and Evidence Act.

1115 Mr Speaker, the second area being amended by this Bill is contained in clause 4. This amendment clarifies the way in which a sentence of imprisonment is defined for the purposes of release on licence. The amendment reflects the current practice, that terms in default for the non-payment of fines are for the purposes of releasing persons on licence treated as sentences of imprisonment and that consecutive terms of imprisonment are to be treated as one term. This arises where a prisoner is serving a sentence of imprisonment and separately has to serve a term, say, of 30 days in default for non-payment of fines. The question that arises is how the parole eligibility date is calculated? Is it only by reference to the first sentence with a term in default served separately or is there a requirement to put the two terms together as one term and calculate parole eligibility date by reference to that whole term? The legislation Mr Speaker, I was advised was not clear, although the practice was to treat the sentences as one term. The amendment we are making does not change the current practice; it simply clarifies the law.

1120 The final amendments made by this Bill are by clause 5, Mr Speaker. These are amendments to section 64 of the Prison Act 2011 to create a new offence of possession without authorisation of a device capable of transmitting or receiving images, sounds or information by electronic communications in a prison. This includes mobile telephones, as well as other devices which are capable of accessing the internet or are otherwise capable of sending or receiving data.

1135 There is already, under the Prison Act, the offence of introducing such a device into the prison. This requires evidence of who introduced the device to the prison, but does not assist where someone is in possession of the device, but it is not known how or by whom the device was introduced to the prison. It was felt that this creates a lacuna in our legislation which we are correcting with this new offence. The new offence will also extend to the possession of any component part or article designed or adapted for use with such a device, such as a SIM card or a charger for a mobile telephone.

Mr Speaker, I commend the Bill to the House.

1140 **Mr Speaker:** I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

Hon. D A Feetham: Yes, Mr Speaker.

1145 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, yes.

1150 Mr Speaker, in the mutual back-slapping that has characterised this particular session this morning, it was the first ungenerous comment by the hon. Gentleman to suggest that we had delayed all these Bills – the Insolvency Act, the Criminal Evidence and Procedure, the Crimes Act and the Prison Act – all seminal pieces of legislation until the very end. Of course the reality is, as he well knows because of the work that he has done in relation to the Companies Act, that dealing with legislations of this nature is not like, I suppose, frying an egg. Although, I have to say, I have very little experience of frying eggs or frying anybody else... sorry, *anything* else (*Laughter*) much to my wife's complaints.

1155 But, Mr Speaker, these are just simply amendments. One of the amendments deals with an anomaly that has arisen or that attention has been drawn to an anomaly as a consequence of a recent case in the Supreme Court. I happen to read the case. It is logical that the Government comes to Parliament in order to introduce an amendment that will effectively make the provisions in the Prison Act compatible with the provisions in other pieces of legislation.

1160 For all those reasons, Mr Speaker, the Opposition will be supporting this Bill.

Hon. G H Licudi: Mr Speaker, just to say that I was not trying to be ungenerous. I was simply remarking on a fact. In fact I was implicitly trying to commend the Member for bringing all those, as he has often described them, as seminal pieces of legislation, before he was, unfortunately for him, ousted out of office.

Mr Speaker: I now put the question which is that a Bill for an Act to amend the Prison Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1170 **Substitute Clerk:** The Prison (Amendment) Act 2014.

Chief Minister (Hon. F R Picardo): Mr Speaker, may I now, bang on one o'clock, invite the House to recess until 2.30 p.m. this afternoon?

1175 **Mr Speaker:** The House will now recess until 2.30 p.m. this afternoon.

The House recessed at 1.02 p.m. and resumed its sitting at 2.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.35 p.m. – 6.25 p.m.

Gibraltar, Friday, 30th May 2014

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The Gibraltar Parliament

The Parliament met at 2.35 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[SUBSTITUTE CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Order of the Day

BILLS

COMMITTEE STAGE AND THIRD READING

Prison (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

Substitute Clerk: The Hon. Mr Licudi.

5 **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 Prison (Amendment) Bill be taken later today, if all hon. Members agree.

Mr Speaker: Are all hon. Members agreed that the Committee Stage and Third Reading of the Prison Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Public Health (Amendment) Bill 2014 – First Reading approved

10 **Substitute Clerk:** A Bill for an Act to amend the Public Health Act.
The Hon. the Minister for Health and the Environment.

15 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, before I move I would like to call attention of the House to the fact that I wrote to Mr Speaker to advise him that there had been an error and the Bill had been published in two successive weeks in the *Gazette*. Therefore the Bill that appears as Item V on the list in the Order Paper should be withdrawn because it is an identical Bill that was published in error on a second occasion.

Then, Mr Speaker, having said that I have the honour to move that a Bill for an Act to amend the Public Health Act be read a first time.

20 **Mr Speaker:** I now put the question 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.

Substitute Clerk: The Public Health Amendment Act 2014.

**Public Health (Amendment) Bill 2014 –
Second Reading approved**

25

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time.

30

Mr Speaker, as a child, like so many Gibraltarian children at so many times through its history when travel was more difficult and other pastimes scarce, I would spend many hours with my parents and grandparents playing in the Alameda Gardens. I remember the plants and the care that they were given. I would look over the bridge into a magical glade and sit on the old guns dreaming of adventure.

35

As a youth, already with a keen interest in nature, I would walk through the Alameda on my way to my bird watching outings on the Upper Rock and then I would go into the Garrison Library and research into the rich history of the gardens, relishing the accounts of the travellers of yesteryear.

40

In the early 1980s I saw the gardens gradually decline; but as the years went by and I became more aware of the silence that backdrops nature, I recognised their potential more and more. When in the late 1980s, through a chance conversation with a friend, the opportunity arose to become more closely involved, I prepared a proposal for their conversion into a botanic garden. This was accepted by the Government of the time, that of the first GSLP Administration.

45

Since then, through hard work and persistence and with the support of successive Governments and six successive Ministers, the gardens developed from a derelict public park into a real botanic garden, renowned not just in Gibraltar, but around the world too for its beauty, its special plant collections, its educational value, its work in conservation as well as its wildlife park and of course its stunning open air theatre. It is, among other things, recognised as a member of international organisations, such as the International Association of Botanic Gardens and Botanic Gardens Conservation International.

Significantly, Mr Speaker, the gardens have been responsible for the discovery of new species of plants and invertebrates and for the saving of species from global extinction: the Gibraltar Campion, a flower unique to the Rock of Gibraltar.

50

Mr Speaker, I dedicated two decades of my life to this place and I believe was able to steer it through successive Administrations, keeping it away from political controversy by concentrating on the tasks and challenges I faced. I pay tribute here now to the successive members of staff of the gardens through the years for their vital contribution to this work.

55

Mr Speaker, the Alameda Gardens are defined in statute, but its role as a botanic garden is not. A botanic garden is as important in defining a country's identity through natural heritage, as a museum is in defining its character through its history. No-one, for example, will question the role of the Royal Botanic Gardens at Kew, nor the fact that its status is equivalent to that of the British Natural History Museum and the British Museum itself as an institution of scientific, educational and recreational excellence.

60

Mr Speaker, in the same way then that the Gibraltar Museum is defined in Gibraltar law, the Government feels that the Gibraltar Botanic Gardens should be likewise defined and recognised.

Mr Speaker, this Bill seeks to amend the Public Health Act to define the Alameda Gardens as Botanic Gardens, with the roles and functions of any such institution worldwide. It is a particularly fitting time to do this, Mr Speaker, as the gardens were officially opened in April 1816 and so are approaching their 200th anniversary.

65

With a slight amendment notified by letter, Mr Speaker, which aims not to restrict the enjoyment of the gardens to residents of Gibraltar – important given the increasing number of tourists including those visiting on cruise ships – and in the knowledge that the work of the gardens and its progress have been supported and made possible by both GSLP and GSD Administrations, I call on the support of all Members and commend this Bill to the House.

70

Several Members: Hear, hear. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

75

The Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker.

80

Mr Speaker, I am tempted by starting my comments in relation to the Bill by saying to the hon. Gentleman, it does not appear *que tiene abuela*. This morning, I complimented the Minister for Justice quite extensively and he has now complimented him himself quite extensively. (*Laughter*) But look, in the spirit of the way that we have been conducting proceedings so far today, I will not hold it against the hon. Gentleman.

Mr Speaker, we cannot vote in favour of this Bill. We cannot vote in favour of this Bill on a point of principle, and the principle is this, and it is going to be... foreshadow, our attitude also in relation to the Commonwealth Park.

85 The point is this, that constitutionally no Parliament can bind a future Parliament. So any legislation that we introduce now about perpetually setting aside Alameda Gardens, could not perpetually set aside Alameda Gardens for any purpose if a future Parliament decided to effectively change the law.

90 I do not see why we ought to be introducing legislation of this nature. I want to make absolutely clear that neither the GSD, nor indeed the GSD whilst I lead it or whilst any of the people present today ever lead the GSD would intend to change the use of Alameda Gardens to anything other than what it is today, but I do not think that it is right to introduce legislation that perpetually seeks to effectively bind future Governments when the reality is that is not possible. So all you would be doing really is ensuring that if any future Government wanted to change the law, it would have to come to this House in order to debate the issue. But, quite frankly, there would be such a public outcry if anybody were to try and change the use of Alameda Gardens that it would be absolute political suicide and turkeys voting for Christmas if any future Government decided to do that. So we are not going to be voting against it, Mr Speaker, but we will certainly abstain. We are not voting in favour.

100 Mr Speaker, I would also ask the hon. Gentleman just to explain and to provide some clarity in relation to Section 269(2)(d) which says, 'may allow the public to be excluded from the Alameda Gardens or parts thereof and for a reasonable fee for admission to be charged'.

Can he explain what the intention is in relation to this particular clause that obviously is a different point to the point that I have made.

105 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I was in the Ante Chamber, but I heard all of what the Hon. the Leader of the Opposition has said in relation to what he said was the point of principle that led them to indicate that they would not be able to support this Bill, and already to indicate that a Bill that is on the Order Paper is not one that can be proceeded with until after 25th June, almost a month from now, is also not likely to enjoy their support.

110 Can I just ask him to reflect a little bit on the principle that he has enunciated and consider whether in fact there is not actually room for them to come on side with the Government and understand why it is that we are doing this, especially given the fact that he has told the House this afternoon that certainly a GSD under him or under any other person on the Opposition benches at the moment would not, if they were ever to be in a position to do so from Government, be seeking to change the use to which the Alameda Botanic Garden is being put?

115 So in those circumstances, given that we are dealing with a putative third Government – in other words, one not led by anybody in this room today that evinces the intention of not in any way effecting the Botanic Gardens and their use – why would we not want to...let me use this word 'entrench' in legislation the principle that these gardens are going to be used simply as gardens?

120 Well, the hon. Gentleman says that Parliaments cannot bind their successors. Governments cannot bind their successors. Of course, Mr Speaker, that is not true. Governments do bind their successors and he will know, and if the hon. the backbencher were here, he would be able to bear out that in the same way as they in Government were bound by contracts entered into by the GSLP Administration before 1996, the GSLP Liberal Administration of 2011 is bound by contracts entered into by them, some of them on the eve of the Election. So Governments do bind their successors contractually and Governments also bind their successors through legislation – for example, we have passed swathes of legislation this morning which binds the next Parliament and the next Government, unless and until another Government comes to this House or an individual can come to this House on a Private Member's Bill and garners a majority of it and then a Rule can change.

130 The hon. Member's reason for not supporting this Bill is a good reason for not supporting any Bill and of course belies the principle of legal certainty. The principle of legal certainty is that the Rule is on the statute book and must be observed whilst it is on the statute book – of course, an issue that we shall come to perhaps later on when we deal with the motion. But until such time as a Government or individual, a majority of this House however garnered, makes a decision to pass a statute that contradicts or supersedes or in some way overturns an earlier statutory provision, it is on the statute book and must be observed. Therefore, given that we protect the rights of individuals and the rights of corporations and we protect society in so many ways against so many evils, in so many statutes and so many sections, why not extend that protection to the use to which a particular area of Gibraltar is being put.

140 Let me give him another example. We do it today here by statute. In part it is done through the Gibraltar Development Plan. You may have seen in recent weeks, Mr Speaker, reference in correspondence in local newspapers where people have spoken about the relevance and the enforceability of the Plan in relation to

145 the area of Europa Point, for example, and of course Alameda Gardens is an area which in the Development
Plan is a garden. The Development Plan as it stands does not cover, for example, Commonwealth Park as a
garden, where it appears as an area of car parking, an open space available for development. We are going,
Mr Speaker, therefore an extra mile. We are adding a layer of protection and of course it is right. Perhaps
even for very good reason in future a Government might need to come and say, ‘We need to get rid of the
gardens’. I doubt there will ever be a reason good enough for John Cortes and perhaps never a reason good
150 enough for any of us, but who can tell where Gibraltar will be in the 22nd century BC... AD, sorry. Who
could tell what the needs of Gibraltar then might be?

We think it is right that if there comes a need in order to redevelop that area, that the Government that is
going to seek such redevelopment comes here and seeks the approval of the Parliament, and in that way the
approval of the people for that redevelopment. It is simply an extra layer of protection, but I cannot see why
in principle they would not accept my invitation to *add* that layer of protection to these non-urban areas.

155 I know that the Commonwealth Park is new. That it is our manifesto commitment and not theirs, and I
know that there has been an element of controversy about that and I can understand why the area of the
Commonwealth Park might be an area that we might not enjoy their support on, unless they are prepared to
say, ‘Well, look, it was not our idea, but we think it works and we want it protected’. But the Alameda
Gardens go back centuries already. They are an area that I think are close not just to botanists’ hearts. I
160 think they are close to the hearts of all of us in different ways and I cannot see a reason why not to require a
future Chief Minister to come here and explain to him, or explain to me if I am on that side, or explain to
any of us, or explain to any generation of Gibraltar, why it is that this is necessary and perhaps even
carry the full support of the Parliament because *in extremis* – and we cannot see the future – it may one day
become necessary. Let us... please, God, that it does not happen.

165 So given the intentions that they have evinced not to touch Alameda Gardens, I think that is genuine and
I accept that as genuine and I park the Commonwealth Park point, but as a matter of principle, accepting
that at least until they move the Bill and come to this House and make the explanation, they would find it
impossible to tamper with the gardens – it is not something that could be done by a DPC or by a change in
the Development Plan... consider adding that layer of protection in the hands of the elected representatives
170 of the people, such as they may be at such time were the Bill ever to come in this Parliament.

Mr Speaker: Does the mover wish to reply?

175 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I am not
the mover. The mover is Mr Cortes, but I do want to make a short – (*Interjection*) If he asks – (*Laughter*
and interjections)

Mr Speaker, the Chief Minister said just about everything that needs to be said in relation to the point
that the hon. Member has said, but I rise only because what has been raised is a matter of legislative
principle, and I rise as Minister for Justice, responsible generally for legislation.

180 Again, asking the hon. Member to consider the point that he has made, because I genuinely believe it is
incorrect. It is an incorrect position of principle to take. If it is simply, as he has explained, a point of
principle, rather than a disagreement with the substance of what this Bill is supposed to do, then it is
important to reflect as to whether the principle is correct.

185 **Hon. D A Feetham:** Will he give way?

Hon. G H Licudi: Yes, Mr Speaker, I will be happy to give way.

190 **Hon. D A Feetham:** Mr Speaker, thank you very much. I am very grateful to the Hon. the Minister for
Justice for giving way.

Mr Speaker, may I just first of all before I deal with this also come back to some of the comments made
by the Hon. the Chief Minister. There is of course a fundamental distinction between a situation that we
have here today and a situation where one Government is bound by a contract entered into by a previous
Administration. As a matter of simple contractual law, the Government of Gibraltar is one continuous
195 constitutional entity and simply because there is a change of Government does not mean that what a
previous Government does, does not bind a subsequent Government. I do not believe that the analogy in
respect of contracts is an apposite analogy for the purposes of today’s debate.

The reality is – and this is the point that I am making – that nothing that this Parliament does today can
possibly bind a Government in the future. The word that I find... the word that draws my attention – it is a
200 word that I think is also in the other Bill – is the word ‘perpetually’. If the Government had come to this
House and basically just simply had this Bill setting aside Alameda Gardens for the purposes of health,
recreation, enjoyment of all persons resident in Gibraltar, I think we would probably have taken a different
view. I do not know whether the Government wants to consider an amendment to just simply delete the

205 word ‘perpetually’ and then it would have the support, the cross-party support, because of course if you
 remove the word ‘perpetually’, the reality is it sets aside Alameda Gardens in a way that, for example, a
 previous Government...indeed it was the GSLP Government in 1991 and I will have something to say
 about that when we come to the motion on fishing – that designated the Upper Rock as an area of special
 importance. Of course a future Government can always de-designate that area and basically open it up to all
 sorts of development – (*Interjection*) That is possible, provided of course that that Government comes to
 210 Parliament and changes the law. It is the word ‘perpetually’ that I just find as a matter of principle, if I can
 use the word, offensive for the present purposes. But, of course, if they are prepared to remove the word
 ‘perpetually’, then this Bill would enjoy cross-party support. But it is the word ‘perpetually’ that we object
 to.

215 **Hon. G H Licudi:** Mr Speaker, I will give way to the Chief Minister, who wants to make a particular
 point.

Mr Speaker: I am going to allow this afternoon all this process of giving way, but I should remind hon.
 Members that you give way for the purpose of clarification. It is not to make a debating point and to bring a
 220 new debating point into the framework of the debate. It is to clarify something which one Member has said
 in the debate. It has been picked up by another and replied to and the original Member wishes to clarify
 something. It has got to be for that purpose and not to continue a debate. But anyhow, we are okay.
 [*Laughter*]

225 **Hon. Chief Minister:** Mr Speaker, I do hope that this is simply going to serve to clarify the position for
 the hon. Gentleman in a way that may actually enable us to proceed by way of agreement. He has made his
 position now very clear. His objection is to that word. If I can simply satisfy him of something, he may find
 that he wishes to reconsider his position, given that his stated view is that this is something that we can all
 agree on in respect of the non-redevelopment of the area.

230 No, we cannot move on, Mr Speaker, because the issue is this. The word ‘perpetually’, Mr Speaker, is
 already in the Act. It is not a word that we are inserting. The word ‘perpetually’ is already in the Public
 Health Act and what we are doing is extending the protection already in the Public Health Act perpetually
 to the Alameda Gardens. Therefore, Mr Speaker, I recognise what the hon. Gentleman says. This is a first
 year law point. We cannot disagree on it. Somebody can come to Parliament in the future and that which
 235 has previously in law been protected perpetually can disappear and the section can simply be taken away.
 But when the Public Health Act was commenced – that was in 1950 by the old City Council, precursor of
 the Legislative Assembly, the House of Assembly and now the Parliament – that language was already in
 our legislation.

240 Everything that we do today, whether we say we are doing it perpetually or not, we do until such time as
 Parliament decides again in the future. So in those circumstances, Mr Speaker – and I know that the mover
 of the Bill has actually identified where in the Act the word ‘perpetually’ appears, but it appears already – I
 think he may want to reconsider the view that he is taking and see that the word ‘perpetually’ is something
 that is oft used in legislation, despite the supremacy of each Parliament to overtake and undo the Acts of an
 earlier Parliament. May I simply remind him that our whole title to this place rests on an agreement said to
 245 be done in perpetuity, which could be undone by another Parliament at any time of course, over our dead
 bodies... all of us. But the word ‘perpetuity’ is a word of treaties and is a word of law, despite the
 established principle of the supremacy of Parliament.

Hon. G H Licudi: Mr Speaker, I have given way.

250 The issue, as I mentioned, is this point of legislative principle, whether it is right to include in an Act of
 Parliament something that goes beyond the life of a particular Parliamentary term. If there was an objection
 to the word ‘perpetually’ and, as the Chief Minister has explained, this is not a new word, and there is
 nothing intrinsically wrong in saying –

255 **Hon D A Feetham:** I have not seen the context.

Hon. G H Licudi: But that is what the Chief Minister has indicated and that is the position. I understand
 the mover of the Bill will respond also on this.

260 But if there was anything wrong in saying that something is in a certain way perpetually, there would
 also be something equally wrong in setting out any period in any legislation which goes beyond the term of
 that Parliament, because if you have any period set out in any legislation, whether it is five years, 10 years,
 20 years, you might say you cannot bind a future Parliament. If you set, for example, a perpetuity period of,
 say, 100 years, what are you doing? Are you binding future Parliaments? No. You are stating that the
present Parliament believes that that is a state of play that should continue for that period of time. In the

265 same way we are stating today that this Parliament believes that the Alameda Gardens should be
perpetually set aside as a botanic garden. That is a statement of intent which we are making forcefully today
with this legislation. (*Interjections*)

Mr Speaker, if I can refer to the existing provision, which is section 269 of the Public Health Act, which
is the one that is actually being substituted by the present section, and that is, as we have heard, an Act
270 which goes back to 1950 and nobody since 1950, as far as we are aware, has ever taken any objection, nor
sought it fit to change it because in 1950 it bound future Parliaments.

This is what section 269 says:

‘The public gardens known as the “Alameda Gardens” and all the roads, paths, walks and ornamental buildings
therein shall continue to be perpetually set apart for the health recreation and enjoyment of all Her Majesty’s
subjects and others inhabiting or being in Gibraltar and shall be managed and maintained...’

275 What we are doing is replacing that provision with a wider provision here... substituting, but the
principle of the gardens themselves being set aside perpetually for that purpose, that does not originate here
with this Bill. That is not a new invention of this Government, and even if it was it would not be
objectionable for the reasons I, and the Chief Minister, have stated. It is not something that we have come
up with ourselves. It is something we have adopted from what already existed... from in fact what already
280 exists since 1950, and for those reasons it seems to us that we would just ask the hon. Member to reflect and
recognise that there is that provision already. All we are doing is continuing the form of wording, but
substituting certain things. Substituting other things, but that particular wording about the gardens being
perpetually set aside for that purpose, that is just a continuation of what the state of play has been since
1950 and that is what we want to do.

285 I understand the hon. Member wishes me to give way. I am happy to do so.

Hon. D A Feetham: Mr Speaker, thank you very much.

Mr Speaker, I am very grateful to the hon. Gentleman for the way that he has explained the existing
provisions. Both as a Minister for Justice and also in my capacity as a lawyer, I have never come across a
290 situation where there has been an Act of Parliament that seeks to do something perpetually.

Acts of Parliament seek to do things and until a subsequent Parliament actually changes what a previous
Parliament has done, it remains extant – that remains the position – and really to me the word ‘perpetually’
seemed just simply gesture politics in circumstances where it just simply could not be because you could
not bind somebody or a future Parliament perpetually.

295 But, Mr Speaker, on the basis of the –

Mr Speaker: May I draw...

Perhaps Members may wish to clarify? In 1950 there may not have been a legislature and it may not
have been an Act of Parliament. It may have been the City Council enacting legislation which was given the
300 force of law subsequently in the Public Health Ordinance, but it may not have been enacted by this
legislature which was not inaugurated until November 1950.

Hon. D A Feetham: Well, Mr Speaker, I am very grateful for that. Obviously your experience and your
immense wealth of experience has brought something interesting to bear in relation to this particular debate,
305 because, Mr Speaker, we are not taking a position here for the sake of being difficult; indeed, I said we will
abstain because generally it is a worthwhile Bill. We are not going to vote against it. It is just that I
personally do not like, and we do not like this use of the word ‘perpetually’. Never come across it before in
legislation and it appeared to me that really it added absolutely nothing and was just simply gesture politics.

310 But on the basis of the explanation that he has given me, which is that really this is just simply a
continuation of what is there at the present moment, well look, when there is gesture politics where there is
a matter of principle... really one ought not to be using that particular word or not, the hon. Gentleman has
persuaded the Opposition to then support the Bill.

315 **Hon. Chief Minister:** Thank you, very much. (*Interjections and laughter*)

Hon. G H Licudi: Mr Speaker, I will not labour the point any more in the light of the statement that has
been made. We are in fact very grateful that the hon. Member has relented and seen that in the context that
we have put it that this was the right way to proceed.

320 **Mr Speaker:** Does the hon. mover wish to reply?

325 **Hon. Dr J E Cortes:** Mr Speaker, in the light of that, and I am grateful to the Opposition for having conceded on that, and grateful to my colleagues on this side of the House for their dealing with that point and convincing the Opposition accordingly, I have very little to add other than just to say that I did not consider my speech to be self-praise, but rather praise for the team that has worked there through the years, and I did make a reference to that. It has been a huge task. I remember the state of the gardens back in 1988 and through... sorry, back in 1991, which is when the gardens were converted and how we were able to improve them. The hard work of many people through 20 years is the one that I want to acknowledge here and not mine, that is for others to do, although this work has been praised in the past by successive Administrations, including the Government of the party now in Opposition.

330 One clarification that the Leader of the Opposition has asked for is the question of charge. This is relating specifically to the open air theatre where groups and organisations will put on events and will charge for entrance and that is the kind of event that could occasionally, although it never has to my knowledge, happen elsewhere in the gardens, but specifically this is to allow the continuation of events to be charged for at the open air theatre.

335 Mr Speaker, in finalising what I have to say, let me just say that a botanic garden is a very special kind of garden, not at all in conflict with its recreational use. The very part, the essence of its educational use, and what this House is unanimously going to do today is a significant step in enhancing Gibraltar's position internationally. There is a huge following of botanic gardens and it strengthens the involvement of the Gibraltar Botanic Gardens in the international organisations that it belongs to, to be able to say that like other gardens, like the Royal Botanic Gardens, it is in fact supported by the Statute of the Nation in which it is set. (*Interjections*)

345 **Hon. D J Bossino:** He was concluding in relation to the point that in fact I would seek clarification on. Is the definition of a 'botanic garden', as set out in the Bill – I think it is literally the last provision which lists from (a) to (h) what it in fact means in quite a lot of particularity – is that the effect in summary form of what describing the Alameda Gardens as the Gibraltar Botanical Gardens will be? Can he confirm that?

350 **Hon. Dr J E Cortes:** Mr Speaker, that reflects the botanical aspects of the work that is being done at the moment in the Botanic Gardens. As I said before it is also recreational. It is also educational. But that defines the botanical aspects and I believe is taken from definitions in one of the international organisations that the gardens belong to.

355 Having said that, I once again commend the Bill to the House.

Mr Speaker: I now put the question which is that a Bill for an Act to amend the Public Health Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Public Health (Amendment) Act 2014.

**Public Health (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

360 **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 Committee Stage of this Bill be taken later today? (**Members:** Aye.)

**Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014 –
First Reading approved**

365 **Substitute Clerk:** A Bill for an Act to give effect in the law of Gibraltar to Regulation (EC) No. 1005/2009 of the European Parliament and of the Council of 16th September 2009 on substances that deplete the ozone layer, as amended by Commission Regulation (EU) No. 744/2010 of 18th August 2010 with regard to the critical uses of halons...?

370 The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Yes, Mr Speaker, halons... not halos.

375 Mr Speaker, I have the honour to move that the Bill for an Act to give effect in the law of Gibraltar to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16th September 2009 on substances that deplete the ozone layer, as amended by Commission Regulation (EU) No 744/2010 of 18th August 2010, with regard to the critical uses of halons be read a first time.

380 **Mr Speaker:** I now put the question, which is that a Bill for an Act to give effect in the law of Gibraltar to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16th September 2009 on substances that deplete the ozone layer, as amended by Commission Regulation (EU) No 744/2010 of 18th August 2010, with regard to the critical uses of halons, be read a first time. Those in favour? **(Members: Aye)** Those against? Carried.

Substitute Clerk: The Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014.

**Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014 –
Second Reading approved**

385 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Bill implements in Gibraltar the Regulation already referred to, with regard to the critical uses of halons. The Act, together with the subsidiary legislation published by way of legal notices, will implement in Gibraltar the Copenhagen 1992, Montreal 1997 and Beijing 1999 amendments to the Montreal Protocol on the Substances that Deplete the Ozone Layer, which Her Majesty's Government of Gibraltar has asked the United Kingdom to extend.

In implementing the Regulation, in clause 3 designates the competent authority in Gibraltar for the purposes of the Bill. The competent authority is the Minister with responsibility for the Environment.

395 Clause 4 sets out the offences for breach of the EU regulation, which are more particularly set out in schedule 2 of the Bill.

The following offences have also been created: failing to comply with an enforcement notice; failing to comply with a notice under clause 11; intentionally obstructing any person acting in its execution or enforcement of the regulation; failing to give any person who acts in the execution or enforcement of the regulation any assistance or information which that person may reasonably require; furnishing any information, knowing it to be false or misleading; failing to produce a document or record to any such person acting in the execution or enforcement of the EU regulation.

Clause 5 sets out the penalty provisions.

Clause 6 deals with the liability of a body corporate for offences committed under the Bill.

405 Clauses 7 to 10 cover the enforcement provisions, which include in clause 7 the Environmental Agency having power to enforce a regulation. Subclause (2) sets out that the Minister with responsibility for the Environment will enforce the Regulations. Subclause (3) sets out that the Minister with responsibility for the Environment would enforce the Regulation in relation to offshore installations. The meaning of offshore installations is set out in schedule 1 to the Bill.

410 Clause 8 empowers the enforcing authority to authorise any persons as may be required for the purposes of enforcing the Regulation.

Clause 9 deals with issuing of enforcement notices for the purposes of requiring a person to take specified steps to remedy or avert a contravention. It empowers an authorised person to serve an enforcement notice upon a person if the authorised person is of the opinion that another person has contravened or is contravening the provision of the EU Regulation. An authorised person has been defined in clause 2 of the Bill. An authorised person means a person authorised by the Environmental Agency or by the Minister under Clause 8.

420 This Clause also sets out the requirements in relation to the enforcement notice. It must state that the authorised person is of that opinion, specify the matters constituting the contravention or the matters making it likely that the contravention will arise, as the case may be, specify the steps that must be taken to remedy or avert the contravention, specify the period within which those steps must be taken and state (1) that the person on whom the notice is served has the right of appeal to the Magistrates Court; and (2) the period within which the appeal may be brought.

An enforcement notice may at any time be withdrawn by an authorised person. Also, a person on whom an enforcement notice is served must comply with it at their own expense and if an enforcement notice is

425 not complied with, the enforcing authority may arrange for it to be complied with at the expense of the person on whom it was served.

Clause 10 sets out the special provisions in respect of enforcement notices.

430 Clause 11 deals with the powers of the Minister under the Bill. The Minister with responsibility for the Environment may by notice require a person in possession of a controlled substance or product or equipment containing or relying on a controlled substance that has been produced, placed on the market or imported or is intended to be or is being exported in contravention of the EU Regulation, to dispose of it or otherwise render it harmless in accordance with the notice.

435 Clause 12 deals with the powers of customs officers to detain and seize any controlled substance or product or equipment which the customs officer believes is being imported in contravention of Article 15 of the EU Regulation or exported in contravention of Article 17 of the Regulation. The Collector of Customs is also empowered under this clause to detain in his custody anything detained and seized by customs officers pending proceedings or until it is decided that proceedings shall not be brought.

Clause 13 places a duty on the Minister with responsibility for the Environment to review the Act and submit reports in accordance with the requirements of the EU Regulation.

440 And finally, clause 14 repeals the Environmental Protection (Controls and Substances that Deplete the Ozone Layer) Act 1997 which implements Regulation No 3093/94 on Substances that Deplete the Ozone Layer, as this EC Regulation has been replaced by this one.

I commend the Bill to the House.

445 **Mr Speaker:** Before I put the question, does any hon. Member wish to contribute and speak on the general principles and merits of the Bill?

450 **Hon. D A Feetham:** Mr Speaker, no. Just to say that this is the implementation of an EU directive and therefore it will enjoy the support of the Opposition bench.

Mr Speaker: I will therefore put the question, which is that a Bill for an Act to give effect in the law of Gibraltar to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16th September 2009 on Substances that Deplete the Ozone Layer, as amended by Commission Regulation (EU) No 744/2010 of 18th August 2010, with regard to the critical uses of halons, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Environmental Protection (Controls on Ozone Depleting Substances) Act 2014.

Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

460 **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, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Gibraltar Merchant Shipping (Safety, etc) (Amendment) Bill 2014 – First Reading approved

465 **Substitute Clerk:** A Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1993. The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a first time.

470 **Mr Speaker:** I now put the question that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1993 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Act 2014.

**Gibraltar Merchant Shipping (Safety, etc) (Amendment) Bill 2014 –
Second Reading approved**

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):
Mr Speaker, I have the honour to move that the Bill be now read a second time.

475 Mr Speaker, this is a short, in fact I should say extraordinarily short belt-and-braces Bill to ensure that
the 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims 1976 is given full effect
in Gibraltar. It does so by inserting ‘as amended from time to time’ after the Conventions full title in the
schedule to the principal Act.

480 Both the Convention and the Protocol were extended to Gibraltar some time ago and the Protocol has, in
any event, already entered our legislation through an administrative instruction published as a legal notice
in the *Gazette*, in a Legal Notice 2014/019 of 20th February of this year.

For the information of this House, the Protocol, as reflected in the administrative instruction just
mentioned, raises the limits of liability for maritime claims and provides a simpler mechanism for future
increases to the limits of liability.

485 I would also note, Mr Speaker, that an additional benefit of the amendment is that it will cater for any
future changes to the Convention which affect Gibraltar, without needing to amend the principal Act.

Mr Speaker, I commend the Bill to the House.

490 **Mr Speaker:** Before I put the question, does any hon. Member wish to contribute on the general
principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Gibraltar Merchant Shipping
(Safety, etc.) Act 1993 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Substitute Clerk: The Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Act 2014.

**Gibraltar Merchant Shipping (Safety, etc) (Amendment) Bill 2014 Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

495 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):**
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if
all hon. Members agree.

500 **Mr Speaker:** Do all hon. Members agree that Committee Stage and Third Reading of the Bill be taken
today? (**Members:** Aye.)

**Marriage (Amendment) Bill 2014 –
First Reading approved**

Substitute Clerk: A Bill for an Act to amend the Marriage Act.
The Hon. the Chief Minister

505 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to
amend the Marriage Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Marriage Act be read
a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

510 **Substitute Clerk:** The Marriage (Amendment) Act 2014.

**Marriage (Amendment) Bill 2014 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that the Bill for an Act to amend the Marriage Act be read now a second time.

515 Mr Speaker, the purpose of this Bill is to derive greater economic benefit for Gibraltar from those who are contemplating getting married here or on a Gibraltar flag ship. It does so in two ways. Firstly, by requiring couples who are married under a special licence to spend at least one night in Gibraltar with the attendant hotel restaurant and related spending that this will hopefully entail. Secondly, by permitting marriages by Gibraltar appointed Deputy Registrars to be contracted on board passenger ships registered in Gibraltar.

520 Mr Speaker, with regard to the overnight stay, I should point out that the Government has been careful not to make the requirement onerous or rigid – for example, by allowing the night in question to be either before or after the marriage is contracted and so we are not requiring consummation to now occur in Gibraltar in any way, Mr Speaker, by changing the Bill in this way – and by allowing the parties to choose to meet the requirement by spending the relevant night as the guests of a Gibraltar resident, rather than an hotel, if appropriate.

525 Further, Mr Speaker, this policy of the Cabinet was the result of a detailed consultation by the Minister for Tourism, who would have moved this Bill, but this is a matter of personal status and therefore under my ministerial responsibility, with all the relevant stakeholders individually and via the United Kingdom Tourism Association. I am sure that it will please the House to learn, Mr Speaker, that there was unanimous agreement as to the potentially advantageous effects of this new policy initiative.

530 Mr Speaker, the House will want to note that the one-night-stay requirement – also absent the requirement for it to be consummation – is already (*Laughter*) included in the Civil Partnership Act at section 12.

535 With regard to the amendments to facilitate special licence marriages to be contracted aboard Gibraltar registered passenger ships by Gibraltar appointed Deputy Registrars, the Government expects that over the long term, and given the many other benefits to registering under the Gibraltar flag, these changes to the Act may actually persuade the owners of passenger ships to re-register their vessels under the Gibraltar Flag, which would be a very good thing too.

Before I conclude, I stress that the amendments today proposed to the Marriage Act do not affect Gibraltar residents and that the legal requirements remain as before in respect of marriages by residents.

540 Mr Speaker, this Bill is one more example of the Government commitment to promote Gibraltar as a tourism destination and to be innovative in its approach to developing the activities of the Gibraltar Ship Registry.

I commend the Bill to the House.

545 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Marriage Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

550 **Substitute Clerk:** The Marriage (Amendment) Act 2014.

**Marriage (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

555 **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 Committee Stage and Third Reading be taken later today? (**Members:** Aye.)

**Gibraltarian Status (Amendment) Bill 2014 –
First Reading approved**

Substitute Clerk: A Bill for an Act to amend the Gibraltarian Status Act.

560 The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for an Act to amend the Gibraltarian Status Act be read a first time.

565 **Mr Speaker:** I now put the question, which is that the Bill for an Act to amend the Gibraltarian Status Act be read a first time. Those in favour? (**Members:** Aye.) Those Against? Agreed.

Substitute Clerk: The Gibraltarian Status (Amendment) Act 2014.

**Gibraltarian Status (Amendment) Bill 2014 –
Second Reading approved**

570 **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 short Bill does two things in respect of this Act. The first is that it provides that so long as a father's name appears on a child's birth certificate where there is a relationship between a father and child, whether it is legitimate or illegitimate, the child will be able to be registered under the Gibraltarian Status Act, something which is not the case at the moment and has caused a lot of angst and hardship to many people in families which these days are not necessarily families that emerge in marriage.

575 Mr Speaker, we think that it is appropriate to make this change. Being registered under the Gibraltarian Status Act means a lot to people, who are Gibraltarian otherwise by blood, and Mr Speaker, the inability to have one's offspring registered under the Act does cause people a huge amount of concern. The Government is happy to move to make this amendment.

580 Mr Speaker, the Act has been on our Statute Book since 1962 and has seen society change. There have been changes made previously to the Act – for example, to allow the children of Gibraltarian women to register as Gibraltarian, whereas before the lineage was dealt with in only the male line. Mr Speaker, it is also true that the changes or the reason for the Act in 1962 was to ensure principally that in a referendum those who were able to vote would be those registered under this Act and not all and sundry who might be resident in Gibraltar.

585 The first referendum came in 1967, Mr Speaker, and it was only those registered under the Act then that were able to vote. The second in our lifetimes – certainly in the lifetimes of those of the younger generation of this Parliament perhaps, the only one we lived through and the one that most of us in this room were able to vote in – was in 2002. In that instance the franchise was extended by this House, Mr Speaker, by common agreement to all British Citizens who were resident in Gibraltar for more than 10 years.

590 Mr Speaker, that brings me to the second amendment, which is the amendment to section 9(f) of the Gibraltarian Status Act, which deals with how people can become eligible to register under the Gibraltarian Status Act if they are not otherwise eligible to be so registered.

595 Mr Speaker, under the existing Act an individual would have to be British and resident in Gibraltar for more than 25 years and at least the last 10 years before they sought registration. In 1962, Mr Speaker, 25 years is what one might call a lifetime – certainly a very long time indeed.

600 Mr Speaker, today, in a world of 24-hour news and instant communication, when somebody gives a country 10 years of their lives, they are probably giving it the equivalent of 25 years of their lives so many years ago. The world is now a very small place. People are able to move from one place to another at the drop of a hat. In the European Union we can move from one state to another without the need to seek permission. So somebody who stays in Gibraltar for 10 years stays because Gibraltar means something to them and that was clearly recognised by this House in extending the franchise to those British citizens who had been here for more than 10 years in the seminal referendum of 2002 that saw off the joint sovereignty proposals of the British and Spanish Governments and, as I said yesterday, of course with the important input that we had from our friends in Parliament through our Gibraltar representative.

605 Mr Speaker, we have therefore taken the view that if in a seminal moment such as came in 2002 we were prepared to exchange the franchise 12 years ago to British people who had been here more than 10 years, it is right that we also extend not just the franchise, but the right to be registered and identified as Gibraltarian under the Gibraltarian Status Act to people who have been here for more than 10 years and who are British citizens. There are people, Mr Speaker, who are here because they love Gibraltar. They love Gibraltar probably as much as we all love Gibraltar. They have made Gibraltar their home. They bring their families to Gibraltar. This is the place where they wish to live the rest of their lives. This is the place where they wish to be buried.

615 Mr Speaker, in English tax – something much less emotional than being registered as a Gibraltar – one’s domicile is defined as the place where one wishes to be buried. So for many people, even under the much colder tax statute, many of those British people would consider Gibraltar their domicile and would objectively be deemed to see Gibraltar as their domicile. They are part, Mr Speaker, of the Gibraltarian family and there is no reason why they should not be able to register under the Gibraltarian Status Act as Gibraltarians do.

620 I commend the Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

625 I will now put the question, which is that a Bill for an Act to amend the Gibraltarian Status Act be read a second time. Those in favour? (**Members:** Aye.) Those against. Carried.

Substitute Clerk: The Gibraltarian Status (Amendment) Act 2014.

**Gibraltarian Status (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

630 **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 Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

635 **Marriage (Amendment) Bill 2014;
Gibraltarian Status (Amendment) Bill 2014;
Public Health (Amendment) Bill 2014;
Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014;
Public Health (Amendment) Bill 2014;
Criminal Procedure and Evidence (Amendment) Bill 2014;
Prison (Amendment) Bill 2014;
640 Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2014.**

Substitute Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Marriage (Amendment) Bill 2014; the Gibraltarian Status (Amendment) Bill 2014; the Public Health (Amendment) Bill 2014; the Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014; the Public Health (Amendment) Bill 2014; the Criminal Procedure and Evidence (Amendment) Bill 2014; the Prison (Amendment) Bill 2014; and the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2014.

In Committee of the whole Parliament

650 **Marriage (Amendment) Bill 2014 –
Clauses considered and approved**

Substitute Clerk: A Bill for an Act to amend the Marriage Act.
Clauses 1 and 2 and the long title.

Mr Chairman: Stand part of the Bill.

**Gibraltarian Status (Amendment) Bill 2014 –
Clauses considered and approved**

655 **Substitute Clerk:** A Bill for an Act to amend the Gibraltarian Status Act.
Clauses 1 and 2 and the long title.

Mr Chairman: Stand part of the Bill.

**Public Health (Amendment) Bill 2014 –
Clauses considered and approved**

660 **Substitute Clerk:** A Bill for an Act to amend the Public Health Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

665 **Substitute Clerk:** Clause 2.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Chairman, as notified by letter dated 23rd May, 2014, and as I said in my speech earlier, I am proposing to delete in 269(1)(a) the words ‘resident in Gibraltar’, so that they shall be for the health, recreation and enjoyment of all persons.

670 **Mr Chairman:** Does any hon. Member wish to speak on the amendment?
Is it agreed to? Carried.
Clause 2, as amended, stands part of the Bill.

675 **Substitute Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014 –
Clauses considered and approved**

680 **Substitute Clerk:** A Bill for an Act to give effect in the law of Gibraltar to Regulation (EC) No. 1005/2009 of the European Parliament under the Council of 16th September 2009 on substances that deplete the ozone layer as amended by Commission Regulation (EU) No 744/2010 of 18th August 2010, with regard to the critical uses of halons.
Clauses 1 to 14 and schedules 1 and 2 and the long title.

Mr Chairman: Stand part of the Bill.

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**Criminal Procedure and Evidence (Amendment) Bill 2014 –
Clauses considered and approved**

Substitute Clerk: A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.
Clauses 1 and 2 and the long title.

690 **Mr Chairman:** Stand part of the Bill.

**Prison (Amendment) Bill 2014 –
Clauses considered and approved**

Substitute Clerk: A Bill for an Act to amend the Prison Act 2011.

Clauses 1 to 5 and the long title.

Mr Chairman: Stand part of the Bill.

**Gibraltar Merchant Shipping (Safety, etc) (Amendment) Bill 2014 –
Clauses considered and approved**

695 **Substitute Clerk:** A Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1993.
Clauses 1 and 2 and the long title.

Mr Chairman: Stand part of the Bill.

BILLS FOR THIRD READING

**Marriage (Amendment) Bill 2014; Gibraltarian Status (Amendment) Bill 2014;
Public Health (Amendment) Bill 2014;
Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014;
Companies Bill 2014; Insolvency (Amendment) Bill 2014;
Insolvency (Consequential Provisions) Bill 2014;
Criminal Procedure and Evidence (Amendment) Bill 2011;
Prison (Amendment) Bill 2014;
Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2014 –
Third Reading approved: Bills passed**

Substitute Clerk: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Marriage (Amendment) Bill 2014; the Gibraltarian Status (Amendment) Bill 2014; the Public Health (Amendment) Bill 2014; the Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014; the Companies Bill 2014; the Insolvency (Amendment) Bill 2014; the Insolvency Consequential Provisions Bill 2014; the Criminal Procedure and Evidence (Amendment) Bill 2014; Prison (Amendment) Bill 2014; and the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2014 have all been considered in Committee and passed with amendment.

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Mr Speaker, I think the Criminal Procedure and Evidence (Amendment) Bill must be 2014, not 2011, despite the reference in the crib to it.

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Mr Speaker: I now put the question, which is that the Marriage (Amendment) Bill 2014; the Gibraltarian Status (Amendment) Bill 2014; the Public Health (Amendment) Bill 2014; the Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014; the Companies Bill 2014; the Insolvency (Amendment) Bill 2014; the Insolvency Consequential Provisions Bill 2014; the Criminal Procedure and Evidence (Amendment) Bill 2014; the Prison (Amendment) Bill 2014; and the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2014 be read a third time and passed.

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Those in favour of the Marriage (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltarian Status (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

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Those in favour of the Public Health (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Environmental Protection (Controls on Ozone-Depleting Substances) Bill 2014? (**Members:** Aye.) That is carried.

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Those in favour of the Public Health (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Companies Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Insolvency (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Insolvency (Consequential Provisions) Bill 2014? (**Members:** Aye.) Those against? Carried.

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Those in favour of the Criminal Procedure and Evidence (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Prison (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

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Mr Speaker: Private Members' Motion?

Hon. Chief Minister: Mr Speaker, can I move now that the House recess for 15 minutes?

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Mr Speaker: Very well.

The House will now recess for 15 minutes.

The House recessed at 3.47 p.m. and resumed its sitting at 4.14 p.m.

PRIVATE MEMBER'S MOTION

Regulation of fishing in British Territorial Waters – Licences required to fish with nets – Statement from Government

Substitute Clerk: Private Member's Motion.

The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'THIS HOUSE calls on the Government to provide an immediate comprehensive statement to the House as to its intentions in relation to the regulation of fishing in British Gibraltar Territorial Waters and whether it intends to require members of the La Linea and Algeciras Cofradias to apply for licences in Gibraltar to fish with nets in British Gibraltar Territorial Waters.'

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Mr Speaker, it is important to place this debate in its proper context. In 1991, the then GSLP Government introduced the Nature Protection Ordinance, a very worthwhile piece of environmental legislation, which imposed an outright ban on fishing with nets, all types of nets, in British Gibraltar Territorial Waters. Mr Speaker, that was always bound to create a certain amount of tension, because whether we like it or not, whether it is right or not, Spanish fishermen have been fishing in British Gibraltar Territorial Waters with nets for generations.

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Mr Speaker, I had recently the pleasure of talking to a retired doctor and I think that he has published his views in an opinion piece in the *Chronicle*, but I am not going to mention his name out of an abundance of caution, just in case my recollection is not accurate. He said to me that during the 1950s when he was called on board a ship in order to treat a patient on board a ship, he had to navigate very many Spanish nets in the Bay out there in British Gibraltar Territorial Waters. Spanish fishermen have been fishing in our waters for many, many years. Of course, the Nature Protection Act, worthwhile as it is, went much further than similar environmental laws in other jurisdictions. Imagine, for example, Mr Speaker, if Spain and the United Kingdom had decided to impose an outright ban on fishing with nets in virtually the entirety of their territorial waters.

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Mr Speaker, it is of course for Parliament to introduce laws and it is for enforcement agencies to enforce those laws, and from 1991 to 1997 the Nature Protection Act was enforced with a level of common sense that has long been the hallmark of the Royal Gibraltar Police. There is no doubt that Spanish fishermen would come in to our waters. There is no doubt that they would lay nets, but when they were asked to move on by the RGP, they did so. There was never a policy, Mr Speaker, of zero tolerance, as indeed there is not a policy of zero tolerance in relation to many other areas of the law. The RGP had a discretion as to whether to invoke any of their powers or not.

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Mr Speaker, an outright ban does create tension, because sooner or later continued breaches of the law cannot be justified and inevitably lead to the full force of the law to be applied in any particular situation. I make that point, Mr Speaker, because I think that it is worthwhile legislation, and it is a worthwhile amendment, and the Government is not going to be criticised for coming to this House. Indeed it cannot come to this House now because it is going to have to do it by secondary legislation, but the Opposition will not criticise the Government for introducing legislation in Gibraltar that allows Spanish fishermen to fish with some form of EU-compliant nets, because we think it is perfectly reasonable for the Government to

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introduce legislation of that nature and end what is the present situation which is an outright, effectively, ban on the use of nets in most of or large parts of British Gibraltar Territorial Waters.

780 Mr Speaker, from 1997 to 1998 the actions of Spanish fishermen became much more militant. At the time the Government in Spain sought to harness that militancy to try and wage the type of campaign that we have recently witnessed in British Gibraltar Territorial Waters. It culminated, of course, in the arrest of a Spanish fishing vessel *La Piraña* and one curious but important factor that is often overlooked in an analysis of those events is that the Spanish fishing vessel *La Piraña* was loaded with Spanish journalists at
785 the time that it was arrested. It was obvious that its entry into British Gibraltar Territorial Waters was designed to provoke a crisis, with maximum public and political exposure, and it did, because we all know that that arrest, justified as it was, led the Spanish fishermen to block the Frontier in protest and it led to some very ugly scenes indeed.

790 It is in that context, Mr Speaker, that my predecessor, as leader of the GSD, and indeed the Hon. the Leader of the House, as predecessor of the Chief Minister, in what must rank as one of the most intelligent... one of the most *intelligent* moves in Gibraltar's interest by any Chief Minister in the history of this place, managed to decouple Spanish fishermen from the influence of Madrid and managed to cut the strings allowing the puppeteer to control Spanish fishermen as an instrument of conflict against Gibraltar by entering into an Agreement directly with the Spanish fishermen, which completely defused a very difficult and dangerous situation indeed, so much so, Mr Speaker, that the PP Government at the time, whatever Mr
795 Margallo may say at the moment, was absolutely disgusted with the Agreement and condemned it in very, very strong terms, and the reasons are obvious.

By that Agreement, Spanish fishermen agreed to genuflect to our sovereignty to our jurisdiction and control over our waters, and to genuflect and respect the instructions of the RGP and indeed the laws of
800 Gibraltar. Above all what it did... what the 1999 Agreement did was to return to the *status quo* ante the outbreak of the crisis, and of course five of those years were years under the GSLP administration because at the time of the 1999 Agreement this was very much a nascent GSD administration. All the Agreement did was to find a diplomatic solution to a very significant and difficult problem for Gibraltar indeed.

805 That the GSD could have amended the Nature Protection Act, Mr Speaker, in order to allow for regulated fishing with nets. Yes, it could have, but that may be susceptible to criticisms. Perhaps it might be susceptible to criticism. I do not need to defend my predecessor, Mr Speaker, but having spoken to him, he has said that certainly during those early years and large parts of the time that he was Chief Minister, what he did not want to do was to be seen to be legislating under pressure from anybody, least of all under pressure from the Spanish Government. But, of course, we certainly had plans in 2011 to do so and had we
810 been elected into office, we would have amended the Nature Protection Act in order to allow for regulated fishing with nets – in other words nets that comply with EU law – and indeed, we might have allowed fishing during some seasons or parts of the year and not during others. Therefore, again, Mr Speaker, I want to make it absolutely plain and clear that I do not criticise the Government for any plans to allow fishing with EU compliant nets in British Gibraltar Territorial Waters.

815 Mr Speaker, history is a great educator of men and it is a real shame that the hon. Gentleman opposite failed to learn from some of the events in the 1990s. It has never been the thrust of our criticism of the Government, but the Government should not have replaced the 1999 Agreement. It is the sudden confining of the 1999 Agreement to the dustbin of history without carefully thinking about the consequences of not having anything to take its place that has been the main thrust of our criticism. It was described,
820 Mr Speaker, by the Chamber of Commerce as a rookie error, and indeed, I believe that that is a particularly apposite description of the error of the Government in its handling of this particular issue. All it did was to allow Spanish fishermen to make common cause with the PP Government in Spain and not only enter British Gibraltar Territorial Waters to fish with nets, but to do so escorted by the Guardia Civil.

825 So the very thing, Mr Speaker, that the 1999 Agreement did... the decoupling of the influence of the PP Government in Madrid over Spanish fishermen locally to the detriment of Gibraltar unfortunately was the inevitable conclusion of the actions of the present Government. From genuflection of our sovereignty, jurisdiction and control, it turned into an outright challenge of our sovereignty, jurisdiction and control, and the Government must accept responsibility for its part in that.

830 Mr Speaker, for all his championing of the rule of law, the rule of law in British Gibraltar Territorial Waters has not prevailed since he made his decision to tear up the 1999 Agreement. It was as large a monumental mistake as it was avoidable. The result, I repeat, is that the Spanish fishermen are now tools in the hands of the PP Government.

835 I began by saying, Mr Speaker, this part of my address, that history is a great educator of men. I know that the hon. Gentleman thinks that he can learn nothing from the GSD Government. We can speak about the rule of law all we like. The principal job and the principal concern of any Chief Minister of Gibraltar is to keep the people of Gibraltar safe and secure and to avoid anything that creates instability and insecurity within this jurisdiction that we are all here and this community that we are all here to serve and that we all love so much. This has just created, Mr Speaker, a huge sense of instability, insecurity and uncertainty, at a

840 time when it was obvious that the PP Government was looking for excuses, tools and pawns to use as a tool against Gibraltar. It was therefore incumbent, Mr Speaker, on the hon. Member, as Leader of this House and Leader of this community to deal with the situation as expeditiously as possible... a solution to the crisis as expeditiously as possible.

845 From the very early juncture, Mr Speaker, we said, 'Change the law to allow regulated fishing with nets'. Regulation can take a number of forms. You can either require Spanish fishermen to apply for a licence in Gibraltar or you may decide not to, because you may decide to recognise the fact that Spanish fishermen have been fishing in Gibraltar Waters for many, many years, and you decide to say, 'Well, look, if you are a member of the Cofradia of Algeciras or you are a member of the Cofradia of La Linea, we are going to treat you as if you are licensed in Gibraltar'. There are many ways in which to deal with the issue. 850 Likewise, Mr Speaker, one can allow fishing with nets in particular seasons and not allow it in others in order to allow fishing stocks to recover, but what was required was very early intervention and not allowing the wound to fester for years.

855 Had they come to this Parliament at an early juncture to amend the Nature Protection Act, we would have supported it. Instead, Mr Speaker, the hon. Gentleman, Mr Picardo, the Chief Minister has prevaricated and prevaricated to the extent that in my view positions have hardened and it has become much more difficult to deal with the situation. He has become a prisoner of his early mistakes, for reasons that I am going to develop in a few moments. Mistakes that explain his constant ducking and diving and the refusal to answer my questions in this Parliament, as is his obligation as Chief Minister of Gibraltar, because by answering my questions he becomes accountable to the people of Gibraltar, the very same people who elected him to serve as Chief Minister in the first place. (A Member: Hear, hear.) (*Banging on desks*) Before I do so, Mr Speaker – (*Interjections*) I want to give an account of what has happened since the Government decided to tear up the 1999 Agreement in that rookie error in the first place. 860

865 Mr Speaker, on 30th March 2012 the Government issued a press release stating that technical talks were to take place with the Spanish fishermen in order to explain the Government's stance, post the tearing up of the 1999 Agreement. Surprisingly, Mr Speaker, those talks took place with the Commissioner of Police, not with the Government. Of course, the Spanish fishermen came to that meeting armed with their own proposals to deal with the situation, and we saw the unseemly sight, Mr Speaker, of the Commissioner of Police having to be a messenger in between Spanish fishermen and the Chief Minister of Gibraltar.

870 On 17th April, the Government recognised that it would have to deal with the Spanish fishermen directly and not just shelter behind the Commissioner of Police. The Hon. the Chief Minister, the Deputy Chief Minister and the Minister for the Environment met with Spanish fishermen to explain their policy.

875 In May 2012, the Government then announced the creation of a Cross-Border Commission, which would ultimately provide input and inform the production of a Government sponsored report, and I quote, the management... the 'Report on the Management of Marine Living Resources in the Waters around Gibraltar' or colloquially referred to as the fishing report.

880 On 3rd August the Chief Minister met with representatives of the Cofradia de Algeciras and proclaimed that, and I quote, 'very considerable progress had been made by the Commission'. That is in August of the very year of March that Government broke, or tore up the 1999 Agreement and he said that within 10 days preliminary recommendations would be made. All then went quiet, Mr Speaker, except that all the while the Spanish fishermen kept on coming into British Gibraltar Territorial Waters fishing with impunity, either accompanied or not accompanied by the Guardia Civil.

885 And it is not until December 2012 when the Government said that it had received, finally received the fishing report, but of course that fishing report could not be published because, in the words of the Minister for the Environment, the report needed to be formatted. The formatting of the report took another six months until June 2013, when under intense public pressure, Mr Speaker, the Chief Minister bowed to that pressure and decided to publish the report.

890 Mr Speaker, the one indisputable fact about that report is that the report does not recommend, *does not recommend* a change in the law in order to relax the law on fishing with nets in British Gibraltar Territorial Waters. Mr Speaker, a Government is never bound, *never bound* to follow recommendations of a report. It has happened on many occasions that Governments have not followed *all* the recommendations of a report that they themselves commissioned. But it took the Government over a year from when the conflict first broke to the time they decided to publish the report, and then the Government decides not to follow the recommendations.

895 Well, look, Mr Speaker, the people of Gibraltar are entitled to ask what on earth has it all been for? What on earth has the Government been playing at in relation to this particular issue? People can see there is more fishing in British Gibraltar Territorial Waters than ever before.

Mr Speaker, in November 2013, the Government then introduced amendments to the Nature Protection Act to allow for secondary legislation to be introduced to allow, it appeared from public statements made by the Government... it is not clear from the Act itself, but from public statements made by the

900 Government, for regulated fishing with nets in British Gibraltar Territorial Waters. It certainly allowed for those regulations to be introduced.

The Government decided to take advantage of the Opposition, as it was their right to take advantage of the Opposition's absence because of the Credit Finance issue, in order to plough ahead with the debate on the Bill, despite the fact that we had indicated that we would be returning after lunch for that debate. They decided that is their prerogative. But, Mr Speaker, it is not right to say, as he has said, and his supporters
905 have propagated in social media and elsewhere, that the reason why the Government has not provided proper explanations to this House and through this House to the people of Gibraltar is because the Opposition did not participate in that debate.

I have asked him questions about what the Government intends to do about regulation in British Gibraltar Territorial Waters on four or five occasions *in this House*, Mr Speaker, and he has refused to answer those questions on every single occasion. If anybody saw the interview that the hon. Gentleman gave after the interview that Stephen Neish did with me precisely on this issue, people would have seen that the Hon. the Chief Minister is simply ducking and diving using every excuse in the book so as not to account to the people of Gibraltar as to the Government's intentions as to what it intends to do in British Gibraltar Territorial Waters.
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Mr Speaker, he is the Chief Minister who described himself as the new dawn Chief Minister leading the new dawn Government. He is the time for change, Chief Minister, leading the time for change Government. Well, what kind of new dawn? What kind of change? It is a situation, Mr Speaker, where we know that people across the border in Spain know more about the intentions of the Government of Gibraltar, about what it intends to do in British Gibraltar Territorial Waters than Her Majesty's Opposition here in Gibraltar, than the people of Gibraltar, because he has not deigned to make a statement to this House in this Parliament, which after all is here to serve the people of Gibraltar.
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We know, Mr Speaker, that there have been proposals, that have been put, or certainly a discussion paper that has been put to Spanish fishermen, because the Government itself has admitted that that is so in statements that it has made to the media here in Gibraltar. I understand the difficulty that he has. I really do.
925 I understand that if you take the decision to effectively dumb down the law or relax the law and allow for fishing with nets in British Gibraltar Territorial Waters, the last thing that you want, of course, is to dumb down the law and then have Spanish fishermen coming into British Gibraltar Territorial Waters and still breaking our laws.

It is eminently sensible – because I have said it to him before that he should do so – to effectively go to Spain, talk to the Spanish fishermen and try and obtain a measure, *not* an agreement, because that implies that Spanish fishermen will have a veto as to what happens in Gibraltar, which is an anathema to anybody that loves this country and loves this Parliament; but, of course, at the very least explain to them and consult with them in relation to the proposed changes. He is caught on the horns of a dilemma because if they do not buy into the legislation, as it is going to be amended, he is going to have exactly the same situation as is happening now with Spanish fishermen coming into British Gibraltar Territorial Waters breaching our laws, but with a law that is significantly dumbed down and relaxed, and that is not going to be acceptable to anybody, least of all to the people of Gibraltar.
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Mr Speaker, laws are there to be enforced and the reality is, Mr Speaker, that at some stage we are all going to have to collectively look at ourselves and there is going to be an outcry in this community, in the sense that at some stage we are just simply going to have to enforce those laws. What I urge him to do, Mr Speaker, is to bite the bullet. If he thinks that what is good for this jurisdiction is to introduce proper regulated fishing in British Gibraltar Territorial Waters, go ahead and do it. You have tried to explain it to the Spanish fishermen. They have not accepted it. Well, go ahead and do it, but let us make sure that nobody makes a mockery of our laws in the future. Let us make sure that if having introduced those laws, and those laws continue to be breached with impunity, that something is done about it, Mr Speaker.
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But, of course, unfortunately, Mr Speaker, because the hon. Gentleman refuses to make a statement in this House and refuses to provide answers to the questions that I have sought, which are very reasonable questions and well within the remit of what is within my responsibility as Leader of the Opposition, we do not know what the Government intends to do and we can only speculate.
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But I urge the hon. Member to take a leaf out of his own political discourse at the last election and to be transparent, to be open about this particular issue, and to make a full statement about what he intends to do in British Gibraltar Territorial Waters.
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Mr, Speaker, I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Leader of the Opposition, Mr Daniel Feetham.
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I call upon the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful.

960 Mr Speaker, I think it is important that after that full frontal attack apparently on my credibility, given what the hon. Gentleman has said, which really puts one in mind of that great phrase of that great defender of self-determination, Margaret Thatcher, that one feels like one has been mauled by a sheep. It is worth reading the motion that the hon. Member has put and not really spoken to.

He says this in his motion:

‘This House calls on the Government to provide an immediate comprehensive statement to the House as to its intentions in relation to the regulation of fishing in British Gibraltar Territorial Waters *and* whether it intends to require Members of the La Linea and Algeciras Cofradias to apply for licences in Gibraltar to fish with nets in British Gibraltar Territorial Waters.’

965 So I guess that is ‘and whether *in particular* the intention would be’, because otherwise they are two statements of intention. Okay, well, that is the motion, and I will go through some of the things that the hon. Gentleman has said about what he likes to call the fishing ‘crisis’, in the context of my reply to what he has said; but I need to draw the attention of the House to the wording of the motion and what the motion, as drafted, tries to get at.

970 He uses the word ‘intention’. Intention means – and this is the longer Oxford Dictionary... the 20 volume one which it was long my ambition to possess and is now in my possession – the action of straining or directing the mind or attention to something; mental application or effort; attention; intent observation or regard; endeavour; the action or faculty of understanding; a way of understanding; the way in which anything is to be understood; the action of intending or proposing; the volition which one is minded to carry out; that which is intended or proposed; a purpose or a design.

975 Mr Speaker, the Government is answerable in this House for the things that it does, but we are not answerable for our thoughts. We are not answerable for simply wanting to consider things and develop them. The hon. Gentleman is not entitled to come into our heads and see what we are thinking about.

980 My old law tutor used to say that intent is something that can never be objective. Somebody who kills another person may kill him in an act of self-defence, where there was no intention to kill. He used to say to me that there is not a light on anybody’s head that goes on when they *intend* to murder and is not on if they kill without intention.

985 The reason for that analysis of what it is that the word ‘intention’ means is very simply this. In the context of asking questions in this House in the context of this motion, hon. Members opposite seem to think that they are entitled not just to reports, but to work done in the context of preparing reports; not just final reports, but *draft* reports; not just ‘what is your policy?’, also ‘what do you think might be your policy?’. Mr Speaker, it is not possible to conduct a Government on the basis of simply telling the hon. Gentleman *everything* we are thinking. You would have thought if they had conducted themselves in Government from a position of giving us *all* their preparatory work, *all* their reports and defending that level of transparency, it would be right for them to demand the same; but they did not even give us the final fruit of work.

990 Yesterday, we looked at what reports they did not give us. They did not give us the report into GBC. They did not give us the report into Customs. Any report which they had prepared they said was internal and for the Government. We went to the Election saying we would be more transparent. We would publish those reports and we would publish any report we obtained, and we will; but it does not mean that we have to give them every scrap of paper on which we may write something whilst we prepare a report. That is not transparency, Mr Speaker. That is absolutely ridiculous. It would be impossible to conduct a Government in that way and the hon. Gentleman knows it.

1000 He knows that by asking us about our intention, he is really intending to put us in an impossible position and I will start replying to the things that he has said by starting at the end, where he said, ‘I understand the difficulty he has.’ You dumb down the law, but the last thing you want is that they – the Spanish fishermen – still come and break our laws. So it is right to talk to the Spanish fishermen. That is what he says, right? Talk to the Spanish fishermen.

1005 Well, he knows, and so does everybody else, that we have had a technical discussion with the Spanish fishermen. We have made no secret of it. We had discussions with them through law enforcement agents. We had discussions with them ourselves. He has set out the chronology of some of them. We have had our technical people talk to their technical people. We have made absolutely no secret of it. But is he also saying – because it is of course nonsense if he is saying it... not that it has ever stopped him before – that all of that has to be played out in the public domain? Namely, if you want to talk to the Spanish fishermen, you must say in this Parliament what you are going to say to them first.

1010 He himself has illustrated what the Spanish Foreign Ministry thought of the Agreement done in 1999. He himself *must* know – of course, not that it matters to his attempt to try and somehow in his Shakespearian dramatic way try and check the Government – that if we were to say what it is we are going to put to the Spanish fishermen and discuss with them at a technical level, the Spanish Foreign Ministry

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would quickly type up the *Hansard* of these proceedings themselves and not wait for it to be published, and say to the Spanish fishermen, 'This is not acceptable'. Is he saying that every discussion that we have to have, we have to have not just openly, in the sense that we say that the meeting is taking place, but that we must let the cameras into the meeting? Mr Speaker, it is of course plainly ridiculous for him to suggest that, but that is what he is suggesting. He is saying, 'You are talking to them. You must tell me what it is you are going to talk to them about'.

Are we a little bit here in the Glyn Ford situation, because when we say a year and a half ago, look that we are not prepared to tell you what Glyn Ford is doing publicly, but we will tell you behind the Speaker's Chair and we will give you all the details of his contract? They say, 'No, no, no. We want to know on the record'. In other words, *que se entere España también*, that Spain should know too. We want to know on the record. He does not say to me, Mr Speaker, 'Fabian we spoke over the summer on Privy Council terms. Let me know what is going on with the Spanish fishermen, because you know you have my support', because that is not the reality, Mr Speaker. What he wants to do is grandstand. He wants to say, 'He is saying something to the Spanish fishermen which he does not say to us in this Parliament to the people of Gibraltar'. He is not interested in us reaching an agreement with the Spanish fishermen because he does not want to talk to me about it behind the Speaker's Chair. He wants to grandstand about it. He wants to ask questions in Parliament which are not replied to, according to him, just because we will not tell him what he thinks he is going to hear; but that is him all over, Mr Speaker, because none of this discourse is about what is good for Gibraltar. I do not think it is even about what is good for the GSD. It is about what is good for Daniel Feetham, and he thinks that this is an area which he can really plough in order to try and garner some support.

Let me now go through the things that he has said, Mr Speaker. We do not deny that there have been Spanish fishermen fishing in Gibraltar waters for generations; it is obvious that they have. There was no legislation before. These are men of the sea, who earn their living from a hand-to-mouth existence. They come and go and for them there has never been a frontier here for generations, but from 1991 there was. He recognises that. I daresay he was supportive of it in 1991, and in relation to most of our laws, Mr Speaker, there is no zero tolerance policy. So, in other words, just because *every* Spanish fisherman was not stopped, arrested, had his ship or boat pulled up on the hard between 1991 and 1996, does not mean that the GSLP Government then was ignoring its own laws, because, absolutely right, *enforcement* – and I am glad he has understood this at last – enforcement is not a matter for the Parliament; it is for the law Enforcement Agencies.

That is why I took such issue when he said to some protesters outside the Convent that if he were Chief Minister he would remove the Commissioner of Police because he was not enforcing the law of Gibraltar at sea in the Nature Protection Act. Mr Speaker, I think he denied at the time that he had said it, but we all know that he did. Enforcement is a matter for the law enforcement agencies. It was between 1991 and 1996 in relation to this law, as to all the others. It was between 1996 and 1999. It was not between 1999 and 2011 and it has been since 2011 onwards, and that is the nub of the issue: what happened in 1999?

Between 1996 and 1999, under a GSD Administration, an issue started to occur and for three years there was an issue. For two years, rumbling. For one year, a very important issue that resulted in the closure of the Frontier by the Spanish fishermen. Can I just ask the House to recall that that was just one of the two occasions when under the GSD, in that first term, the frontier was closed by the *Partido Popular* Administration? One by the Spanish fishermen – the Spanish Government did very little to unblock the Frontier at the time – and secondly on the arrival of the P & O ship *Aurora* at some stage. In fact, I cannot put my hand on my heart and say it was before 2000. It may have been during the first or second GSD Administration when the *Partido Popular* in Spain closed the Frontier... a real crisis.

So between 1997 and 1998 these things start to bubble over. The *Piraña* incident occurs. Nothing like the *Piraña* incident has occurred on this occasion. There has been no closed Frontier situation, but to hear the hon. Gentleman... forget that it is Daniel Feetham, *anyone*, Mr Speaker, describe the utter capitulation of the Chief Minister of Gibraltar to the people who illegally blocked the frontier in 1999 as one of the most intelligent moves in Gibraltar's interests that decoupled the Spanish Fishing Federation from the Spanish Government, is really to see 'capitulation' described as genius. It is absolutely ridiculous. I do not think even they believed it at the time. They might have tried to sell it as something that there was no alternative but to do, but to say that with a gun to your head you give up and do what you are being asked to do, not by the huge Government of the giant that is Spain, but by a couple of guys who burn a tyre from *La Atunara*, I mean, frankly... well, I suppose it demonstrates what sort of backbone some people have.

But I am pleased to hear him describe the 1999 fishing agreement as an agreement, because in the past two and a half years we have even heard him say that that was not really an agreement. Well, certainly, Mr Speaker, it was not something that required the Spanish fishermen to genuflect to the jurisdiction of Gibraltar and its Parliament. One is almost tempted to say, 'Look, we are not going to support the motion. Let's put it to a vote and let's just vote... you know, eight/three, and defeat this, because standing up to have to challenge these sorts of remarks is really quite difficult to do.

So people understand what the Leader of the Opposition is saying, the Spanish fishermen wanted to do (a), (b) and (c). The law of Gibraltar prohibited (a), (b) and (c). The Chief Minister of Gibraltar entered into an Agreement that the Spanish fishermen, but nobody else and certainly no Gibraltarians, could do (a), (b) and (c). The Spanish fishermen came and did, against the law of Gibraltar, in keeping with that Agreement, (a), (b) and (c). That is them genuflecting to the jurisdiction of Gibraltar and to this Parliament's rights to legislate for those waters. It is such nonsense, Mr Speaker, that it does not really bear replying to.

Somebody can say to me, 'Look, we did it. It was convenient and in the scheme of things that was better than continuing the quarrel'. That, although I do not agree with, I can accept. It is possibly the dividing line between the two parties that one might be more pragmatic, as people politely refer to that sort of capitulation, than the other. I can accept that, Mr Speaker. But to try and get the public in Gibraltar to believe that the fishing agreement, which allowed the Spanish fishermen to do the things they wanted to do and which were against the law, meant that they were genuflecting to our laws is such drivel that it should not have passed his lips, because it shows utter disrespect for the mental capability of anybody who may be listening to this debate. It is really quite incredible that we are still hearing those arguments a year and a half or two years on.

Mr Speaker, he then himself says that under the Agreement all that happened was that we went back to the stage between 1991 and 1996 of non-zero tolerance. Well, I do not know how he gets there, Mr Speaker, but he seems to be happy with the period between 1991 and 1996 when there was no agreement and when there was not zero tolerance, which is more or less really where we are now. So I do not see why it is he does not just catch me in the Ante Chamber, congratulate me and not raise these points. But anyway, it is true that in 1999, having done the Agreement, they did not move to make an amendment to Gibraltar law, because the feeling was that if they did they might be seen to be capitulating the law of Gibraltar to what Spanish fishermen were dictating.

Do you know what, Mr Speaker, although I entirely disagreed with the Agreement, I can see their point in 1999; but in 2000, 2001, 2002, 2003, 2004, *PSOE* Government already, 2005, 2006, 2007, 2008, 2009, 2010 and 2011, how can you be doing something under pressure of something that occurred in 1999 if you had done it then? It does not actually mean anything not to have changed the law if they were going to do it. But today, at least we have had an explanation of why they did not change the law between 1999 and 2011, because they were going to change it in 2012. (*Laughter*) They were ready to do it, Mr Speaker, (*Laughter*) but they lost the Election. (*Laughter*) But why did they not turn up to the meeting with the Gibraltar Federation of Sea Anglers that the PDP and the GSLP and Liberals turned up to when we were being asked our views on these issues and say, simply, 'Do not worry brothers. Oh, anglers all of us here. We are going to change the law for you in 2012'. It does mean that he is slightly lacking in credibility, even on that point.

He says that history is a great educator of men. Mr Speaker, of course history is a great educator of men and it should have taught any Gibraltarian that surrendering to Spanish pressure is not actually going to get us anywhere. It is not going to get us anywhere whether it is pressure about fishing or pressure about tobacco or pressure about a reef or pressure about Another issue, insert as you will, when there is a *Partido Popular* Government in place, usually but sometimes even under the Socialists.

Mr Speaker, because somebody in the Chamber of Commerce may have described something that we have done on this side of the House as a matter of policy and in keeping with a manifesto commitment as a rookie error, believe me, we will not be losing one moment's sleep. That description by somebody – it is in the Report – is absolutely and utterly irrelevant to the Government. We did not consider that something like that should be done – going back to the law of the land – simply as a whim. This is a manifesto commitment of this Party. If it is a rookie error, it is a rookie error of every single person that voted for this Government. We have a mandate to return to the Nature Protection Act and undo the fishing agreement. So look, the fact that someone in the Chamber has said that it is a rookie error, well, look, you know, the hon. Gentleman puts great store by it; but, so what? I would describe much of his last 18 months as Leader of the Opposition as a collection of rookie errors connected by press releases. (*Laughter*) I assume it means very little to him, so he can understand perhaps in that way how little it means to us.

Mr Speaker, if the fishermen in Spain were making common cause with the *Partido Popular* as a result of us undoing the fishing agreement of 1999, then what of every other sector? Are we to believe that any sector that disagrees with the Government of Spain is a sector that is somehow going to be in our favour all the time? I have not heard anyone in Spain recently express very clearly their view that Gibraltar should *not* be Spanish, but he seems to have persuaded himself of the Spanish argument. His whole thesis in this debate is the thesis of Margallo and the thesis of Landaluce that all of this is befalling Gibraltar. All of this, what he calls crisis and which I call just exactly the same thing that was happening between 1996 and 2003 when they were in Government, is just normal *Partido Popular* behaviour.

He fails to grasp and analyse one aspect of the historic period between 1996 and 2003, which is: what happens after the fishing agreement? Whether he describes it as genuflection that they come to fish or I describe it as a breach of the rule of law, forget that. What happens at the frontier? Exactly the same thing that was happening the day before, except that the fishermen are not blocking it? So the *Partido Popular*

Government of Spain turns the screw on Gibraltar from 1996 to 1997... or 1997 when they are elected, even with them in Government, and continues to turn the screw after the 1999 Agreement. So the idea that somehow they broke the common cause between the fishermen and the *Partido Popular* Government and somehow gave us any advantage is utterly ridiculous... *utterly* ridiculous.

And then he says that by having undone the fishing agreement, what we have done is make the Spanish fishermen tools in the hands of the *Partido Popular* Government. As if they needed a tool. As if they needed an excuse. Mr Speaker, they would have gone for tobacco. They would have gone for anything as any excuse to attack Gibraltar, but he says, in what I think he thinks is the most well thought out and best scripted attack on me that he could ever come up with, that the principal job of any Chief Minister is to keep people safe and secure and avoid anything that creates instability. That is the point, Mr Speaker. I am not a Chief Minister that will tolerate the instability that comes from the rule of law being broken and the rule of law is broken when a Chief Minister does an agreement... in fact, the rule of law is mortally wounded when a Chief Minister does an agreement that allows one sector of a group of foreign individuals to come into our territory, our undisputed land and water, and do something there which nobody else is allowed to do. Unless you enshrine that in legislation, if you do that by agreement, the rule of law is dead, and that is not just my opinion, it is clearly the opinion of anybody who has bothered to study any law.

So the instability is created by the 1999 fishing agreement. The 1999 fishing agreement does not resolve issues at the Frontier. They stayed absolutely the same. The issue of whether you could design a law as to seasons and stocks etc is something which he knows he has seen already and we were looking at, as a Government, in the technical discussions that we were having. So if he is just trying to pretend now and the future whenever it is that we decide that we may want to consider the possibility of publishing a law in this respect, that this was his idea. Look, it is very clear that it is not and it is really nonsensical to pretend that it might be. Mr Speaker, it does not follow just because we are doing that, that we would ever be in a situation where we might pursue those issues into regulation. We may wish to. We may not wish to. The answer I have given him all along when he has asked his questions is that he will find out when we do that in regulations when they are published. There will be a press release and the press release will explain what it is that the regulations do, if he does not want to bother to read the regulations themselves. That is the way things happen in an open and transparent democracy.

He comes to another point, which is to say there is now more fishing than ever before and, on top of that, they come accompanied by these Spanish Guardia Civils. Well, he cannot say there is more fishing than ever before because the fishing was not monitored between 1999 and 2011. In some instances it appears that there is less fishing than ever before. In many instances, when the Police ask them to go away, they go away without dispute – exactly as was happening between 1991 and 1996 – but I will not hold my breath to hear his congratulations.

He got the answer the other day in the House that he did not want to get when he asked me the question: how many times have fishing vessels been accompanied by Spanish State vessels for each of the following months...? I gave him the answer. He was ready to pounce and there was a zero in every column. He was left denuded of argument because the things he says are just not happening; but he gets up and gives speeches as if there were an alternative reality out there, Mr Speaker, and I hope at least his supporters enjoy them otherwise it is a complete waste of taxpayers' time.

Anyway, he went on, Mr Speaker, to deal with what is probably the low point of his career as Leader of the Opposition so far, which was when he led his bunch of merry men – one of them the backbencher, very reluctantly – out of the door of this House because he disagreed with the way that we were dealing with a particular question. This all to create the pretence, the drama, the theatre that somehow this Government is not the most accountable in Gibraltar's history.

I am reminded, Mr Speaker, just as a small parenthesis, that this is our 23rd meeting of this Parliament. We have answered in those 23 meetings thousands of questions. Mr Speaker, in the eight years between 2003 and 2011, the GSD held 20 meetings of the House. In the two-and-a-half years since our election, we have held 23. This is the non-transparent, non-open, non-accountable Government. Well, look, Mr Speaker; it is clear that the new dawn is here. He just needs to perhaps take off his sunglasses.

Mr Speaker, he goes on to say that... in that period when he said, 'I will be back after lunch. It is a walkout, but I will be back after lunch'. I mean it was not a very principled walk-out (*Laughter*) but anyway... 'I will be back after lunch and so do not do anything else until I come back'. He needs to understand that he is not the Leader of the House, and if we are lucky he never will be, and therefore the timetable of the House is not in his hands. He could have walked out, made his point if he wished to in that way – it was up to him – and then come back, because I asked that he be notified that we were moving on to the next item on the Order Paper. It is not unusual for people sometimes in some other circumstances to leave a Chamber when something is happening which they do not agree with and then come back when we move on to the next item. Sir Peter, the hon. the backbencher, did so in relation to the Civil Partnerships Bill in order – as he told us – not to have to vote against it. Very well, he came in as soon as we had finished dealing with the Bill. They could have walked out for what was left of Question Time, the four or

1200 five questions, and come back in. So the debate on the parts of the Nature Protection Act that he is trying to engineer now is the debate we should have had then and I hope this has demonstrated to him the futility of walking out of a Chamber and not staying here and defending your own position and making your own argument, *even* if you are not going to succeed in winning the vote in it.

1205 But then he attacks me, Mr Speaker, saying that I won the Election on the basis of there being a new dawn, and what kind of new dawn is it when I will not tell him exactly what it is that will happen in respect of fishing and what is our intention etc as I do not make a statement. Well, Mr Speaker, that is just absolutely pathetic. It is not necessary for me to go around telling everybody every thought that pops into my head in order to be able to make out the case that I am transparent and that I am a new dawn. It is absolute nonsense to say that I need to utter every thought that comes into my mind in order to be transparent. It is ridiculous, Mr Speaker, absolutely ridiculous.

1210 I have dealt with his penultimate point, Mr Speaker, where he told us that if I felt it was appropriate to talk to the Spanish fishermen before – as he called it – I ‘dumb down the law’, he would support me in doing that. Now that it appears he thinks I am doing it, he is trying to blow that up as he sees it by requiring that I make a statement before I even talk to anybody about it. Well, Mr Speaker, okay, I understand the hypocrisy of his position.

1215 Then he says: ‘You are hoist on the horns of your own dilemma.’ Well, Mr Speaker; I do not feel my skin pinched anywhere by any horn at all. I am perfectly relaxed with the situation that we are in and I think so is the rest of the Government and so is most of the rest of our community, despite the fact that he continues constantly to try and pick as much propellant or jet fuel and throw it onto the flames of this issue to try and keep it in the headlines. Nobody else is bringing this issue forward. Nobody else is putting this issue in the headlines, only the Leader of the Opposition and maybe one Leoncio Fernández but nobody else other than Mr Feetham is putting this issue at the forefront of public debate. So I must tell him, I feel no horns (*Laughter*) and I sense no dilemma. But for reasons that I will come to, I think I will be able to demonstrate once again, with evidence, I think I will be able therefore to prove that he is actually hoist by his own petard (*Laughter*) but I shall leave that until the end.

1220 He tells us in his final repost that at least under the 1999 fishing agreement – I have got to read this because it is worth reading – they did not tolerate our laws being broken with impunity. Mr Speaker, if anybody believes that, then it is not that in our community we do not learn from history, it is that we re-write history Mr Speaker, and that is very, very dangerous indeed. In order to ensure that we do not do that and that we remember that the 1999 fishing agreement was actually an abject capitulation of our jurisdiction and the jurisdiction of this Parliament to legislate in respect of British Gibraltar Territorial Waters and to have our legislation in those waters respected by everyone, I move an amendment to the motion.

1230 The amendment, Mr Speaker, would be to delete all the words ‘after this House’ and insert the following language – (*Interjections and laughter*) in the best traditions of Parliamentary practice in Gibraltar (*Laughter*) – and insert the following language: ‘THIS HOUSE’ would stay. The following would read:

1240 ‘CONDEMNS the so-called fishing agreement entered into in 1999 between the then Government and a group of Spanish fishermen as contrary to the rule of law in its selective application of the law to some, but not to others;’

A Member: Hear, hear, hear. (*Banging on desks*).

1245 **Hon. Chief Minister:** Thank you, rent a mob. (*Laughter*) Your cheque is in the post. (*Laughter*)

‘BELIEVES that the 1999 fishing agreement purported to override the law of Gibraltar by setting out to regulate fishing in certain numbers, in certain locations, at certain distances and with certain methods even though this remained prohibited in law;

1250 TAKES NOTE of the excellent report entitled ‘The Management of Marine Living Resources in the Waters Around Gibraltar’ which was commissioned by the Government and published in December 2012;

CONSIDERS that the regulation of fishing and diving in British Gibraltar Territorial Waters must be handled in a sensible and responsible manner;

1255 THEREFORE WELCOMES the policy of the Government to engage in a process of consultation with many different stakeholders in relation to fishing and diving in British Gibraltar Territorial Waters and the announcement that Regulations are due to be published shortly by the Ministry for the Environment to start the process of regulating use of the marine environment;

AND REAFFIRMS the unquestionable British sovereignty, jurisdiction and control of the waters around Gibraltar as set out in the United Nations Convention on the Law of the Sea and the uninhibited right of the Parliament of Gibraltar to legislate in those waters as set out in the Gibraltar Constitution.’

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I move that amendment, Mr Speaker, and with your leave I would ask to be allowed to speak on it.
(*Banging on desks*)

Mr Speaker: I am sure the hon. Members know what the position is now.

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This is the Chief Minister's amendment. Hon. Members may speak to this amendment, including the Leader of the Opposition, right, but what hon. Members cannot do is to speak on this amendment... or rather speak on the motion of the Leader of the Opposition under this amendment. You cannot do both, okay?

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Hon. Chief Minister: So, Mr Speaker, on the amendment, the Foreign Affairs Committee of the Westminster Parliament has long been an ally of the people of Gibraltar. When the people of Gibraltar have faced, for example, the joint sovereignty debacle of the British Government in 2002, the Foreign Affairs Committee of the British Parliament was on the side of the people of Gibraltar. It took evidence from the then Chief Minister and the Leader of the Opposition and they made clear in their report that it was wrong for the British Government to go down the purported joint sovereignty route.

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In its Fourth Report, Mr Speaker, the Foreign Affairs Committee had this to say about the fishing agreement. This was in the same year, Mr Speaker. They had said it was sensible to talk to the fishermen. They had said it was sensible to try and reach an accommodation, but they said this, Mr Speaker, paragraph 25 of the Fourth Report:

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'There is one important constitutional point to be made in the context of the fishing dispute. The Commissioner of the Royal Gibraltar Police has operational responsibility for the RGP and "exercises normal policing discretion when taking decisions on operational matters, on the same lines as Chief Constables in the United Kingdom." Whatever agreement there may be between the British and Spanish Governments, or between Mr Caruana and the fishermen, it is for the Commissioner to decide how to enforce the law. It is wrong to place a Chief Officer in a position where he is asked to enforce the law in a way which is politically expedient. Ms Quin told the House that the Government hoped'

– and this is the Government of the United Kingdom, who Ms Quin represented from the Foreign Office –

'that the agreement'

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– the fishing agreement –

'would be "backed up by legislation in the Gibraltar Assembly." We agree. We understand Mr Caruana's concern that amending the law might appear to be capitulation to Spanish pressure, but we do not believe that this is the case. We hope that the Government of Gibraltar will seek to amend the Nature Protection Ordinance so that the informal understanding about the extent to which it is not to be enforced is given proper legal effect.'

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And yet, despite that, in 2000, in 2001, in 2002, in 2003, in 2004, in 2005, in 2006, 2007, 2008, 2009, in 2010 and in 2011 they did nothing about it, having been told, not by Fabian Picardo, not by Joshua Gabay who did a sterling job in this House after the agreement, for the GSLP in Opposition, setting this issue out repeatedly, meeting after meeting, more eloquently than I ever could, but by the Foreign Affairs Committee of the United Kingdom Government... not that one is better than the other, but they are not the Opposition to the GSD as Joshua was in 1999, but I guess that is because they were going to do it in 2012, Mr Speaker.

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But if that were not enough, if the opinion of Joshua Gabay were not enough to convince Peter Caruana, if the opinion of the Foreign Affairs Committee that most times comes down on Gibraltar's side and I will say most because I have not read *all* of their reports and they might at some stage have said something we did not like, but if that were not enough, let me come to one more point, because the Hon. the Leader of the Opposition, Mr Feetham, has made the point that there was no breach of the rule of law, that all of these issues were not of great concern and that we should have stuck with the 1999 fishing agreement. If Joshua Gabay cannot persuade him, if the Foreign Affairs Committee cannot persuade him, if Fabian Picardo cannot persuade him, let me try Daniel Feetham.

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Mr Speaker, this is a press release issued by Daniel Feetham in 2003, in September:

'Chief Minister caught in crab controversy'

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– I will allow him, Mr Speaker – if that was his headline on Panorama – at least a smirk because it is quite a funny headline. It could have meant anything, Mr Speaker, the Chief Minister caught in crab controversy –

‘Complaints are being received from both local amateur scuba divers and people concerned with nature conservation about the considerable amount of Spanish fishermen who are catching spider crabs (known in Spanish as *Centollo*) which is a protected species under the Nature Protection Ordinance.

It appears that these crabs are being taken to Spain to be sold there and when spotted by the RGP nothing is done to stop them.’

1310 – I assume that the error in syntax was an intention to refer to the fishermen taking them and not the arrest of the spider crab, as appears to be suggested by the sentence –

‘In the meantime when Gibraltarians are caught doing this they are arrested and subsequently charged for the offence. “We are also informed that the Chief Minister has received complaints about this but thus far, nothing has been done to tackle the issue”, says the Labour party.

The party adds: It will be recalled that the Government resolved the Spanish fishermen’s dispute by entering into a private agreement allowing them to fish in Gibraltar waters and, in particular, in areas designated a Marine Nature Area under section 18(2) of the Nature Protection Ordinance. *Esta muy bien. La verdad es que no escribe muy bien a menudo, pero esto esta muy bien.*

Marine Nature Areas are territorial waters designated as areas of special interest for the purposes of conserving marine flora or fauna and providing special opportunities for the study of, and research into, matters relating to marine flora and fauna. These areas are, therefore, of tremendous importance to Gibraltar’s marine wildlife and to the research carried on in them.

The party believes that both Gibraltarians and foreigners alike should respect Marine Nature Areas “and we also believe that protected species under the Ordinance should likewise be protected”.

It is a matter of great regret that our protected wildlife and our protected areas are pillaged in this way without respect. It is likewise a matter of great regret that Gibraltarians cannot expect equal treatment of the law in their own homeland. No doubt the RGP would be applying the law equally among locals and Spaniards if it had not been for the agreement reached as a consequence of the fishermen’s dispute.

“We do our society, underpinned as it is by the rule of law, a great disservice when we turn a blind eye to breaches of our laws and that disservice is compounded when the full force of our laws are applied only in respect of local youths and not foreigners,” says the party, which calls on the Chief Minister to ensure that the law is applied equally among everyone and above all, that our Nature Conservation laws are upheld.’

1315 Mr Speaker, if nothing that Fabian Picardo has said has convinced the Hon. Daniel Feetham, I hope Daniel Feetham has. *(Applause and banging on desks and laughter)*

Mr Speaker: The Hon. the Leader of the Opposition.

1320 **Hon. D A Feetham:** Mr Speaker, I am totally in your hands as to whether you wish me to respond, as indeed I would wish to, to the Chief Minister in reply to my motion or to reply to his first... in other words, the amendments, because I have not responded yet.

Mr Speaker: You are able now to speak on the Chief Minister’s amendment.

1325 Having done that, if the House then votes on the amendment and passes the amendment, then that becomes the motion before the House, at which stage you will have your right to reply. At the end of the debate you will have your right to reply.

Hon. D A Feetham: Yes, Mr Speaker, as long as I have my right to reply on *my* motion.

1330 **Mr Speaker:** No, your motion will have been amend... if your motion is amended, then this becomes the motion before the House, but you do not lose your right to reply to what has been said. Is that clear? The likelihood is, because your motion and the Chief Minister’s amendment in a way overlap each other, I will be able to interpret the rules of debate very liberally in allowing you to exercise your right to reply.

1335 **Hon. D A Feetham:** Mr Speaker, yes, of course. But normally in this kind of situation, as it is my motion, I have the last word (**Mr Speaker:** Yes.) but what we have here... as long as I have the last word, that is all I am interested in, Mr Speaker.

1340 **Mr Speaker:** You will have the last word. *(Laughter)* The only thing is that it is not likely to be on the original motion. If I can count the heads, which I think I can, it is likely to be on the Chief Minister’s amendment. That is all, but you will have your right to reply.

Hon. D A Feetham: Well, Mr Speaker, then let me deal with the –

1345 **Mr Speaker:** What you cannot do is both. You cannot now answer everything that the Chief Minister has said with this motion and then repeat the process and go over the same ground again. Do you follow? You cannot then repeat yourself. (*Interjections*)

1350 **Hon. D A Feetham:** Mr Speaker, of course, I cannot repeat myself and neither can he. No, I accept that.

Mr Speaker: Right.

1355 **Hon. D A Feetham:** Yes. Well, Mr Speaker, let me just deal with the last point which is the Chief Minister reading what was, I have to say, an excellent press release by the Labour Party in 2003. (**Members:** Hear, hear.) (*Banging on desks*) Absolutely, Mr Speaker – (*Interjections*) An excellent, excellent, excellent press release of which I do not resent one bit Mr Speaker, because of course what that press release was directing itself to – and indeed, it was not drafted by me, but it was drafted by a very competent colleague in my team at the time – was the fact that there were Spanish fishermen... divers, in this case, not fishermen – divers that were coming into British Gibraltar Territorial Waters and lifting a protected species such as the *Centollo* and basically then taking it to Spain; whereas Gibraltarians were being arrested, or being cautioned for exactly the same offence, and that is wrong.

1360 But, Mr Speaker, actually that has absolutely nothing to do with the 1999 Agreement. It has something... it is very relevant and has something to do with the Nature Protection Act, because it is the Nature Protection Act that essentially deals with the protection of these kinds of species in British Gibraltar Territorial Waters. The 1999 Agreement had nothing to do at all with *Centollos*. Nothing whatsoever at all with *Centollos*.

1370 So, Mr Speaker, there is absolutely no contradiction at all in the position that I am taking now with the position that I was taking then, and even if there were, even if there were, Mr Speaker, the reality of the situation is that the 1999 Agreement – as he has also recognised in his own address – was a good diplomatic solution to a very difficult problem that existed in 1999, that we could have changed the law later. I have already said that I accept criticism in relation to that, but it does not, Mr Speaker, deal with the main thrust of my criticisms to the hon. Gentleman today, which has been the way and the manner in which he personally has handled the tearing up of the 1999 Agreement without having anything to take its place.

1375 Mr Speaker, turning to the other parts of his intervention, I have to say, Mr Speaker, that it is as poor a response and intervention as I have seen the Chief Minister provide in this Parliament. Mr Speaker, but let me start by giving him a very small, historical lesson.

1380 He said, Mr Speaker, that it had been Margaret Thatcher that had said that it was as being mauled by a sheep. He has actually got it wrong on two counts. First of all, it was not Margaret Thatcher. It was Denis Healy about Geoffrey Howe, and the quote was it was 'like being savaged by a dead sheep'. Well, Mr Speaker, I have been called the black sheep, politically, many times by the hon. Gentleman opposite, but never a dead one and never one without teeth, and if he knows something about me by now, he should know that my teeth are particularly sharp indeed. But, Mr Speaker, he then says that it was a Glyn Ford moment. Well, Mr Speaker, I think that his intervention today shows that he is having one of many of his 'Clinton' moments.

1385 Mr Speaker, he says, 'I am not answerable... we are not answerable for our thoughts or everything that we are thinking', but it certainly appears, Mr Speaker, that he believes that he is answerable to the Spanish fishermen, because he is prepared to explain his thoughts to Spanish fishermen and to people across the border, the very same people he describes in his address as 'foreigners', but he is not prepared to share those thoughts with the people of Gibraltar and with Members of Parliament in this Parliament. That is the essence of my criticisms of the hon. Gentleman. He can talk about or he can call that criticism nonsense, or he can call my address nonsense. He calls it drivel. He then says that I am siding – which has become a favourite of the hon. Gentleman – I am siding with Margallo because he is just simply repeating the thesis of Margallo. Well, Mr Speaker, that is increasingly becoming a shield, a shield to the hon. Gentleman to shield him from the incompetence – it has to be said – that he has shown, in relation to dealing with this particular issue.

1390 The reality is that criticism of the Government is not criticism of Gibraltar. Criticism of the way that the Government has handled this particular issue is not being unpatriotic or a bad Gibraltarian or siding with anybody else, the reality is that the GSD has a different way of dealing with things, Mr Speaker. As I have said before, a calm, mature, intelligent way of dealing with things. All the qualities, Mr Speaker, that unfortunately the hon. Gentleman lacks in the way that he attempts to bulldoze these issues without any measure of intelligence and sometimes a thought.

1400 Mr Speaker, he said he goes from nonsense... he says that it is nonsense to expect us to provide him with the information publicly because, he says that the Spanish fishermen... sorry, he says that the Spanish Foreign Ministry would find out. That is absolutely a nonsensical argument, Mr Speaker. Does he not think that the Spanish Foreign Secretary has not been informed by the Spanish fishermen exactly what the

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proposals are and exactly what that discussion paper that he has given Spanish fishermen entails? Does he not think that? Does he think that the people of Gibraltar are so stupid as to believe that kind of argument?

Mr Speaker, he does not give the people of Gibraltar the credit for the intelligence that no doubt they have and the sophistication that time and time again they have shown in successive elections and indeed in the way that they express opinions on this matter.

Mr Speaker, he then repeats another point that he is very fond of making, and he says that I have said that I would like to see the Commissioner of Police removed and that everybody knows that I would like to see the Commissioner of Police removed. Well, Mr Speaker, I challenge him to produce the evidence of where I have said that I want the Commissioner of Police removed, because it is false, and I am telling him that it is false, as I have told him in the past. He must make himself responsible, Mr Speaker, for statements that he makes within this House. What he cannot do is just simply invent stories of this nature, because they are very serious indeed. I have told them I did not say it and yet, Mr Speaker, he continues to repeat it.

He then says – (*Interjection*) well, the 1999 Agreement, he says... I beg your pardon, he said... Well, he has never asked me to brief him on these issues on a confidential basis. Mr Speaker, I remind the hon. Gentleman that we gave him nearly two months grace where we kept quiet to give him the space to deal with the issue post the laying of the blocks, and we got criticised, *criticised* by a section of the press for effectively suspending political activities during that period of time because we wanted to give the hon. Gentleman the political space to deal with these issues. And yet, when we resumed political activities, any private briefings actually ceased and what the hon. Gentleman must realise and what ...as a democrat he must realise, that what we cannot have is a situation, Mr Speaker, where private briefings from the Chief Ministers are dependent on us just simply rolling over and not doing our job.

He is the Chief Minister of Gibraltar. He is in possession of this information and it is incumbent on him to pick up the telephone and to say, 'Look, come to my office. I am going to brief you on *X, Y and Z*', if that is relevant; but, Mr Speaker, he has not done so.

Mr Speaker, he also said that it is the duty of all Chief Ministers to prevent foreigners coming to our land and breach our laws. He mentioned an alternative reality as well during the course of his address, and I just wonder whether it is the hon. Gentleman who lives in some form of alternative reality. Mr Speaker, there are Spanish fishermen coming into British Gibraltar Waters, fishing with nets with impunity. Does he think that he is exercising his duty as Chief Minister preventing foreigners from coming into our land or our waters to prevent breaches of our laws, because it is not doing that? If he thinks that he is doing it, then it is him that lives in an alternative reality, not us.

Mr Speaker, he also said that the backbencher was reluctant to leave during the... when there was a walkout on the Credit Finance issue and he has repeated that in the past and he has repeated it outside. His supporters repeat the fact that I am doing Margallo's job etc, as they repeat most of what he says, but, Mr Speaker, the backbencher has said publicly in this House that he walked out of his own volition and that indeed if the situation persisted that he would have no hesitation at all in walking out again, because it was so serious that it merited walking out. No amount of distortion or the hon. Gentleman saying otherwise will change that very simple fact, Mr Speaker.

Mr Speaker, finally, just in my reply, returning to this question of the thesis of Margallo, I know that the hon. Gentleman likes to repeat it often that I am somehow doing Margallo's dirty work. I have now read in a section of the Spanish media that I believe to be sponsored with advertising by the Gibraltar Government, that somehow I have very high-level connections with the PP Government in Madrid and that the PP Government in Madrid would prefer me to him as Chief Minister of Gibraltar and that there is somehow a conspiracy between myself and Rajoy. Well, look, I wish, Mr Speaker, that I would have the influence to be able to influence Rajoy. I would tell him that his policy in relation to Gibraltar is counter-productive not only in Gibraltar, but also amongst his own people across the frontier in La Linea because it is harming them more than it is harming us, Mr Speaker. But, look, alas, it is not possible. I do not have that influence.

Mr Speaker, I love this community as much as anybody else in this Chamber. I have dedicated the last 15 years of my life; indeed, I came to Gibraltar in order to pursue a career in politics in order to defend the interests of my community. There is nothing more of an anathema to me than any suggestion that I am doing the dirty work for anybody across the frontier in Spain, least of all the PP Government in Madrid Mr Speaker.

But we have our way of doing things. There is a GSD way of doing things and simply because we say so – (*Laughter*) Simply because we repeat that and simply because we criticise the Government for doing things in a way that we do not agree with, does not mean that anybody on this side of the House, Mr Speaker, is a bad Gibraltarian, anti-Gibraltarian, or that, Mr Speaker, we do not love this community. Nothing could be further from the truth. He does a huge disservice to politics in Gibraltar to suggest otherwise. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the Chief Minister's amendment?
The Hon. Dr John Cortes.

Hon. Dr J E Cortes: Mr Speaker, unlike the Leader of the Opposition, who has strayed from talking on the amendment to responding to the Chief Minister's response to his own, as proposer, I intend to do my utmost to stick to the amendment.

1470 My, my, my, Mr Speaker, I was accused earlier on of singing my praises when I was speaking about the Alameda Gardens and now we have heard the Leader of the Opposition singing his praises about his work as a Minister in 15 years. The difference, Mr Speaker, is that he was 15 years in politics, I was for 20 years *el jardinero*. Mr Speaker, as a rookie, indeed, I must also point out that I already have more Parliamentary experience than any two-term GSD Minister.

1475 Mr Speaker, on the actual amendment, I think that what we have to remind ourselves, despite those who say otherwise, is that the fishing agreement, which was then known as a joint understanding, is in fact contrary, or was in fact contrary to the rule of law. Mr Speaker, it was worded so as to appear not to be against the rule of law, but against the rule of law it certainly was.

1480 Mr Speaker, in the preamble to the agreement, it stated equally that the fishing sector undertakes to respect the instructions of the Police Authorities of Gibraltar in their enforcement of that law. Mr Speaker, they did not... firstly, because they did not; and secondly, because they rarely got any instructions anyway.

Mr Speaker, it also makes a statement like, 'as a consequence both sides understand that there should be a return to the *status quo* which existed in the period 1991 to the start of 1997 and that thus the law will be applied with the same level of tolerance as during that period'. It was not applied at all.

1485 Mr Speaker, perhaps most significantly are the following words in the annex:

'After having discussed in detail what a return to the *status quo* and therefore to the 1991 – 1997 situation is, both sides understand that the law will be applied strictly in the following circumstances...'

1490 And therefore, Mr Speaker, by implication, that it would *not* be applied in other circumstances. Therefore, the distance from the coast of 225 metres, it would not be applied strictly outside them. The number of fishing boats: no more than four. It would not be applied if there were less and in this respect *luceros* are not considered boats actually fishing. That actually goes completely against an actual specific mention of *luceros* in the law.

1495 Therefore, Mr Speaker, although it was worded in such a way as to try to pull the wool over the eyes of the community by having a pretence that this was not in breach of the law, it most clearly was in breach of the law and therefore I think Gibraltar has to realise and I have no option but totally to support the amendment. (*Banging on desks*)

Mr Speaker: Is there any other contributor?

1500 In that case, I will call upon the Chief Minister to exercise his right to reply on the amendment. The Chief Minister will not be able to speak again, unless there were to be an amendment to the amendment.

Hon. Chief Minister: Or somebody gave way to him.

Mr Speaker: Yes.

1505 **Hon. Chief Minister:** Mr Speaker, thank you very much for the opportunity now to reply on the comments that the hon. Gentleman has made about the amendment, but the hon. Gentleman has said very little about the amendment when he got up to reply to the amendment, so I am going to reply to the things that he has said.

1510 **Hon. D A Feetham:** Well, Mr Speaker, that –

A Member: [*Inaudible*]

1515 **Hon. Chief Minister:** Well, yes, because you were only allowed to speak on the amendment and you spoke about everything, and therefore I am allowed to reply to what you have said.

1520 Mr Speaker, let me start by saying that it was absolutely clear that the hon. Gentleman, faced with this amendment and faced with the logic of what I had said, had nothing to say. So I will take his words, that this was from me as poor a response as he has ever seen, as actually a great compliment because what he means – and of course he always says the opposite of what he means – is, 'Oh, my goodness. That was a total methodical destruction of everything I, Daniel Feetham, said. I am left with nothing I can say to confront your amendment because the arguments which I put will obviously be clearly contradictory to the press release that I issued in 2003'. Of which he says, Mr Speaker, 'It was an excellent press release of the Labour Party, not drafted by me, but had absolutely nothing to do with the 1999 Agreement. It was all about diving'.

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Mr Speaker, this is not a man on the horns of a dilemma. This is a man wriggling on a hook, a hook of his own making, and he has just made the hook sink deeper into his mouth. He has said here, within living memory of all our minds, a moment ago, that this press release had nothing to do with the 1999 Agreement. Let me relish reading that part again. (*Laughter*)

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"The party says that it believes that both Gibraltarians and foreigners alike should respect Marine Nature Areas "and we also believe that protected species under the Ordinance should likewise be protected".

It is a matter of great regret that our protected wildlife and our protected areas are pillaged in this way without respect. It is likewise a matter of great regret that Gibraltarians cannot expect equal treatment of the law in their own land. No doubt the RGP would be applying the law equally among locals and Spaniards if it had not been for the agreement reached as a consequence of the fishermen's dispute.

"We do our society, underpinned as it is by the rule of law, a great disservice when we turn a blind eye to breaches of our laws and that disservice is compounded when the full force of our laws are applied only in respect of local youths and not foreigners," says the party, which calls on the Chief Minister to ensure that the law is applied equally among everyone and above all, that our Nature Conservation laws are upheld."

It is a clear reference to the 1999 Agreement. Mr Speaker, does he think that absolutely everyone is stupid except him? At least, Mr Speaker, he is enough of a parrot that when I say in my intervention, 'You must respect the electorate. You must not treat them like fools' the next thing that he does is get up and say, 'You must respect the electorate. You must not treat them like fools'. But then, Mr Speaker, he goes on to treat not just the electorate, but everybody watching, everybody sitting here, everybody in the gallery and yourself, with all due respect, Mr Speaker, as an absolute fool by telling us that his press release, which I have just read out again, had absolutely nothing to do with the 1999 Agreement. So we can judge his credibility on that simple basis; but not that that had anything to do with the amendment... but anyway.

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Mr Speaker, he says that I recognised that the 1999 Agreement was a good thing diplomatically. Now, Mr Speaker, let us be very clear. I read him a part of the Foreign Affairs Committee Report which said something like that. That is not my position. That is the position of the Foreign Affairs Committee in its Fourth Report. So please can the easy device of him pretending that something I read from somebody else which I have expressly said I do not agree with, which he tries to impute to me, be clear does not actually work.

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Mr Speaker, he says that he has sharp teeth. Well, look, that is really a matter entirely for him. I have no need to know much about his dentures (*Laughter*) to understand that what he is promoting is an agreement that is contrary to the rule of law.

When I refer to a Glyn Ford moment, I am referring to the fact that they asked question about Glyn Ford. We offered them the information privately and they said no; but a year and a half later they have now said they would like the information privately. It is quite something, Mr Speaker, for him to say, as he likes to do repeatedly, that I have Bill Clinton moments. Well, you know what, Mr Speaker, Bill Clinton is famous for having denied adultery when he committed it and that, Mr Speaker, is a little bit close to the bone and perhaps we should not be going there. We should not be accusing each other of those sorts of moments because there is really quite no need to do that.

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He says, Mr Speaker, that he is cleverer than me and that he is much better at what he does politically than I do. If that was not the import of him saying how terribly I am doing it and how well he was doing it, well, Mr Speaker, look, I do not consider myself cleverer than anyone. I have been elected to do this job for as long as the people of Gibraltar want me to do it. They will decide at the next opportunity whether or not that is the case and they will decide whether he should continue as Leader of the Opposition or otherwise. What is the point in a debate of saying, 'I am cleverer than you and I am better than you. Ya boo sucks'. I thought we had got beyond that when we left primary school.

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Of course it is clear to the Government, Mr Speaker, that by now the Spanish Foreign Ministry is fully aware of all the things that have been discussed, even at a technical level between Gibraltar technicians and Spanish fishermen; it was not always thus. But he was putting the issue on the public agenda. He was trying to draw us out on the subject. He *is* the person, Mr Speaker, repeatedly putting the issue back in the public domain with questions and with press releases and now with this motion. He wants to, Mr Speaker, because you see the reality is that Mr Feetham does not want us to resolve the issue that there may be with Spanish fishermen. He wants it to continue and endure, even if it damages Gibraltar, simply to try and make a cheap electoral point of it – that is the point – and if in doing so he plays into Mr Landaluce's hands and into Mr Margallo's hands, then he does not care a jot. That is why, however proud a Gibraltarian he may be, however much he says that he loves Gibraltar, he is always going to have to face from me the accusation that for his own selfish ends he pursues this issue of fishing and plays into the hands of those who would do our community the greatest damage. He needs to understand that, so that when he continues doing it, he does not have the excuse that he did not see that.

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But having said that Mr Speaker, given the extraordinary things that he has said, even denying the fact that his press release was speaking about the 1999 Agreement, when it clearly was, I have no doubt that

1580 either because he cannot see it or because he will not see it, he will continue to do whatever he thinks is in his expedient interest in order to try and win Office. Which brings me, Mr Speaker, to the great sacrifice that he made by coming back to Gibraltar to defend it.

1585 It is abundantly clear to everyone, Mr Speaker, that the hon. Gentleman came back to Gibraltar when he came back to Gibraltar for whatever reason he might *really* have wanted to come back to Gibraltar, but principally to become Chief Minister of this community. This is his obvious lifetime ambition and he wears it so much on his sleeve that they should embroider it on all his suits, Mr Speaker. (*Laughter*) This man does not think that he has a date with destiny; this man thinks he is married to destiny, Mr Speaker. (*Laughter*) Whether it is 15 years ago or 10 years ago or whenever it was, Mr Speaker, one thing is very clear. When he came back from the United Kingdom... God knows why he did, but when he came back from the United Kingdom, it was because there was and there is a GSD way of doing things and he wanted that to stop. (**Hon. J J Bossano:** Absolutely.) He came back to Gibraltar at that time to offer his service to remove the GSD from Office (**Hon. J J Bossano:** Yes.) and rebuffed he has done now everything possible to keep them there and now bring them back.

1590 If Mr Speaker, he were to change the GSD and its policies were to reflect those of the GSLP on every aspect, then maybe, *maybe* he might be forgiven, but on present showing, given that he is defending the GSD way of doing things, which he was so against, I think it says much more about him than it does about the GSLP way of doing things. Mr Speaker, the GSLP way of doing things is the way of doing things that people have selected in this community to govern. Therefore, condemning the fishing agreement, which the GSD did, is absolutely right. Believing that the agreement was wrong is absolutely right. Taking note of the expert report is what we must do. Considering the regulation of fishing in British Territorial Waters a matter for this Parliament is what we must do. Welcoming the way this Government is trying to ensure that that is done in consultation with stakeholders is what we must do and reaffirming the unquestionable sovereignty of this Parliament over the land and sea of Gibraltar is exactly the *right way* of doing things. There could be no other way... the GSLP, now also Liberal, way of doing things.

I therefore, Mr Speaker, commend the motion to the House as amended. (*Banging on desks*)

1605 **Hon. D A Feetham:** Mr Speaker, may I propose an amendment to the motion... to the amended motion?

Mr Speaker: You have already spoken on the amendment. You cannot put an amendment to the motion. Some other Member of the Opposition can do so, but you cannot.

1610 **Hon. Chief Minister:** But not at this stage, Mr Speaker.

Procedurally, Mr Speaker, if I may, at this stage I have spoken on the amendment. We have to now vote on the amendment. Once we have voted on the amendment –

1615 **Mr Speaker:** We have to vote on the amendment and then –

Hon. Chief Minister: After that you can do it.

Mr Speaker: – then after that –

1620 **Hon. Chief Minister:** – you can propose an amendment to the amended motion.

Mr Speaker: We now have to vote on the amendment and then the amended motion is before the House. You will not be able to put an amendment, but you will have a right to reply. One of your colleagues can move an amendment, okay?

1625 So I now put to the House, the amendment moved by the Chief Minister in terms of the amendment which has been circulated and which I am sure Members will not wish me to read out. Those in favour? (**Members:** Aye.) Those against? (**Hon. D A Feetham:** Against.)

1630 The amendment is carried by a Government majority and therefore the motion now before the House is as amended and, as I say, the Hon. the Leader of the Opposition is not able to speak on this motion. He has a right to reply.

The Chief Minister is not able to speak on the motion. The Hon. Mr Cortes will have to be very careful because he has, to all intents and purposes, done so; but he did not speak on a number of other paragraphs and he could, if he so wished.

1635 All other Members on the Government benches and on the Opposition benches can speak on the motion as amended.

1640 **Hon. Chief Minister:** Mr Speaker, can I just... I need to absent myself from the Chamber for a minute. I mean no disrespect to whoever speaks next and I will be listening in the Ante Chamber, but I must make a phone call.

Mr Speaker: That means, as I say, hon. Members of the Opposition, who would be the ones normally interested, can move an amendment to the motion.

1645 **Hon. D A Feetham:** Do I have a right to reply?

Mr Speaker: The Hon. the Leader of the Opposition has a right to reply at the end of it all. Before we take a vote... you see, oddly enough what happens is that the motion, as amended, becomes your motion (*Laughter*) according to the Rules of the House and that is why you have the right to reply. (*Laughter*)

Hon. D A Feetham: So, Mr Speaker –

1655 **Mr Speaker:** I should not have put it the way I have, but you know what I mean. (*Laughter and interjections*)

1660 **Hon. D A Feetham:** Mr Speaker, I am not sure that I do so. Essentially I have no right to expect answers from the Government to my questions and also his amendments become my motion. (*Laughing*) I am not sure if that is exactly the correct position, but I accept that the order... I have the right to speak at the very end.

Mr Speaker: The last person to be able –

1665 **Hon D A Feetham:** Which was what I was concerned about, Mr Speaker.

Mr Speaker: Yes, that is the position. Does any hon. Member wish to speak on the motion, as amended? (*Interjection*)

Several Members: Hear, hear. (*Banging on desks*)

1670 **Hon. J J Bossano:** Mr Speaker, the GSD way and the GSLP way are like chalk and cheese in almost every respect, but there is in one particular respect, which is very relevant to this motion and to the way the Member opposite behaves nowadays when he is so proud of the GSD way which he condemned in 1996, in 2000 and in 2003. That is, when it comes to taking sides in issues where the Government of Gibraltar is in conflict with the Kingdom of Spain.

1675 So in 1996 the situation that was inherited by the GSD was that the 1991 Nature Protection Ordinance was in place and that was not in place in order to stop fishermen from Spain fishing because we do not like Spaniards in our water; it was there to protect the fish from fishermen of any nationality. The only relevance that the Spaniards were involved is in fact that everywhere else that they had been fishing they had wiped the place clean, from Norway to the North Sea in the United Kingdom. Indeed Greenland left the EU rather than allow the Spaniards to fish there! They actually negotiated their exit because one of the conditions demanded by the Spaniards was that they should be able to wipe out all the fish from Greenland's Territorial Sea, having exhausted almost every other possibility.

1680 So the purpose of the exercise was to retain fish in our waters before they wipe them all clean. And of course to the degree that we were able to influence with the constitutional arrangements that existed there, the involvement of the Police in doing the job we did, and when they could they did and when they could not, they did not. So the reality was it was not that it was a non-zero tolerance; it was that on some occasions they were able to do something about it and on others they did not.

1685 When the situation developed after 1996 and the conflict came about with Spain, what we did not do, because we did not believe in the GSD way and we did not know about the GSD way because we had not been with a GSD in power before then, what we did not do in Opposition, was to say to Mr Caruana, 'You have created the problem with Spain. By having the ship arrested, you are responsible for the blockade on the frontier by having done this because unlike the measured well thought-out supposed GSD way we are having described now, that is not what happened then.

1690 They did not do a measured, well thought-out process where they knew what was going to happen. They arrested a ship – which they were perfectly entitled to do, which we fully supported – and then the Spanish fishermen blockaded our frontier illegally and we did not blame the Government of Gibraltar for the blockade by the Spanish fishermen because that was not the GSLP way. The GSLP way was to say we do

not agree with Mr Caruana and we do not agree with the GSD but if the Spaniards attack the Chief Minister of Gibraltar, we defend him. That was the GSLP way. (**Several Members:** Hear, hear.) (*Banging on desks*)

1700 And whenever anybody interviewed me in Spain and attempted to draw me out in criticising the policies of the GSD, however much disgust I held for the GSD way of doing things – which I did (*Laughter*) and I still do (*Laughter*) – I would say to them in Spain, I am not here to talk about the Government of Gibraltar in a foreign country. What I do is that whatever I have to say to Mr Caruana, I will say to his face and in our Parliament. So as far as I am concerned, I am not prepared to be drawn on any passing of judgement on any
1705 policy of the Government of Gibraltar.

We criticised Mr Caruana for dropping his trousers and giving in when the Spaniards blockaded the frontier. We did not criticise him and say to him you brought this on yourself by doing what you did. So if we are talking about the equivalent of putting blocks of concrete, if it had been the GSD way of doing things, in the case of the position that existed in 1999 what we would have done was say, ‘Well look, first
1710 of all you provoked the crisis. The crisis has not been provoked by the Spaniards. It is not the fault of the PP. It is the fault of the fact that you do not do things without looking ahead and knowing what is going to hit you, and now when it hits you, you finish up capitulating it and you finish up with egg on your face.’

Because that is what actually happened – but we did not say it. We attacked the Spaniards for blocking it and we did not support the Government for doing the agreement in order to lift the blockade, although we
1715 understand the pressure they were under.

We had a situation where people were around No. 6 Convent Place blockading it, because they did not agree that there should be Spaniards inside negotiating with the Government of Gibraltar and the guys outside did not know what was going on. What did the Police do? They arrested some of the people outside and protected the Spanish fishermen all the way back to the frontier! The GSD way, of which he is so
1720 proud.

Well, he was not proud in those days. His values were different in those days. I am sorry that he has given up those values, which we still have and which have been part of our history and our tradition on the left. So as far as I am concerned, we do not go round condemning things unless we are provoked into
1725 condemning them and he has actually made it necessary for us to go along the route of condemning what was there before, because he is trying to put a situation which is in fact *misrepresenting* what took place.

Of course Mr Caruana, on more than one occasion, it happened with a numbering plan on the telephone system, when he said in this Parliament, ‘Well look, if there are three parties in a negotiation and somebody has got to drop his trousers, who do you think is going to do the dropping of the trousers – the Spaniards, the Foreign Office or Gibraltar? The weakest of the...’ Well look, you might as well stop wearing trousers
1730 if you are going to be dropping them all the time! (*Laughter and banging on desks*)

So the answer is that having known the Member opposite in short pants, as he often remembers, I hope I do not see him with no pants, now that he is supporting the GSD way.

Several Members: Hear, hear! (*Banging on desks*)
1735

Mr Speaker: Is there any other contributor to this debate?

If there is not, I will call on the mover – that is the Leader of the Opposition to reply – and then that is the end of the whole show.

1740 **Hon. D A Feetham:** Well, Mr Speaker, thank you very much for allowing me –

Mr Speaker: No, no, I do not allow you. (**Hon. D A Feetham:** It is the rules that allow me, absolutely.) It is the Rules that allow you and my job is to apply the Rules, which I do to the best of my ability.

1745 **Hon. D A Feetham:** Thank you very much for giving me the opportunity pursuant to the rules of replying to what has been quite an entertaining debate. (*Laughter*)

But Mr Speaker, it has been entertaining, not least Mr Speaker, because we have spoken during the course of this debate about alternative realities and really, listening to the Hon. the Father of the House in his intervention, I am just really not sure what kind of reality sometimes, with all respect to him and he
1750 knows that I hold him – I have criticised him – but I do hold him in affection – (*Laughter*) I do, I do, I do and I remember my moments with him in short pants!

I have always endeavoured to learn from his good qualities and his bad qualities – where he got it right and where he got it wrong. But Mr Speaker, he said – he made one extraordinary statement – the reality is that the GSLP way is not to agree or to give vent, or to allow the Spaniards to criticise the Government of
1755 Gibraltar here and that he has *always defended* the Government of Gibraltar in Spain.

Well Mr Speaker – Mr Speaker, please! Mr Speaker what about Joanna Hernandez, Mr Speaker, when the hon. Gentleman gave an interview in a programme in Spain, the ‘House of Horrors’ that laid into our Social Services and laid into the way that we were running here in Gibraltar. The Doctor Giraldo Home –

1760 does he not remember that, Mr Speaker? (*Interjection*) Or does he – ? I am not giving way, Mr Speaker
 (Severall Members: Oh! Oh!) Or does he, Mr Speaker (*Interjections*) or does he, Mr Speaker, live in an
 alternative reality all of his own making, Mr Speaker?

1765 And of course Mr Speaker, I do not blame him for the selective amnesia. I have to say, Mr Speaker, that
 the best contribution that he made was when he said, ‘Because the Spaniards have wiped out fish from all
 the waters that he has fished.’ I have to say he must have said that through gritted teeth and I will tell you
 why: because Mr Speaker, the Government *actually intends* to allow Spanish fishermen to fish in British
 Gibraltar Territorial Waters, Mr Speaker!

1770 Or is it, Mr Speaker...? Because look, if he takes that statement to its logical conclusion, Mr Speaker,
 and if he really is going to defend his socialist principles, Mr Speaker, and all the principles that he has
 spoken about, Mr Speaker, then of course he is bound to tell the Hon. the Chief Minister, do not allow
 Spanish fishermen to come into our waters to fish in British Gibraltar Territorial Waters, not only now, and
 they are doing so more than ever before, but also do not change the law of which I was the architect in
 1991, in order to allow Spanish fishermen to come and fish in our waters!

1775 Or Mr Speaker, do I detect a sign of division in the Government benches, with the cracks starting to
 show and divisions between the Hon. the Chief Minister and indeed the Father of this House on this
 particular issue? Because certainly by the looks and hearing him make the statement that he made, it would
 appear that he is firmly opposed to the idea flown by the Hon. the Chief Minister of allowing Spanish
 fishermen to fish in British Gibraltar Territorial Waters.

1780 Mr Speaker, he also made a comment – a comment that has been made on numerous occasions by
 himself and by the Chief Minister as well – that I condemned the GSD in 1996 and that somehow I was
 effectively the caped crusader here on behalf of the GSLP from 1988 all the way to 1996. Look, the reality
 is, that if I had been here in Gibraltar, I would have been supporting my father. That is true. I would have
 been supporting my father, because he was the hon. Gentleman’s right-hand man; there is no doubt about it.
 But I did not even vote in the 1996 election, Mr Speaker! I do not even think I voted in the 1992 elections
 because I was *not in Gibraltar*. I was actually in the United Kingdom and I returned in 1999/2000 and,
 1785 rightly or wrongly, it is a matter for the history books, it took me all of six months to a year, I think it was,
 in order to fall out with the hon. Gentleman because of the position that he was taking and the manner in
 which he conducted a number of issues.

1790 And let me say, Mr Speaker, now coming back to the Chief Minister, that I had an ally. I had an ally in
 the Hon. the Chief Minister in relation to this, because he was the one that persuaded me, Mr Speaker, that
 the leadership of the Father of the House *could not be trusted*. Those were the words that the Hon. the Chief
 Minister used in my house in *Sotogrande*. I suppose that the hon. Gentleman, the Father of the House was
 always right when he used to say to me the best plots are always hatched in *Sotogrande*. Well, Mr Speaker,
 that is the reality.

1795 That is the reality and, Mr Speaker; there was a moment of admission. A moment of admission by the
 Hon. the Chief Minister yesterday during questions, when he said, ‘Well those were just simply the
 indiscretions of youth.’ Well, if it was indiscretions of youth, Mr Speaker, to say that the leadership of the
 Hon. the Leader of the House, Mr Bossano was not to be trusted, well I suppose I could be forgiven for
 having some indiscretions myself in terms of my political past.

1800 Because Mr Speaker, the Hon. the Chief Minister, of course, when he said that he would resign from the
 Liberal Party within 24 hours of my resignation of the GSLP and then went back on his word, within a year
 he had jumped from the Liberal Party into the GSLP to basically fill the void that I and others had left
 within the GSLP! (*Interjections*)

1805 So look, Mr Speaker, I will accept criticism for my political history but of course he has to accept an
 element of criticism himself and by criticising me, he is also criticising himself.

1810 Mr Speaker, finally, the 1999 Agreement has absolutely nothing to do with spider crabs. Absolutely
 nothing to do with spider crabs. It deals with Spanish fishermen coming into British Gibraltar Territorial
 Waters and fishing with nets. That is what it is about. It is not it does not deal with spider crabs and Mr
 Speaker, my position now continues to be my position then, in this respect: that the law has to be applied
 universally across the board to Spaniards and also to Gibraltarians, because actually, I have also had
 complaints from Gibraltarians who I have been told have not been able to fish in British Gibraltar
 Territorial Waters when Spanish fishermen fish with nets in British Gibraltar Territorial Waters. And look,
 that is a disgrace! That is an absolute disgrace that the law discriminates against Gibraltarians in that way.
 (*Interjections*) The law, or the way that it is applied.

1815 Mr Speaker, for all those reasons, we will not be voting in favour of the amendment as the Hon. the
 Chief Minister has amended my motion. (*Interjections*) No. We are not.

Hon. Chief Minister: I call a division for the vote.

1820 **Mr Speaker:** I now put the motion in the terms of the amendment moved by the Chief Minister which has been incorporated into the motion and is therefore the motion now standing before the House. So I call a division, please. (*Interjections*)

1825 The motion before the House is a motion which has had an amendment incorporated into it. It so happens to substitute the original motion (*Laughter*) and puts a new one in front of it. But that is the position. If the amendment had been a minor amendment adding a paragraph or so on, part of the original would have remained. I give that as guidance, because the House is not very used to this sort of thing. It is something that used to happen at practically every meeting that the Hon. Joe Bossano and I attended. But now it is a relatively new thing – but I am glad to see it all the same.

1830 *Voting took place and the results were as follows:*

FOR

The Hon P J Balban
The Hon J J Bossano
The Hon Dr J E Cortes
The Hon N F Costa
The Hon A J Isola
The Hon G H Licudi
The Hon S E Linares
The Hon F R Picardo

AGAINST

The Hon D J Bossino
The Hon Mrs I M Ellul-Hammond
The Hon D A Feetham

ABSENT

The Hon Sir P R Caruana KCMG QC
The Hon S M Figueras
The Hon Dr J J Garcia
The Hon J J Netto
The Hon E J Reyes
The Hon Miss S J Sacramento

Mr Speaker: There are 6 Members absent. There are 8 votes in favour of the motion and there are 3 against. The motion is carried. (*Banging on desks*)

ADJOURNMENT

1835 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn.

1840 Mr Speaker, I gave an indication yesterday of when I intend to come back next month so that hon. Members know that we intend to have Question Time the week of the 23rd and the Budget debate the week of the 30th.

1845 It is my pleasure, Mr Speaker, to call an end to the 23rd meeting of the House during the lifetime of this Parliament and record my disappointment that hon. Members have not seen fit to be able to support a motion that reaffirms British sovereignty over our waters and our sea and our right in this Parliament to legislate for that area.

Mr Speaker: Is the Chief Minister not moving the adjournment *sine die* therefore?

Hon. Chief Minister: *Sine die*, yes.

1850 **Mr Speaker:** I now propose the question which is that this House do now adjourn *sine die*.

I now put the question which is that this do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 6.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 4.45 p.m.

Gibraltar, Wednesday, 25th June 2014

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<i>The House adjourned at 4.45 p.m.</i>	41

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: 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 29th and 30th May 2014.

5 **Mr Speaker:** May I sign the minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements.

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan 2014/2015; the Consolidated Fund Pay Settlement – Statement No. 1 of 2012/2013; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2012/2013; the Consolidated Fund Reallocations – Statement No. 3 of 2012/2013; and the Statement of Supplementary Estimates No. 1 of

15

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Education, Telecommunications and Justice.

20

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 Prison Board for the year ended December 2013.

Mr Speaker: Ordered to lie.

25 The Chief Minister might wish to lay on the table perhaps the Employment Survey Report, which is down for the Minister of Employment.

Hon. Chief Minister: Mr Speaker, I have the honour to lay on the table the Employment Survey Report 2013.

30 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

35 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the table the Hotel Occupancy Survey Report of 2013 and the Tourist Survey Report of 2013.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

40

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q439/2014

Tourism and the Port – Details of conferences attended by Departments

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 439/2014, the Hon. D J Bossino.

45 **Hon. D J Bossino:** Can the Minister for Tourism and the Port provide details of the conferences that the Departments he is responsible for has attended over the 2013-2014 financial year, with the same level of detail as set out in Table T.2 of the Gibraltar Government website?

50 **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 information requested by the hon. Gentleman is set out in the schedule that I now hand to him.

Mr Speaker: It is quite a lengthy schedule. I suggest that we continue with Question No. 440 and we can always come back to any supplementaries.

SCHEDULE TO QUESTION NO 439/2014

Costs with breakdown of The Gibraltar Port Authority's attendance at the Greenport Conference in Antwerp 8-10 Oct 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£807.58
Flights	£220.30
Travel Expenses	£120.00
Subsistence	£152.11
Hotel	£414.90
Additional Expenses (CorporateReg IOSH)	£160.00

Costs with breakdown of The Gibraltar Port Authority's attendance at the Cape Verde Bunkering Conference 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£-
Flights	£1174.98
Travel Expenses	£-
Subsistence	£692.02
Hotel	£119.37
Additional Expenses	£-

Cont...

CONT. SCHEDULE TO QUESTION NO 439/2014

Costs with breakdown of The Gibraltar Port Authority's attendance at the Platts Bunker Fuel conference Barcelona 4-5 Dec 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£675.00
Flights	£776.20
Travel Expenses	£-
Subsistence	£401.83
Hotel	£778.03
Additional Expenses	£-

Costs with breakdown of The Gibraltar Port Authority's attendance at 35th Intl Bunkering Conference Copenhagen 1-4 april 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£2324.56
Flights	£880.00
Travel Expenses	£-
Subsistence	£-
Hotel	£127.70
Additional Expenses	£-

Costs with breakdown of The Gibraltar Port Authority's attendance at the FEMIP Conference Athens 16-18 April 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£-
Flights	£458.00
Travel Expenses	£46.65
Subsistence	£-
Hotel	£587.64
Additional Expenses	£-

Costs with breakdown of The Gibraltar Port Authority's attendance at the Axelrod Energy Projects World Fuel Summit 9-11 May 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£2470.22
Flights	£244.30
Travel Expenses	£168.64
Subsistence	£162.96
Hotel	£715.63
Additional Expenses	£-

Cont...

CONT. SCHEDULE TO QUESTION NO 439/2014

Costs with breakdown of The Gibraltar Port Authority's attendance at the Miami Management Disaster Seminar 29 Apr-3 May 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£-
Flights	£-
Travel Expenses	£-
Subsistence	£112.09
Hotel	£-
Additional Expenses	£-

Costs with breakdown of The Gibraltar Port Authority's attendance at the Med Coastguard Conference 26-28 June 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£
Flights	£180.50
Travel Expenses	£110.60
Subsistence	£114.28
Hotel	£192.00
Additional Expenses	£-

Costs with breakdown of The Gibraltar Port Authority's attendance at the Aracon 2-5 October 2013 : 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£1520.12
Flights	£596.00
Travel Expenses	£558.90
Subsistence	£365.50
Hotel	£1028.24
Additional Expenses	£-

Costs with breakdown of The Gibraltar Port Authority's attendance at the London Shipping Week 9-13 Sept 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£-
Flights	£-
Travel Expenses	£21.10
Subsistence	£374.00
Hotel	£679.00
Additional Expenses (Corporate Dinner)	£205.37

Cont...

CONT. SCHEDULE TO QUESTION NO 439/2014

Costs with breakdown of The Gibraltar Port Authority's attendance at the Gibraltar London Day 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£
Flights	£
Travel Expenses	£
Subsistence	£149.64
Hotel	£
Additional Expenses	£

Costs with breakdown of The Gibraltar Port Authority's attendance at the IBIA Singapore Bunkering Conference and visit to Hong Kong 4-7 Nov 2013 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£1780.00
Flights	£6037.20
Travel Expenses	£-
Subsistence	£1909.12
Hotel	£1571.82
Additional Expenses (Sponsorship of IBIA Conference)	£5220.00

Costs with breakdown of The Gibraltar Port Authority's attendance at the IBIA Annual Dinner London February 2014 : 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£600.00
Flights	£1023.20
Travel Expenses	£336.41
Subsistence	£283.10
Hotel	£2160.00
Additional Expenses (Intl Bunker Assoc. Annual Fee)	£350.00

Cont...

CONT. SCHEDULE TO QUESTION NO 439/2014

Costs with breakdown of The Department of Consumer Affairs attendance at the Trading Standards Institute Conference in 2013-2014 (Financial Year)

Year 2013	Cost
Conference Cost	£513.60
Flights	£564.00
Travel Expenses	£41.50
Subsistence	£146.70
Hotel	£1020.00
Additional Expenses (Bank Charges)	£20.00

Costs with breakdown of Gibraltar's attendance and participation at the Red Ensign Conference from 14th to 16h May 2013

Year	£ Costs:
Flights	4,610.87
Hotels	958.95
Subsistence	601.72
Courier (Bell)	165.17

Costs with breakdown of Gibraltar's attendance and participation at the Gibraltar Superyacht Forum on 6th June 2013

Year	£ Costs:
Attendance, participation and event sponsorship	2,500.00

Costs with breakdown of Gibraltar's attendance and participation at the Future of Superyachts Forum in Palma de Mallorca from 18th to 19th June 2013

Year	£ Costs:
Flights	163.00
Hotels	535.50
Subsistence	305.41
Delegate Participation	560.00

Cont...

CONT. SCHEDULE TO QUESTION NO 439/2014

Costs with breakdown of Gibraltar's attendance and participation at the 2nd Annual World Congress of Ocean 2013 in China from 21st to 26th September 2013

Year	£ Costs:
Flights (x 2)	2,439.00
Delegate participation & Accommodation (x 2)	2,580.00
Taxis	25.65
Vaccination (x 2)	204.00

Costs with breakdown of Gibraltar's attendance and participation at the Global Superyacht Forum 2013 in Amsterdam from 17th to 21st November 2013

Year	£ Costs:
Flights	309.00
Hotels	336.00
Subsistence	554.79
Delegate Participation	971.70

Costs with breakdown of Gibraltar's attendance and participation at the German Ship Owners Association in Hamburg from 12th to 15st February 2014

Year	£ Costs:
Flights	241.57
Hotels	327.50
Subsistence	173.51
Subsistence	22.00

SPORTS, CULTURE, HERITAGE AND YOUTH

Q440/2014

**City Fire Brigade –
Waterport Power Station fire; details of foam used**

Clerk: Question 440, the Hon. Mrs I M Ellul-Hammond.

55 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the Fire Brigade say how much foam the City Fire Brigade used in the Waterport Power Station fire of Sunday 20th April 2014, whether they had enough and if any extra foam was needed from the Defence Fire Service and if so, how much was used?

60 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the total foam 'concentrate' (foam liquid before being mixed with water) used by the City Fire Brigade was 450 litres. An additional 1,325 litres were deployed by the Defence Fire Service for their foam appliance at the incident.

65 The City Fire Brigade has a total availability of 73,200 litres of medium expansion foam and an additional 16,250 litres of Hi-Ex foam, giving a total foam stock of 89,450 litres.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker.

70 Could the Hon. Minister say why the Defence Fire Service was deployed to use their foam and not the City Fire Brigade, and tap into their stock as he said of 89,450 litres?

Hon. S E Linares: Mr Speaker, in an incident like that, what happened was that they needed more foam to be squirted or at least thrown into the incident, and therefore as a resilient measure, what they do is call on the Defence Fire Service who have the appliances.

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The foam can be supplied by the City Fire Brigade and so they were there to aid the City Fire Brigade in the incident; it does not mean that we went to ask for their stock. We had enough stock, as can be seen from the figures, but they come along because they have got appliances which can be used and deployed in the incident.

Q441/2014

Victoria Stadium –

Installation of seating in stands; cost

Clerk: Question 441, the Hon. E J Reyes.

80

Hon. E J Reyes: Mr Speaker, can the Minister for Sport provide details of the cost to install seats at the stands pertaining to the Victoria Stadium football pitch?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

85

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the total cost for the supply and installation of the seats for both spectator stands at the Victoria Stadium main pitch was £29,143.30. This included a number of spare parts to ensure proper and regular upkeep of these seats.

90

Hon. E J Reyes: Sorry Mr Speaker, the Minister has just said for both. What does he mean by both? By both, I understand more than one. Can he please enlighten me on that issue?

Hon. S E Linares: Yes, Mr Speaker.

95

As he well knows there is the East Stand and the West Stand and so the answer is for both spectator stands. You asked for the total, which is the football pitch, and I am just stating that it is in the east and the west, being both.

Hon. E J Reyes: Thank you, Mr Speaker, that does clarify the matter.

100

Then I think the... or, I know that the Minister also said that includes some maintenance. Can he elaborate a bit further on the details of maintenance? What does it actually entail?

Hon. S E Linares: Mr Speaker, that is the question he has put in Question 442, which I will answer later on. It is not relevant to this question. I can answer it, but then I will be answering the next question.

Q442/2014

Victoria Stadium –

Cleaning and upkeep of seats; details

Clerk: Question 442, the Hon. E J Reyes.

105

Hon. E J Reyes: Can the Minister for Sport provide details of what maintenance programme is in place for the cleaning and upkeep of seats pertaining to the Victoria Stadium football pitch?

Clerk: Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

110

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority has a contract with a cleaning company that is entrusted with the regular cleaning of all auxiliary facilities, which includes the main pitch spectator stands and seats.

115

General upkeep, whenever possible, is carried out directly by the GSLA staff members, including any necessary replacement of broken seats for which spares were acquired at the time of the initial supply and installation contract.

120 **Hon. E J Reyes:** So, Mr Speaker, referring back a little bit to Question 441 as well, the supplier, who for £29,143 supplied the seats, and the Minister mentioned that there was something involved as well in the maintenance... given that the GSLA has contracted out for cleaning, and I take it from the answer that the GSLA, where possible from its spares, would repair the seats, what does the supplier actually do in respect of maintenance then?

125 **Hon. S E Linares:** Mr Speaker, the supplier supplies the seats and therefore what we got was a contractor that puts the seats, and that was the total cost which is the supply of the seats. They placed the seats and that is it. The seats are then maintained by the GSLA, having extra seats to replace, and so there is no maintenance contract with the supplier. The supplier just supplies the seats. We place them and then the GSLA maintains them.

130 **Hon. E J Reyes:** Mr Speaker, if I may inform the Minister further, one of the reasons for posing this question is as a regular attendee at the Stadium, I noticed, having sat there on the main stand on the western side for a weekday match, that unfortunately some spectators had not been the tidiest of people and had spilled drinks, especially the fizzy drinks that when they dry up tend to leave a very sticky seat and so on. Yet, however, it was three or four days later by the time I went to the next match at the weekend, I noticed, those same seats were still in the same unusable condition.

135 Would the Minister please take it upon himself to ensure that other than the sweeping up... I know that seems to be done in a rather satisfactory manner because a lot of sunflower seeds, ends and so on are left there and they seem to be cleaned out quite regularly, but the actual seats, a fair number of them, were unusable for a number of days. So can the Minister please give an assurance, not just to me, but all regular spectators in the stadium, that it will be closely monitored for ensuring that the highest level possible of cleanliness is being maintained?

140 **Hon. S E Linares:** Yes, Mr Speaker, I will go even further. If they are not doing their job properly, they will be called in and asked why they are not doing their job properly.

145 I completely agree with the hon. Gentleman that if those seats are not maintained, as they should be, that some managers or the facilities manager should make sure that they are. So, yes, I will go back to them and ask why they were not cleaned on the days... if the hon. Member can give me the dates. I will go back and ask them why they were not cleaned on those dates. You are absolutely right, that is what the cleaning company is there for, and if they are not doing their work properly, then the management should take it up with the cleaning company that they do so.

150 **Hon. E J Reyes:** Thank you, Mr Speaker.

155 That is good to hear. Whilst we are on the subject, can I also inform the Minister, and I think all spectators will agree, there has been a certain level of improvement now in respect of spectators watching mainly football games because the Gibraltar Football Association is actually now providing what is called a 'match delegate' – you see from his vest that he has got the word 'delegate' written – who has even helped to control the abusive language coming from spectators. The match delegate has taken some action. However, the match delegate has informed me that he is not the landlord and therefore has no authority to try and curtail the...at the moment not very frequent, but I suspect that as time goes by it will increase. There are people who are not being as friendly towards the installation of the seats as possible and they tend to walk on the seats, rather than walk on the path provided and so on.

160 One of the common comments amongst spectators is that perhaps if GSLA staff have a physical and visible presence of them along the stands, it might help to curtail this. It is the same as a police officer, in that his presence helps to prevent a crime happening rather than just being a detective to try to verify it, because there are very few cases, but some seats are already not in an ideal condition for sitting upon as they have been cracked. They have been badly used and kicked about. So I would like to work together with the Minister in ensuring that we look after our facilities in the best manner possible.

170 **Hon. S E Linares:** Yes, Mr Speaker, I think we are again singing from the same hymn sheet here. I would ask the hon. Member that whenever he sees or is speaking to the delegate, that he also speaks to the management of the GSLA, like I will, in order for the presence of the employees of the GSLA are there so that the seats and everything is policed as it should be.

So, yes, I am quite happy and I would suggest that whenever the hon. Member sees this, that he approaches one of the managers there and tells them, like I will if I see it or... and I will report then what the hon. Member is just saying.

Q443/2014
New power station –
Reclaimed site; details

175 **Clerk:** Question 443, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Written Question 79/2014, can the Minister for Utilities please provide the approximate cost for the reclaimed site for the new power station and the name of the company which will be doing this aspect of the works?

180 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer remains the same as that of my answer to Written Question 79/2014.

185 **Hon. J J Netto:** Mr Speaker, I have not got with me right now my previous question, but I recall – and please correct me if I am mistaken – that what he said before was that the award had not taken place, but I think he gave me a date in which the works would commence, which would be at the end of this particular month. Therefore, if that is correct and work is going to commence at the end of this month, I am sure that by now there must be a company who has been awarded the particular works and what will be the
190 approximate cost. Has anything not changed in relation to that and he cannot provide a figure?

Chief Minister (Hon. F R Picardo): Mr Speaker, in order to try and assist the hon. Gentleman, because I think we have been through this issue before and he knows that this is an important project that is dealt with not just by the hon. Member but also by my office, what we have said before is that the reclamation will be dependent on which option is chosen for the power station. We cannot say more obviously, because
195 the issue has not yet been announced publicly.

Therefore by giving details of the reclamation, we would in effect be giving an indication of which options are being chosen for the particular power station; but, as he himself has indicated in his question, we have said that it is likely that there will be an announcement towards the end of this month and then he
200 will have more detail by then.

Hon. J J Netto: Mr Speaker, what I do not seem to understand, given that the Minister for Utilities already indicated that works will commence by the end of this month in relation to the reclamation site of the power station, it seems logical to assume therefore that a company has already been awarded at least
205 those aspects of the work, and if a company has been awarded, we should be able to know which particular company it is and what is the approximate cost for those aspects of the reclamation works.

Hon. Chief Minister: He is right, Mr Speaker, that he does not seem to understand. He is also right, Mr Speaker, to say that he is making assumptions. He starts his question by prefacing that he assumes, and
210 as I often say to him, when he says that, to assume makes an ass of you and me in many ways, in the lexicon of the English language.

Mr Speaker, what I have said is that by disclosing details of the reclamation, we would perhaps be giving an indication publicly of an award of a tender that is not yet something that can be announced publicly for the reasons he himself has indicated, because the date is likely to be towards the end of this
215 month. So all I am saying to him, Mr Speaker, is he has got to wait a little bit more and then he will have all the information. It is just a question of the Government being able to make the announcement at a particular time.

This is a European tendering process that we are talking about in respect of the power station and the reclamation is linked to it; therefore we have to make sure that we scrupulously follow the rules.
220

Hon. D A Feetham: Mr Speaker, is the Chief Minister saying that they have in fact identified – if not allocated already – the tender in relation to the land reclamation, but that he is not in a position to identify who the successful tenderer is or who has been identified to do that work, because to do so would indirectly identify who is the preferred bidder in relation to the power station because the land reclamation will be
225 influenced by the bid? Is that the position?

Hon. Chief Minister: Mr Speaker that is what I have said.

Mr Speaker: Next question.

Q444/2014
New power station –
Imported generators; costs involved

230 **Clerk:** Question 444, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to the answer provided to Question 354/2012, does that figure include... 2014, I beg your pardon – does that figure include the overall cost associated with the temporary generators, including the cost of transport, maintenance and running costs, or is it just the cost of purchasing or hiring those generators?
235

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, no sir. The figure provided includes the overall costs *inclusive* of transport and running costs. An additional £49,745.80 will include the maintenance and repair costs.
240

HEALTH AND THE ENVIRONMENT

Q445/2014
World Health Organisation Report –
La Linea air quality; assessment

Clerk: Question 445, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Written Question 109/2014, has the Government or the Department of the Environment raised the matter with any European Union officials, and is the Government or the Department of Environment conducting any assessment or assessments as a result of the World Health Organisation Report in relation to the fact that La Linea happens to have the worst air quality in Spain and how this may be affecting the health of Gibraltarians?
245

Clerk: Answer, the Hon. the Minister for Health and the Environment.
250

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the Government has not raised this matter with any European Union official.

Hon. J J Netto: Mr Speaker, could I ask the Hon. Minister whether he thinks the report of the World Health Organisation is significant in order to arouse an analysis by him or his Department in relation to this matter?
255

Hon. Dr J E Cortes: Certainly Mr Speaker, I think that is a perfect legitimate supplementary.
260 The Government has raised the matter with its appointed air quality consultants, Ricardo-AEA, who advise that while the WHO Report does show that La Linea has the highest concentrations of PM2.5 within the Spanish cities analysed, these levels are still below the legislative thresholds for human health contained within the EU Air Quality Directive. These are 25 micrograms per metre cubed to be met by 2015 and 20 micrograms per metre cubed as from 2020. La Linea is reported as having a figure of 18.
265 Gibraltar's annual mean was 15 in 2012 and this figure has always been below the 20 micrograms per metre cubed since monitoring began.

Given that the levels are well within the compliance thresholds, there is nothing to be gained by raising the matter at any other level; nevertheless, Government recognises that PM2.5 is a pollutant and therefore continues to monitor the situation and to work to improve local air quality.

Q446-447/2014
Eco Wave Power –
Purchase of electricity; tariff rates

270 **Clerk:** Question 446, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state if the cost of \$5 million to build the buoy floaters in order to produce electricity from sea waves, and its corresponding infrastructure (as quoted in the Bloomberg Article of 16th June 2014) will be paid by the Government or the company, and if this is to be paid by the Government, will it come from the consolidated fund or from what other entity?

Clerk: Answer the Minister for Health and the Environment.

280 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 447.

Clerk: Question 447, the Hon. J J Netto.

285 **Hon. J J Netto:** Mr Speaker, can the Government provide the tariff rates that will be charged by Eco Wave Ocean Power Plant Company Limited to the Government during the 25-year contract entered, and whether there is a stipulated monthly or otherwise amount of energy that the company needs to produce and sell to the Government?

290 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the costs of building the buoys and associated infrastructure will be met by the company, Eco Wave Power. The tariff rates are commercially sensitive and therefore this information will not be provided in public.

295 **Hon. J J Netto:** Will the Government provide it privately or confidentially?

Hon. Dr J E Cortes: Mr Speaker, if the hon. Member requests this, I will provide that information.

Hon. J J Netto: I am grateful Mr Speaker.

Q448/2014
Commonwealth Park –
Maintenance contract

300 **Clerk:** Question 448, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please say which company has obtained the maintenance contract of the new Commonwealth Park and what is the annual cost to the contract?

305 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

310 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the maintenance contract has been awarded to the management company that runs the Botanic Gardens, Wildlife (Gibraltar). There were three tenders submitted; the other two were non-compliant. The annual cost of the maintenance contract is £160,916.69.

Hon. J J Netto: Sorry, could the Hon. Minister mention the figure again? I did not get that.

315 **Hon. Dr J E Cortes:** £169,916.69, Mr Speaker.

Mr Speaker: £160 –

Hon. Dr J E Cortes: £160... sorry, I beg your pardon – £160,916.69.

320 **Hon. J J Netto:** Mr Speaker, could the Hon. Minister provide the names of the two other companies that actually put in a bid?

Hon. Dr J E Cortes: Mr Speaker, I cannot provide that in this forum because obviously there will be issues to do with the non-compliance with which I am not familiar and I do not think it would be proper for those two other companies that submitted.

Hon. S M Figueras: Mr Speaker, could the Hon. Minister say how the other two companies were non-compliant?

330 **Hon. Dr J E Cortes:** Mr Speaker, no. I was not part of the tender process and therefore I am not aware. I do not even know for certain which those companies are. That is something that we would have to have notice and I am not sure whether we would be able to provide that information. It is a tender process that I have not been involved in personally.

335 **Hon. S M Figueras:** Mr Speaker, I note from some pre-emptive research that the Hon. Minister for the Environment was, until some time ago, a 60% shareholder in Wildlife Gibraltar Limited. Can the Minister now confirm that he no longer has any interest in the company?

340 **Mr Speaker:** I do not see how that arises from the matter that we are dealing with. What has that got to do with the Commonwealth Park? Does it have to do with Commonwealth Park? Yes.

Chief Minister (Hon. F R Picardo): Mr Speaker, on a Point of Order, if the hon. Member had an interest in that company, the rules require him to disclose that before answering the question. Given that he did not, the House is entitled to believe that he had no such interest given, in particular, the hon. Member's pre-emptive research, as he referred to it – not that most people need to do any pre-emptive research to know that John Cortes was involved with the Alameda Gardens before he was a Minister.

350 **Hon. D A Feetham:** Mr Speaker, I do not think that the House can assume anything of the sort. That the House can just simply assume what the Chief Minister has said, simply because of... it just does not follow. But, Mr Speaker, I do not think it is a proper Point of Order.

355 Mr Speaker, this supplementary – (*Interjection*) It does arise out of it, because the answer is Wildlife... the Hon. the Minister was a shareholder of this particular company until very recently and my understanding is that the question talks about interest, and of course that interest can involve an interest in trust as well as a direct interest if it were a shareholding.

Hon. Dr J E Cortes: Mr Speaker, I have no problem in presenting the facts. Even though I was a shareholder of the company for many years through two Administrations, I must point out that I never took any director's fees and only the salary that the Hon. Mr Netto approved for me.

360 I have taken no active part in the running of the company since I was elected. I retired on Election Day on hearing the result of the Election and I resigned some time ago. The paperwork has been completed relatively recently, but I am no longer a shareholder of that company. I thought it was only right that I should point that out, even though I have no –

365 **Mr Speaker:** May I remind hon. Members, of course, that there is such a thing as a Register of Members' Interests and that before raising matters here, they can direct their attention to that particular Register. Then, having regard to the information entered there, they may or may not raise the matter here. That would be the proper procedure to do in the first place.

370 **Hon. Dr J E Cortes:** Mr Speaker, if I may assist, I had declared that interest on election and I have subsequently written to the Clerk to advise him of the fact that I had resigned. The Clerk will have that information. (*Banging on Desks*)

375 **Hon. S M Figueras:** Mr Speaker, in relation to the point that the Chair raises in respect of the Register, the purpose of the question was to elicit confirmation from the Hon. Minister that there was no indirect interest that may not have been present in the Register. I do note that the Register had reflected that interest and take the Minister's confirmation that that is no longer the case given that he has no direct interest in the company any more.

380 Mr Speaker, perhaps I am going to take... I am actually going to take further counsel in relation to the next supplementary if perhaps the Speaker would indulge me just for a moment? Thank you.

Hon. D A Feetham: Mr Speaker, I am not prone to pussy-footing around in these things.

Mr Speaker, can I ask the hon. Gentleman directly, does he hold any interest at all in this particular company on trust? He may not be a shareholder – he has said so and of course I accept – but are any of the shares in this particular company held on trust for the hon. Gentleman? That is the question.

385

Hon. Dr J E Cortes: No, Mr Speaker. These are intricate legal points, but, no. I am not sure whether I understand fully the question, but it is not being held for me on trust in any kind of understanding that the day I cease to be a Minister it will be given back to me or anything like that. I resigned them totally, because even though I have had no interest – and I think the hon. Members opposite know me well enough to know that I am above that sort of thing – I did not think that it would be correct for me to continue to be a shareholder with a company that has Government contracts. Therefore I resigned.

390

Hon. D A Feetham: So therefore, Mr Speaker, there are no arrangements in place at all – I think he has said this, but I just want him to confirm this – for the hon. Gentleman to resume being a shareholder of this particular company upon him ceasing to be a Government Minister.

395

Hon. Dr J E Cortes: No, Mr Speaker. That was my instruction to my lawyers. If they have not carried them out, I can categorically tell the House now that I have no intention of assuming that role in the future.

Q449/2014
Care Agency staff –
TUPE transfer; details

Clerk: Question 449, the Hon. Mrs I M Ellul-Hammond.

400

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 120 can the Minister for Health explain the set-up of the clinical Care Agency personnel who became GHA staff after a TUPE transfer on 11th November 2013, and which establishment of the Estimates Book they will be reflected in and where their salaries will come from?

405

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the transferred staff are Gibraltar Health Authority employees under the Medical (Gibraltar Health Authority) Act 1987, deployed to the Elderly Residential Services of the Care Agency. During the period while they are deployed, the employees are subject to the management and direction of Elderly Residential Services of the Care Agency.

410

The staff are reflected in the Care Agency appendix of the Estimates Book which is where their salaries are reflected, and before anybody asks, Mr Speaker, I have no shares in the Care Agency. (*Banging on Desks*)

415

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q450/2014
Social Services –
Vacancies for senior care workers

Clerk: Question 450, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the senior care worker vacancies will be filled on a permanent basis?

420

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, as the hon. Lady is already aware, there is a review of the Residential Services and until the review is completed, current vacancies will continue to be covered as present.

425

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister confirm is this the review that started from when she took office and does she have an idea of when the review will end?

430 **Hon. S J Sacramento:** Mr Speaker, it is a continuous review. It is somewhat different to an initial review that was undertaken because initially there was a review for particular purposes and now there is a review in relation to staff and staffing structures.

435 This review is very in-depth. Every single member of staff of the Residential Services is being spoken to. I understand that we are not yet 50% of the way in relation to speaking to the staff now with the summer break with lots of people being on leave. I envisage that this will probably be ready by the autumn, but I cannot categorically state. It all depends on how quickly the team can get to speaking to the staff.

Q451/2014
Dr Giraldi Home –
Plans to relocate to the Mount

Clerk: Question 451, the Hon. Mrs I M Ellul-Hammond.

440 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if there are plans to move the Dr Giraldi Home from its present location to the Mount?

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

445 **Minister for Equality, Social Services and the Elderly (Miss S J Sacramento):** Mr Speaker, the matter is being discussed generally, but there are no specific plans.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say if it is being looked at to move the Dr Giraldi Home at all from its present location?

Hon. S J Sacramento: Mr Speaker, as I have just said, it is being looked at generally.

Q452/2014
Care Agency –
Subcontracted care workers; details

450 **Clerk:** Question 452, the Hon. Mrs I M Ellul-Hammond.

455 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services state what the terms and conditions are for care workers subcontracted from private care providers, such as ADA Company Ltd and Grand Home Care, who undertake work for the Care Agency in terms of contract length, rates of pay and facilities?

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

460 **Minister for Equality, Social Services and the Elderly (Miss S J Sacramento):** Mr Speaker, these contractors are private companies and they are required to conform with the statutory employment conditions that apply to all employers.

465 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister confirm if it is the Care Agency that actually sets up these contracts for the individuals?

Hon. Miss S J Sacramento: Mr Speaker, I think I have already answered that question. This is something that is subcontracted and care workers are employed by their employer – their employer being the subcontractor.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q453/2014

**George Jeger House and Portmore House –
Provision of an additional lift**

Clerk: Question 453, the Hon. E J Reyes.

470

Hon. E J Reyes: Mr Speaker, can the Minister for Housing confirm if his Ministry has any plans to provide an additional lift to service George Jeger House and Portmore House at Glacis Estate?

Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

475

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the matter remains under review with technical issues being the reason why a further lift has not been added to these blocks. The original works were undertaken by the GSD Administration, who are the ones responsible for only one lift being installed in each block at the time.

480

Hon. E J Reyes: Mr Speaker, can I simply add a personal appeal to the Minister? Given that this lift has to service 85 flats, of which unfortunately the residents there are getting older by the day and not younger, would he please take a personal interest and do everything possible to try and alleviate the situation, because unfortunately as the Minister provides me monthly details, the lift breakdowns and so on are unfortunately a rather common occurrence?

485

It does mean that some elderly tenants end up being housebound for quite a while and some have even had to cancel doctor's appointments because of the non-mobility and lack of lift at that time. So a second lift, if at all possible, would greatly enhance the quality of life for our residents there. Irrespective of any political allegiance, I am making this personal appeal.

490

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful for that from the hon. Gentleman. If I may say so and inform the House, the Hon. the Minister for Housing has been an advocate for the addition of these lifts for some time and we are in fact in the process of trying to ensure that none of the technical issues that have been raised will prevent us from being able to deliver on this issue for the people of both Portmore House and George Jeger House.

495

Can I just ask him – I know that he is not here to answer questions – but why is it that they did not install two lifts in that area at the time that they were in Government, because frankly it would have made sense to do so at the time it seems to us? He can answer, if he wishes, or not.

500

Hon. E J Reyes: Mr Speaker, yes, if I had been Minister for Housing at the time, perhaps I would have had some information. *(Laughter)* I do not have it with me. *(Interjections)* So, it is not that I am trying to shy away from answering, but I would need notice of that question. *(Laughter)*

505

Hon. Chief Minister: I am extraordinarily grateful to the hon. Gentleman for that candid response and given that the man who was Minister for Housing is sitting to his right, I am surprised *(Laughter)* that he is not able to obtain the information.

510

But I will write to him so that he can then, I hope, confirm to us why it was that they made the decision at the time, which they appear to be so against now, given that the problems that he is raising are problems which arise from their decision making. They are problems which arise from the fact that they only installed one lift. They are problems that we are going to resolve and they are problems that may cost more now than if they had done them. But he shall have my letter asking him for a full and frank answer to one of the things he appears to have changed his mind about now. **(A Member: Hear, hear.)** *(Banging on desks)*

FINANCIAL SERVICES AND GAMING

Q454/2014

**Minister's travelling expenses –
Trips undertaken; details**

Clerk: Question 454, the Hon. D J Bossino.

515 **Hon. D J Bossino:** Mr Speaker, further to Question 398 of 2014, can the Minister for Financial Services confirm that the information sought in this question is now fully set out in the Government website, as he alleged was the case when he provided his answer in Parliament?

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

520 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, yes, sir.

Hon. D J Bossino: Mr Speaker, the hon. Member will recall that on the last occasion that I asked this question, which was in the last sitting, he said that the information was in the website at the time.

525 When I carried out... and I dutifully sat down and did not ask any supplementaries, following the Rules of the House, which is that information which is publicly available ought not to be the subject of a question in the House, and I thought that the relevant page on the website had been updated with the information which I sought. But in fact when I did, during the course of the lunch break, have a look at what was available on line, it in fact did not contain the information. Can the Minister confirm that this is in fact the case?

530 **Hon. A J Isola:** No, Mr Speaker. When the hon. Member asked the question last time, I was informed by those in the office who deal with posting the information on the website that it was in fact on the website, and hence the answer given.

535 When I checked the website myself, as he did, I discovered that some elements of it had not been updated and some had. Therefore, the answer would be, to be accurate, that part of it was and part of it was not.

540 **Hon. D J Bossino:** Mr Speaker, it was not just a question of updating information. It was a specific question which I asked which related to who attended with him – that information was not on the website. It is not a question of updating. It is a question of that information not being publicly available as he in fact told me at the last sitting of the House. So maybe he should have a word with his chums at the *New People* and tell them that it was not such an absurd question after all as was reported in the press.

545 Mr Speaker, going to the matter of the information, which is now updated – and I note that the website suggests that it was updated only on Monday 23rd June 2014 – that information which is now publicly available states that the hon. Member attended, between 24th and 28th March, various cities – Amsterdam, Rotterdam and Casablanca. In relation to Amsterdam and Rotterdam, he was accompanied by a Mr Paul Astengo. Whilst in relation to Casablanca only, he was accompanied, I think, by one of the Chief Minister's private secretaries, Gareth Flower. Why is it the case that Mr Flower attended with him to Casablanca?

550 **Hon. A J Isola:** Mr Speaker, the hon. Member has made about six or seven questions within the same one and a number of statements to boot.

555 Firstly, the information that was on the website at the time, as I mentioned in my previous answer, was that it was partly there and partly not there. The part that was not there are the names of the people that he has mentioned and so I stand by the answer that I gave him to the previous question.

Secondly, with regard to whether the question was an absurd question or not, irrespective of whatever the *People* may say, some may take the view that it still is and was an absurd question.

560 In relation to Mr Gareth Flower, Mr Speaker, Mr Gareth Flower had arranged a number of important meetings formally in Casablanca through a number of introductions he had made with banks and financial institutions, including the Stock Exchange in Casablanca, Casablanca Finance City and a number of banks in Casablanca, all of which form a part of what Gibraltar Finance and this Government is trying to do in extolling the virtues of our community and our jurisdiction as a jurisdiction of choice in financial services, Mr Speaker.

565 **Hon. D J Bossino:** Mr Speaker, what involvement has Mr Flower, as a private secretary of the Chief Minister, with matters in relation to financial services? I mean the matter just does not stack up. I simply do not understand. If he could answer that particular question and clarify the position in relation to that.

570 Secondly, Mr Speaker, the hon. Member is again mistaken. He is wrong. The information which was not there was not simply related to who attended with him, but also a question which I asked in the question on the Order Paper, which are the costs. The costs in relation to accommodation for his meetings in London in May and for accommodation for his meetings in Bermuda were not there. Can he confirm that is the case because that information was not there when I looked at it at lunchtime?

575 **Hon. A J Isola:** Mr Speaker, the information in relation to the visit to Bermuda definitely was not there because he asked me the question in May and I went to Bermuda in June. (*Laughter*) So I do not quite understand how he can say that I am incorrect when he is asking me to confirm that the information was on the website. How could it have been there in May if I travelled in June? Of course, it was not there. It may have been an estimate of what it may have cost, but certainly the visit had not happened.

580 In relation as to why Mr Gareth Flower was there, I would have thought that the hon. Members opposite would welcome the fact that different Departments of the Government are involved in promoting Gibraltar and indeed in promoting the use of Gibraltar in jurisdictions irrespective of who that person may be. The fact that the Chief Minister's Office has representation in facilitating meetings through people he had met in a previous visit, I would have thought would be welcome. It seems not to be.

585 **Hon. D J Bossino:** Mr Speaker, it seems that the Member ought to check the website before answering the question in the manner that he has answered, because in fact, Mr Speaker, unless he is suggesting that I am being mendacious in the way I am posing the questions, the fact of the matter is that I did check the website information during the course of the lunch hour and the Bermuda trip was already there. If he checks the position, Mr Speaker, it shows that it was updated on 8th May 2014; yet the information in relation to the 2nd to the 9th June Bermuda visit was there and that is the position.

590 But, nevertheless, Mr Speaker, there is still information which he has not provided in the question which I sought back on 29th May and that relates to the costs of those who attended with him. All I have are the attendees. But I do not yet have – and the Parliament therefore does not yet have – the costs of those who attended with him. Is he in a position to provide that information now?

595 **Hon. A J Isola:** Mr Speaker, it is really quite remarkable that when you are trying to be transparent and updating information onto the website with the frequency that we do, that we should be criticised for it. I can understand why, because obviously the Members opposite did not have that philosophy when they were in Government (**A Member:** Hear, hear.) (*Banging on desks*) although they seem to be very keen to adopt it now in Opposition.

600 The information in respect of Bermuda was a provision for what visit was about to happen within the following 10 days/two weeks after the question. So it was actually advanced information of what was going to happen, which I thought the hon. Member would actually welcome.

605 In respect of the costs on Bermuda of the people accompanying, then obviously, Mr Speaker, that question is a separate question on the Order Paper which is in fact Question 456 as to what the costs are of the delegation that went, and I will give him that when we get there.

In respect of the other costs of other individuals, those have not been provided, the Member is absolutely right. If he requests those, I will obtain that information for him and write to him separately, Mr Speaker, as I do not have that information available to me.

610 **Hon. D J Bossino:** Just to point out, Mr Speaker, that in fact the information was requested in the question. The fact is that the Minister very smugly, and I think ungentlemanly on the last occasion, simply sat down and said, 'No, the information is on the website', when it has been proved, I think beyond any reasonable doubt, Mr Speaker, that the information was not on the website and maybe he should reconsider next time he answers questions in the way he has.

Mr Speaker: Perhaps the jury should now return a verdict of guilty. (*Laughter*)

620 **A Member:** Unanimous!

625 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I would say to the hon. Gentleman, with respect, it ill behoves Members of the Opposition, who represent the Party that was in Government for 16 years that did not provide information on any website and had to be asked to provide information, to accuse any Member of this side of the House of being gentlemanly or not less gentlemanly. I do not think that is what we come here for and I do not think it advances our possibility of getting through a Question Time that is about information. And I would ask that we simply try and address issues as to information during Question Time.

630 **Hon. D A Feetham:** Mr Speaker, I agree with the Hon. the Chief Minister, and of course we want to progress matters, but this is not an isolated incident. I raise it because I think it does concern... Mr Speaker, we have been asking questions on this side of the House and on more than one occasion we have received an answer, 'the information is on the website'. We have then gone to the website and the information has not been on the website.

635 Or alternatively, actually I asked questions of the Chief Minister last month and the month before where I asked a question, and he said, ‘the information is *going to be* uploaded onto the website’. I could have stuck my ground, I could have said, ‘No, no. I have asked the question in Parliament now. You have got to provide me with the answer’. But he said, ‘Look, it is going to be on the website and quite frankly my interest is in getting the information’.

640 But I give notice to the Chair, Mr Speaker, that this is Question and Answer, and of course they have their own transparency agenda of putting information on websites and elsewhere. But at the end of the day, if we ask a question and then the answer is, ‘it is on the website’, they have got to make themselves responsible for the answer. That is all. I think that is a perfectly reasonable point, Mr Speaker.

645 **Mr Speaker:** I agree with the Hon. the Leader of the Opposition, because Members of the Opposition are entitled to ask a question seeking information. If they are seeking information and they are being told that that information is in the public domain, Hon. Ministers of the Government and their civil servants should ensure that it is on the website.

650 **Hon. Chief Minister:** Absolutely, Mr Speaker. And as the hon. Gentleman says, he can stand his ground and insist on the answer. Mr Speaker, the answer from now on will be, ‘the information is on the website or will shortly be on the website’.

655 **Hon. D A Feetham:** Mr Speaker, I give the Chair notice that if the answer next time round is ‘it will be shortly on the website’, there will be a Point of Order on this side of the House, because that is a wholly unacceptable answer. I have accepted it in the past in order for Parliamentary proceedings to flow, but if it becomes a matter of course on the part of the Government, we will stand our ground, because that is not a proper way of answering a question.

660 **Mr Speaker:** What is not proper to do is to say something to the effect of, ‘I have the information. I know what the information is, but I am going to be giving it in two or three days’ time’. (*Interjections*) That is not correct under the rules of questions.

665 If the information is available and it is not going to be provided here in Parliament at the time when the question is asked, then it ought to be on the website. It should not be a case that it is going to be on the website tomorrow or the day after. It should be then on the website because the hon. Member of the Opposition is perfectly entitled to seek the information on the day that the question is being asked, provided that it is available.

670 **Hon. Chief Minister:** Mr Speaker, you will recall from your time in Parliament on this side of the House and on the other and from your understanding of Erskine May, that the Chair has control over questions, but not over answers. The position of the Government is, Mr Speaker, that if we have information we give it.

675 Now, the whole purpose of putting things on the website is actually to prevent Members opposite being in the position in which we were, which was of constantly having to come here – and I hesitate to say it, but, Mr Speaker, twice or three times a year maximum – to extract this information. The whole idea is that they... principally it is going to be them that have access to this information, but the whole of the community as well if they wish, to see that information and it should be updated regularly. Now Mr Speaker, there is no desire on the part of the Government to delay that – absolutely none whatsoever; but, it is a process of updating, getting invoices, ensuring that the information is right and then uploading it onto the website.

680 Now, if the Government has the information when we are asked the question, if it is not on the website then there is usually a very good reason and it may be that the relevant civil servant with responsibility will say, ‘Well, we have not put it on the website yet because we have not reconciled it yet’.

685 Now, do you have the information? Well, Mr Speaker you may have the information that is subject to reconciliation and if you give information which is not subject to reconciliation and it is then a penny out, then Members opposite will come here the following month and say, ‘the information on the website is three pence out of the information that you gave the House’. And then we will have to give the information as to reconciliation.

690 So the whole purpose, Mr Speaker, of what we are doing, is to ensure that when hon. Members ask questions they can ask questions about substance, not simply to seek statistical information. That is the whole purpose of the Government’s openness and transparency agenda and that is why I have said that that is the attitude we will take in order to ensure that we get this right for the whole of the community. I hope, Mr Speaker, that their attitude, should they ever be elected, would be to continue to provide that information, which they previously did not provide, openly and publicly on the website, which is exactly what a modern Government should be doing. It should not lead to anybody being accused of being anything

695 other than a gentleman, because I think the rules provide that we should not be calling each other that sort of thing.

Mr Speaker: May I also add that it is of course perfectly proper for Government Ministers to say, at any given point of time, ‘that information is not readily available at the moment’. It is a lengthy process. It is a difficult process and it takes time to compile. That is a proper answer also to a question and therefore it will be provided in due course.

Q455/2014

**AmCham trade mission –
New investments; details**

Clerk: Question 455, the Hon. D J Bossino.

705 **Hon. D J Bossino:** Can the Minister for Financial Services state the areas of business with the number and value of new businesses which allegedly resulted in new investments following the AmCham mission?

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

710 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the question refers to a body, the Gibraltar American Chamber of Commerce, that is not within or a part of the Government. It is therefore unable to provide the information required.

However, it is certainly true that the Government was delighted to welcome and support the first trade mission to the Rock by this Chamber of Commerce and we are confident that business opportunities will flow as a result.

715 Government will continue to support private sector initiatives, like AmCham, to attract business and investment to Gibraltar.

720 **Hon. D J Bossino:** But, Mr Speaker, was the press report, which appeared in the *Gibraltar Chronicle*, of 2nd June not based on information provided by the Government? Was it not the Government’s press release which said that at least nine Memorandums of Understanding were signed as a result of this mission?

725 **Hon. A J Isola:** Mr Speaker, it is not for me, as the Minister for Financial Services and Gaming, to answer in this Chamber for private sector activity. We welcome it. We are entitled to welcome it.

As the answer says, Government will continue to support private sector initiatives to attract business and investment to Gibraltar. So in this Parliament certainly, my position is, Mr Speaker, that the activity of private sector initiatives like AmCham, like the Swiss Invest Group that came to Gibraltar, is not to answer to the Opposition on agreements reached, of whatever nature, between private sector bodies.

730 **Hon. D J Bossino:** Mr Speaker, he is saying he is not answering to the Opposition in this Parliament, but the Government itself is saying in a press release to the outside world, to the press locally and beyond, no doubt, and I quote from the article, which says:

735 ‘The Gibraltar Government...’

I assume that the figure of nine MOUs came from the Government itself and no other source, but I may be wrong on that. But certainly what the *Chronicle* says in relation to more MOUs being completed in the near future, the source of that information is the Gibraltar Government. It says:

740 ‘The Gibraltar Government said it is likely that more MOUs will be completed in the near future...’

745 So how is it that he is able to provide this information to the public, but is yet unable or unwilling to provide this information, this very important information in this House? (**A Member:** Hear, hear.) (*Banging on desks*)

Chief Minister (Hon. F R Picardo): For a very simply reason, Mr Speaker, and the hon. Gentleman should perhaps be less angry and think a little bit more (*Interjection*) because the information... I am sorry, Mr Speaker, the hon. Gentleman’s cat seems to have died. He seems to want to feel a little bit of sadness

750 this afternoon. Perhaps if there were less performance, Mr Speaker, and more thinking we would not have this.

What the hon. Gentleman has said is that AmCham is a third party private entity. That press release, Mr Speaker, comes not from the hon. Gentleman's office, because the AmCham is not to do exclusively with Financial Services or Gaming, but from No. 6 Convent Place, which is the Government's Press Office, which relying on information given to us by the AmCham issued that press release.

755 That does not mean that we can give more details, unless the hon. Gentleman is saying that we should not rely on the information we are given as to what number of Memoranda etc. are signed. It is very simple. The Government is told by the organisers of the AmCham they have signed nine Memoranda of Understanding and there may be more in the future, and that is what the press release is based on. It does not mean that we can give more information for something for which we are not responsible.

760 **Hon. D J Bossino:** Mr Speaker, it is based on information which the Government has. The first sentence of its press release says:

765 'Resulting from last week's AmCham Trade Mission, at least nine MOUs have already been signed between American firms [etc...] and Gibraltarian counterparts'

So can he at least tell me, Mr Speaker, can the Minister or the Chief Minister tell me what further information has come to their ears which they can share with this Parliament?

770 Are there more MOUs which have been signed? Does he know what the MOUs relate to in relation to what areas of business and in relation to which companies? I assume that is information which he may not want to provide.

775 But certainly, in relation to which businesses, which is the premise on which I have asked the question, the *areas* of business with the number and the value, is that information which at least he has, which he can share with this House, or is it not information which he has available?

Hon. Chief Minister: No, Mr Speaker, it is not information that I have available, but he could check. I assume that the reason that he is... how he says... Well, very simply, by contacting the AmCham, which is exactly what we were doing at the time. We were in contact with the AmCham.

780 When he asks us for information, we give the information that we have. If we do not have further information, if we have not had the information provided to us, we do not go out to third parties to seek that information. But I assume, Mr Speaker, that all of this angst that I see developing in him is because he is delighted with the work that the Government is doing in the United States, delighted with the fact that there is now an AmCham here and he wants to know more, Mr Speaker, about how successful all of this is and how fantastic it is for the Gibraltar economy.

785 It is not, I hope, the opposite – in other words that he is actually very disappointed to see the Government is leading in working with the United States, that there is now a private sector body that has picked up the cudgel, that they are saying that they have had of the AmCham visit already nine Memoranda of Understanding and probably more, and actually he is very angry that the Government is in this, as in so many other things, doing so well. That might also represent the angst that I see in him.

790 I know, Mr Speaker, that despite the fact that I think he and the Leader of the Opposition were invited to the dinner that the Government organised, something which did not happen at the time that they were in Government for the AmCham, they will not have had the opportunity then of seeing a member of Mr Obama's Cabinet, who recently resigned from public life, leading the trade mission, which was part of what the AmCham was organising. This is a huge step forward for Gibraltar and the commercial relationship with the United States, something that I hope I detect in behind all that anger and behind all that angst is what they really want to be welcoming. (*Banging on desks*)

800 **Hon. D A Feetham:** Mr Speaker, yes, thank you very much for the kind invitation extended to me and to the Deputy Leader of the GSD, less than a week's notice from the event. Unfortunately we had to decline because – as was public knowledge at the time – we had a GSD activist event on the night and that is simply why we had to decline.

But, Mr Speaker, what he is saying is this. We came out with a press release where we said that there were nine agreements in the private sector between Gibraltarian companies and American companies. That is information that was provided to us by the private sector.

805 Is he really suggesting that no one in his Office actually bothered to say, 'Well, in what areas are these agreements being signed?' because I would have expected any competent Government that is interested in anything beyond the photo opportunity and the spin, for which the hon. Gentleman is famous for (*Banging on a desks*) that he would have at least... or his office would have at least obtained that information.

810 **Hon. Chief Minister:** I will tell him what competent Governments do, Mr Speaker. Competent Governments ensure that Gibraltar's message is spread around the world. Competent Governments do not stick their heads in the sand and pretend that our only potential and commercial partner is our neighbour to the north. Competent Governments get themselves and the Deputy Chief Minister invited to the White House for meetings in relation to what is happening in Gibraltar. *(Interjections)* Competent Governments...
815 I know it hurts, Mr Speaker. I know it hurts *(Interjections)* I know it hurts and I am really putting my finger in the wound – *(Interjections)*

Mr Speaker: Order.

820 **Hon. Chief Minister:** And I know it hurts *(Interjections)*

Mr Speaker: Order.

825 **Hon. Chief Minister:** I know it hurts, Mr Speaker. *(Interjections)*

Mr Speaker: I insist...order.

Hon. Members are now beginning to debate and if they carry on like this, within two or three minutes I will be moving on to the next question.

830 **Hon. Chief Minister:** Thank you, Mr Speaker.

Competent Governments are able to organise dinners at short notice and competent guests are able to accept, even if they have less than a week's notice, Mr Speaker.

835 But what is clear – and I thank the hon. Gentleman for it because it is now abundantly clear – was that they preferred to attend a party event, rather than support Gibraltar business in its relationship with the United States. *Party before country, as usual. (Banging on desks)*

Hon. D A Feetham: Mr Speaker, may I bring the Hon. the Chief Minister down to earth, because he really does need to be brought down to earth. He has not answered my question.

840 I have asked him... I understand that the information comes from the private sector –

Mr Speaker: Ask the question. There is no need for the preamble. I have already heard the preamble, and there is no need for it. Ask the question again, please.

845 **Hon. D A Feetham:** I understand it comes from the private sector, but did your office, or somebody in the office of the Hon. Minister, not bother to enquire what areas of business these Memorandums of Understandings relate to? It is a very simple question, which I would have expected a competent Chief Minister to have the answer to.

850 **Hon. Chief Minister:** Mr Speaker, you see the hon. Gentleman appears on television saying that he wants less Punch and Judy politics. Well, I guess what he means, Mr Speaker, by that, is that he and his deputy should not be fighting as much as they are, because when he comes here, Mr Speaker, all he wants is Punch and Judy politics. ...*Dale un abrazo, el de Judas.* All he wants is Punch and Judy politics, Mr Speaker, because he prefaces his question by saying 'a competent Government' and 'a competent Chief Minister' to clearly imply the opposite.

855 Mr Speaker, people will have to make a choice as they made last time as to who they consider competent or not competent, fit or unfit, Mr Speaker, because I was, three years ago, unfit to govern according to those who were then in Government, and today, according to the same people in the way that he has prefaced his question, more or less competent – clearly, less competent in his eyes.

860 Mr Speaker, I have often told him that he will never defeat a foe by disrespecting him. He obviously disrespects me completely. I have given the answer that we do not have the information. If for him that makes us incompetent, thank goodness, Mr Speaker, it is principally just to him.

Mr Speaker: Next question.

Q456/2014
Minister's visit to Bermuda –
Details

865 **Clerk:** Question 456, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Financial Services provide details of the cost of the recent visit to Bermuda, together with who attended with him as part of the Government's delegation or at its expense, or as part of the wider Gibraltar delegation?

870

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the cost of the recent visit to Bermuda by Ministry officials and myself and the names of those who attended together with me, as part of a wider Gibraltar Government delegation, is as follows: cost of flights, £11,370.58; cost of hotel, £5,689.31. I was accompanied by Mr James Tipping, Mr Michael Ashton and Mr Michael Oliver, and if the Members opposite are remotely interested, the trip went extremely well, Mr Speaker.

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Hon. D J Bossino: Mr Speaker, is he able to tell me who attended as part of the wider Gibraltar delegation, as there was a photograph in the *Gibraltar Chronicle* again, which featured himself and I think some of the individuals he has mentioned, but also certain individuals from the private sector? Is he able to tell me – that is what I meant by the question – who formed part of the wider Gibraltar delegation? Not necessarily just as part of the Gibraltar Government delegation, but as part of the Gibraltar Plc delegation if you like. Is he able to give me that information? I have got a name, but I would rather not sort of bandy that name across the floor of the House. I would rather he volunteer it. I mean he featured in the photograph. *(Interjections)*

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Hon. A J Isola: Mr Speaker, you have obviously seen a photograph in the press which shows three members of our private sector community. Mr Speaker, every time Gibraltar Finance travels abroad promoting Gibraltar's Financial Services sector, it does so in partnership with the private sector.

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Last week alone, Mr Speaker, Gibraltar Finance with its senior executives were in AIRMIC in Birmingham promoting insurance, in Monte Carlo at a Game Funds Conference, where I spoke with two senior executives promoting the fund sector, and Mr Paul Astengo was in Geneva promoting the Trans Continental Trust Conference and Gibraltar's presence there.

895

In each of those instances, Mr Speaker, the private sector support, the Government initiatives, I am not sure if he still requires me or wants me to give the names of each person that went to each of those delegations. I would need notice of that. It certainly was not... if you read the question that he has asked Mr Speaker, it talks about the costs and then refers to the delegation, the wider delegation... I am hoping he is not asking me to also give him the costs of the private sector delegation because I do not have that.

900

Does he want the answer of who went to Bermuda with the Government?

Hon. D J Bossino: Yes.

905

Hon. A J Isola: Mr Peter Isola from ISOLAS, Mr Bruno Callaghan from Callaghans, Miss Angelique Vasallo from EY and Mr Michael Oliver, who I have already mentioned, from the Financial Services Commission.

Mr Speaker: Next question.

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q457/2014
Future Job Strategy Graduate Scheme –
Graduates applying for social worker positions

910 **Clerk:** Question 457, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say if the four local graduate social workers, who are currently on the Future Job Strategy Graduate Scheme, will be able to apply for full-time permanent and pensionable social worker positions that may become vacant?

915 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the four individuals referred to in the hon. Member's question will be able to apply for any vacancy in the public service for which applications are invited from outside the service.

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Mr Speaker: Next question.

925

Q458/2014
Gibraltar Savings Bank –
Breakdown of monies invested; rate of return

Clerk: Question 458, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of how all monies 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 and 31st May 2014?

935

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, as at 31st March the Savings Bank fund was invested in the following manner and yields.

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On-call accounts with the Bank of England, the Crown Agents Bank and Gibraltar banks had an average yield of around of 0.4%. The Gibraltar banks were the Royal Bank of Scotland, Barclays Bank, National Westminster Bank and Jyske Bank.

Floating Rates Notes quoted on the London Stock Exchange have an average yield of 0.6% The Floating Rates Notes were issued by the following: European Investment Bank; the International Bank for Reconstruction and Development; Dexia; FMS Wertmanagement; Caisse d'Amortissement de la Dette Sociale; KfW; and the Republic of Finland.

945

Capital Bonds with a 5% return, and preference shares in Credit Finance with an average dividend yield of 5.5%. There have been no significant changes in the structure of the Funds investment portfolio in April or May and little change in yields, except that quoted stock and call accounts fluctuate marginally on a daily basis. These fluctuations are not significant.

950

The average return on the fund last year is estimated by the Treasury at around 4%, subject to the figures being checked by the Principal Auditor as is the case for all Special Funds.

Hon. D A Feetham: Mr Speaker, he has answered part of the question. He has not answered the first part, because if the hon. Gentleman looks at my question it is talking about, 'please provide a breakdown of how all monies deposited in the Gibraltar Savings Bank...'

955

The reason why I ask the question – indeed, I have asked this question before and he has provided me with an answer in the format of effectively saying £x million invested in x bank... £x million relating to the 5% debentures in x bank, that is what I wanted. Does he have that information because I really need that information for the purposes of my own Budget speech? I am entitled to it, because that is the question and I have provided notice of the question. Indeed, he has provided me with the answer in the past when I have asked this question.

960

Hon. J J Bossano: Mr Speaker, he has not asked the question in the same way in the past. He has asked it differently and I have answered it in the way that he asked it before. This time I have answered it in the way he has asked it this time, because he wants a breakdown of the monies that are deposited in the Savings Bank and the rate of return on each investment, and the rate of return on each investment I have broken down into the different areas so that he will be able to see what we are getting from the money that is put in banks, what we are getting from the money that is put in floating rates. But if he wants the balance sheet of the Savings Bank, then I will get it posted to him, but I have not got it here with me.

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970 **Hon. D A Feetham:** Would it possible if my secretary gave him a ring? I have to emphasise that when I... and the question is pretty clear, 'Can the Chief Minister please provide a breakdown of how *all monies* deposited in the Gibraltar Savings Bank have been invested *and* the rate of return...? In other words a breakdown of how all the monies have been invested and the rate of return for all those monies. He has just given me the rate of return, but not the breakdown of how the monies have been invested.

975 If my secretary phones the hon. Gentleman's PA and between them deal with this, does he undertake to provide me with this information so that I have it by Friday of this week?

Hon. J J Bossano: I have got no problem in getting the information done in the way it has been provided before when the question was asked differently, but I do not accept, Mr Speaker, that I am not answering because I am giving him a breakdown of how the money deposited in the Savings Bank has been invested in the different categories.

980 We have got money invested with banks in call accounts. We have got money invested in the Stock Exchange. We have got money invested in a Capital Bond and we have got money invested in the preference shares. So I am giving him a breakdown of how they are invested. I am also giving him the yield in each of those categories. I do not think he has asked for the yield before; he has just asked me before for a breakdown of each individual bit of the balance sheet. I can get that produced for him by the Treasury and he will have it by tomorrow at the latest.

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Hon. D A Feetham: Thank you very much.

DEPUTY CHIEF MINISTER

Q459/2014

**Marriott Hotel and office block –
Proposed construction; update**

990 **Clerk:** Question 459, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, given the strong objections voiced by a large number of members of the community in respect of the proposed construction of the Marriott Hotel and office block at the site of the ex-Royal Gibraltar Yacht Club, can Government provide this House with assurances that this development, if approved, will be in keeping with the Gibraltar Development Plan?

995

Clerk: Answer, the Hon. the Deputy Chief Minister.

1000 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the development has already been granted outline planning consent.

As with all applications for planning permission, the Development and Planning Commission, which is an independent statutory body, always considers the Development Plan when granting such consent.

1005 **Hon. D A Feetham:** Mr Speaker, I think the question really is, does the... and the hon. Gentleman cannot answer for the DPC, I understand that, but is the hon. Gentleman satisfied that this particular project is within the Gibraltar Development Plan or is his view that it may be outside the Gibraltar Development Plan, but because it is of beneficial interest to Gibraltar, the Government is supportive of it?

1010 **Hon. Dr J J Garcia:** Mr Speaker, all the information that we have is that the development is within the Gibraltar Development Plan from the information from the town planners.

Mr Speaker: Any supplementary questions?

Next question.

CHIEF MINISTER

**Q460/2014
Legal consultants –
Drafting services costs**

1015 **Clerk:** Question 460, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Chief Minister explain, further to his answer to Question 418/2014, the reasons for the discrepancy between the information available at the time of filing Question 418 in May of this year and the information that was available when the question was asked in this House, an anomaly set out in my letter to him dated 4th June 2014?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, hon. Members will have seen a timetable issued by the House, and I think I made available on the website, that says that I would be answering questions tomorrow, which is the third Thursday of the month... or the fourth Thursday of this month at 3.00 p.m.
1025

At your invitation, given how quickly we have gone through the rest of the questions, I agree it makes sense for us to have my questions answered this afternoon and that is why I have asked that we continue on the Order Paper. The answers are ready and given that all hon. Members I think are preparing for the set piece debate next week, I think we would all be grateful for more time in that preparation and that is why I have agreed to proceed this afternoon.
1030

Mr Speaker, the hon. Gentleman wrote to me on 4th June in respect of this matter as his question suggests. The reason for the discrepancy is currently being looked into and I will write to the hon. Member opposite with an answer once this is identified by the persons responsible.
1035

Mr Speaker: Next question.

**Q461/2014
General legal services –
Government costs; details**

Clerk: Question 461, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Chief Minister provide details to this House of the matters in relation to which the Government has incurred costs for the provision of general legal services, since December 2011, broken down matter by matter as well as by law firm/lawyer?
1040

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the cost of general legal services is already on line. I am advised and do not believe it is in the public interest to provide any further information.
1045

Hon. S M Figueras: Mr Speaker, I may well be walking into this one, but could the Hon. the Chief Minister, if it is appropriate in the context of legal drafting services, provide a flavour of the reasons why it is not appropriate in relation to general legal services that he provide that information here?
1050

Hon. Chief Minister: Mr Speaker, because drafting services result in something which is published, namely a Bill or a Regulation. A Bill becomes an Act, a Regulation that immediately takes effect... rules – something that results in publication.
1055

General legal services sometimes result in things which are not published or things that relate to litigation and we would in effect be giving information about what it is that the Government is doing, which sometimes it makes no sense to put in the public domain.

In many instances the advice is in relation to litigation and therefore you see a product in public of that advice, but in many instances it is just simply advice that civil servants or Ministers require, which may have absolutely nothing to do with anything that is in the public domain and *may* be confidential, either commercially or for other reasons.
1060

But the information is given as to law firm and amount paid; it is just that the breakdown is not given.

Mr Speaker: Next question.

Q462-463/2014
Spanish media –
Advertising; sums paid

1065 **Clerk:** Question 462, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of all sums paid to Spanish media in respect of advertisement associated with the Gibraltar Airport?

1070 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 463.

1075 **Clerk:** Question 463.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of all sums paid directly or indirectly by the Government to all Spanish media since he became Chief Minister?

1080 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, my answer remains the same as has previously been stated in answers to questions of a similar nature. I believe that sharing information of this nature publicly is not in the public interest of Gibraltar.

1085 I am happy to share the information with the hon. Member confidentially, if he so wishes.

1090 **Hon. D A Feetham:** Mr Speaker, I do not understand the analogy that he is drawing. If he is drawing an analogy with consultants, for example, it is a false analogy. Consultants are in a completely different boat and lobbyists are in a completely different boat to advertisement. Advertisement in Spanish newspapers should be treated in exactly the same way as advertisement in local newspapers. The Government already provides what it spends in advertisement to local newspapers. Why draw that distinction?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman does not want to see the distinction or sees it and is drawing me into an area where I do not think it is in the public interest that we should be drawn publicly.

1095 I am quite happy to give him the information *privately*. I am not saying that he should not have it. I have nothing to hide from the Opposition in this respect, but I do not want to create a route map for those who do not have Gibraltar's best interests at heart to see where it is that Gibraltar is trying to advertise, where it is that Gibraltar is trying to influence Spanish public opinion.

1100 **Hon. D A Feetham:** Mr Speaker, but I will tell the hon. Gentleman as well what my concerns are and what our concerns are on this side of the House. We are certainly aware of at least two publications – one on the internet and another one written – which have taken a line, which is very reminiscent of the line that local newspapers supportive of the Government take in relation, for example, to my participation in talks in Spain and allegations, for example, that I have somehow a direct line to Mr Rajoy in Madrid.

1105 I would have thought that I would be entitled to know in public, and I would be entitled to actually say to the people of Gibraltar in public, 'Look here. There are these newspapers or Spanish media. They are taking this particular line, in unison almost with publications here in Gibraltar, supportive of the Government, against the Opposition, and they are also being subsidised by the Government here in Gibraltar'. I just feel that this is a perfectly legitimate question for me to ask and for the information to be provided in public.

1110 I may be completely and utterly wrong in drawing any kind of inference, but quite frankly, it seems to me to be quite a coincidence.

1115 **Hon. Chief Minister:** He is completely and utterly wrong, Mr Speaker. I do not have to pay anybody to criticise him. I certainly do not see any or much at all Government advertising in any of the local press that criticises him. So, Mr Speaker, I do not see how he can even pretend to draw that inference.

1120 What I am telling him is that this is in the public interest of Gibraltar. But look, he has got up and said, 'It is all about me. I do not care about the public interest of Gibraltar and therefore I want the information'. Well, Mr Speaker, I am not going to give it to him publicly, for the reasons I have already said. It is not all about him and I am quite happy to give him the information privately. He might be surprised by what he sees.

Mr Speaker: Next question.

1125

Q464-465/2014
Queens Hotel –
Acquisition of site; costs involved

Clerk: Question 464, the Hon. D A Feetham.

1130 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how much the Government has agreed to pay for the acquisition of the Queens Hotel?

Clerk: Answer, the Hon. the Chief Minister.

1135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 465.

Clerk: Question 465, the Hon. D A Feetham.

1140 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state what other expenses have been incurred or are expected to be incurred in relation to the acquisition of the entire Queens complex, including, for example, the decanting of other businesses at the site?

Clerk: Answer, the Hon. the Chief Minister.

1145 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Member opposite to Press Release 259/2014, dated 2nd June, which stated that a full announcement would be made once the final details of the purchase have been completed.

We expect to be in a position to make such a statement next week.

1150 **Hon. D A Feetham:** Mr Speaker, is he saying that the information has not been collated... the entirety of the information has not been collated, because I would have expected, for example, in relation to Question 464, which is to provide how much the Government has agreed to pay for the acquisition of Queens Hotel, that would have been readily available. It is a discreet question. How much has the Government paid for the Queens Hotel? That must be readily available to the Government so that he can provide an answer now in advance of the Budget next week.

1160 **Hon. F R Picardo:** Mr Speaker, of course I know what was agreed to be paid for the Queens Hotel, but his questions, both of them, are taken together because they both relate to the same subject matter. There are issues which I do not yet have final numbers on which I expect to have by next week, like, for example, legal fees etc. All of that is being collated and then the total amount will be given.

Mr Speaker, I do not think it is wrong to say that we are going to make a full statement as to what it is that these costs have been.

1165 **Hon. D A Feetham:** Mr Speaker, yes, it is – with respect to the Hon. the Chief Minister – wrong, because he can take that position in relation to Question 465/2014 which is the entirety of the costs for the acquisition of the entirety of the complex, and I understand it. I understand that.

1170 But in relation to Question 464/2014, it asks, 'Can the Chief Minister please state how much the Government has agreed to pay for the acquisition of the Queens Hotel?' Surely he has that information. It is a discreet question and surely I am entitled to have it so that then I can use it in preparation for my own Budget speech and that is the reason why I ask it.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is going to have the information and I am going to make a statement, as I have said, which will set out all of that information. The hon. Gentleman can ask

1175 the questions that he wants and the Government makes the statements that it considers appropriate at the time that is appropriate and we want to make a statement about the Queens Hotel which deals with all of those issues. At the moment I do not want to make this information available.

Mr Speaker, that is the position of the Government. He will have the information. He may even have it before he makes his Budget speech.

1180 **Mr Speaker:** Could I ask if it is the Chief Minister's intention to make the information public outside the House or during the course of his Budget speech on Monday?

1185 **Hon. Chief Minister:** Exactly, Mr Speaker, you are much more on point. I will be making the information public in the course of my Budget speech on Monday.

Hon. D A Feetham: Mr Speaker, he may provide it in this House and I understand the distinction the Hon. the Speaker is going to be drawing because if the information is provided outside the House, it really ought to be provided to this House. But the reality is that I have asked the question. I have provided notice of this question. If the information is available to the Government, as it is indeed available to the Government, because it asks 'has agreed to pay', surely the Opposition cannot be at the mercy of the Government in when it wants to provide – (*Interjection*) No. In when it wants to provide the information that it has, otherwise it would drive a coach and horses, Mr Speaker, through Question Time.

1190 If the information is available, simply because I ask another question about the entirety of the costs, which I accept he can give it to me later on, but if he has the information about how much they have agreed to pay... just the sale price and that is what we are talking about here, surely he ought to be providing that. It sets a very bad precedent indeed in my respectful view for the Government to say, 'I have the information, but I am not providing it to you today. I am going to be providing it to you next week because it is convenient for the Government to make a statement next week'. What is the point of Question Time otherwise? (*Interjections*)

1200 **Hon. Chief Minister:** Mr Speaker, I am quite happy to. I thought you wanted to deal with that issue.

Mr Speaker, there are issues around the acquisition of this particular property, which the Opposition have made statements about in order to suggest it has been done for one reason or another. In social media I think I have seen a number of statements by people who have responsibility in their Executive Committee where they have made statements about this particular acquisition. I am therefore going to deal with it in a manner that the Government considers is in the public interest, which is in the fullness of my statement to the House on Monday as to the state of the Government finances.

1205 The hon. Gentleman is going to have the opportunity to reply to me. So he is going to have the information when he says he wants it and needs it, which is before the Budget. But, look, I have to say to him, he used to sit here very calmly and very passively – I might say even docilely – whilst the hon. the backbencher used to take a completely different attitude to the one that he is now recommending to us. This is a particular instance where 72 working hours before a particular debate, I am saying I am going to make a statement, and he is saying I must give him the information now.

1215 Well, look, Mr Speaker, this is the Budget session of the Parliament and the debate on the Estimates will be on Monday, as he knows, and he will have the information then. The community will have all of the information about this acquisition in detail, perhaps even in more detail than he has requested it. It will then understand why the acquisition is going to progress and what the use that the particular facility in question is going to be put to: full, frank and absolute disclosure. Full, frank and absolute accountability and transparency, but not when he says so, Mr Speaker.

1220 **Mr Speaker:** Yes, one other supplementary.
Carry on.

1225 **Hon. D A Feetham:** Mr Speaker, it is not when I want to. I have given notice of a question. I have given notice of a question. But, Mr Speaker, the hon. Gentleman is the new dawn man. Sir Peter Caruana presumably, according to him, is the sunset. He is the new dawn man. He represents change; therefore he ought to be doing things differently. I have given him notice of this particular question. It is a very simple question. He has chosen to bunch it up with something else, but if the information is available, he ought to provide it.

1230 Can he at the very least provide me with that information? I am not asking him for the second limb. I am asking for the sale price in advance of the Budget. I am quite content for him to provide me with that information on Friday, for example.

1235 **Hon. Chief Minister:** Mr Speaker, I am the new dawn man, but the changes I represent are the changes that I choose to represent, not the change that he decides I must represent when it is convenient to him because he has a sliding scale of what transparency means, one end of it, because he was a Member of that Government that I am criticising now, the GSD, one end of that spectrum is what he used to do when he was in Government with all his Government colleagues and who he takes collective responsibility for and used to defend. And another end of the spectrum is what I do, which represents a new dawn.

1240 Mr Speaker, I will give him a figure that he can start working on for his Budget, if that is what he wants. I have absolutely no difficulty. In fact, Mr Speaker, I will give it to him now. I mean I will give him the figure now. Twenty four meetings of this Parliament, since we were elected, for questions – that is two-and-a-half years that represents ten-and-a-half years of GSD Government. That is a figure he can be working on, Mr Speaker, which represents the new dawn that we are actually demonstrating in Parliament. I would give him a lot of other figures, but he might not be so comfortable, Mr Speaker, before the debate to hear those.

1245 Nonetheless, Mr Speaker, in order to assist and at the level of Parliamentary colleague to Parliamentary colleague, I will make sure that on Friday – so that he can spend the weekend with his calculator – he has the numbers in anticipation of my getting up and making my Budget announcement. It will be unusual, Mr Speaker. It will be the first time, I think, that a Chief Minister extends that courtesy to a Leader of the Opposition.

1250 The Leader of the Opposition's job at a Budget debate is always the hardest because he is the one that has to reply on the spot. In most other Parliaments there is no sharing of information before. In this Parliament in fact there has been previously, under the GSD administration, a hiding of information so that one does not see it until after the Budget Debate; but I am very happy to extend that courtesy to him as a Parliamentary colleague.

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Question 440/2014 continued – City Fire Brigade – Waterport Power Station fire; details of foam used

Mr Speaker: Does the Hon. Mr Bossino wish to ask supplementaries arising from... I think it was Question 440?

1260 **Hon. D J Bossino:** Yes.

Mr Speaker: Please do.

1265 **Hon. D J Bossino:** Mr Speaker, if I could just quickly go to the question. The question related to all the Departments that the Hon. the Minister for Tourism is responsible for – (*Interjections*) Yes, it is. Yes.

Yes, Mr Speaker, the question related to all the Departments that the Hon. the Minister the Tourism is responsible for and I just find that most of the entries relate to the visits carried out by the Gibraltar Port Authority, in most instances, and in some of the instances I think other than the Department of Consumer Affairs, it does not identify which of his Departments attended the particular convention or fair. Can he provide that information?

1270 Secondly, can he confirm that he has answered the question as set out in the Order Paper, that it does cover *all* the Departments that the hon. Member is responsible for?

1275 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, the question was to provide the answer with the same level of details as is set out in Table 2 of the Gibraltar Government. So the first thing I did was to check out the Government website to see the format of the question and therefore the schedule to the question sets out the particulars as is set out in that particular website.

I think I understood him correctly when he said that the schedule does not set out which of my responsibilities attend a particular conference. Did I understand him correctly?

1280 **Hon. D J Bossino:** [*Inaudible*]

1285 **Hon. N F Costa:** But if he goes to the schedule it always says, 'Costs with breakdown of' – and in this particular case the first page – 'the Gibraltar Port Authority's attendance at...' and the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth. So there are thirteen instances

where the Port Authority attends conferences and these are set out in the same way as they are set out in the website. (**Hon. D J Bossino:** Yes.)

1290 **Hon. N F Costa:** The next page goes on to the Department of Consumer Affairs and sets out the conference costs there.

Hon. D J Bossino: [*Inaudible*]

1295 **Hon. N F Costa:** Yes.

The next one relates to the Gibraltar Maritime Administration and he is correct in saying that that is not set out as it should have been. It should have said, 'Costs with breakdown of Gibraltar Maritime attendance and participation at the Red Ensign Conference', and so he is right in highlighting that.

1300 Then following the next breakdown, similarly it is the Gibraltar Yacht Registry that should have been set out there. Again, the Future of Superyachts would have been the Gibraltar Yacht Registry, which as he knows is subsumed within the Gibraltar Maritime Administration, and similarly, the same with the Annual World Congress and the Global Super Yacht Forum in Amsterdam as well as the German Ship Owners Association in Hamburg. I apologise for the oversight, but they do relate to the Gibraltar Maritime Administration.

1305 **Hon. D J Bossino:** I am grateful, Mr Speaker, to the hon. Member for that. As I asked him for confirmation that all his Departments had been covered, I just find it odd, and maybe he can explain to me why that is the case, that the GTB does not feature, the Gibraltar Tourist Board. Is there a reason for that?

1310 **Hon. N F Costa:** Yes, Mr Speaker. I also asked that question and essentially the way that these events – let us call them generically – are described or are defined depend on whether they are a conference or they are a trade show etc.

1315 Conferences, according to the definition of the administration, depend on attending a conference on a particular subject matter – there are at least 20 that I have shown him – and the participants of the responsibility attend. In some cases the Gibraltar delegation is asked to give a speech; but it is participation at a conference where there are different guest speakers from all over the world who give a talk on a particular subject matter.

1320 The GTB attends trade shows and the trade fairs and it is separately distinguished in the way that they are classified, and so they do not fall as a conference, but as something else. That is the explanation that was given to me and I hope that I have relayed it adequately to the hon. Gentleman.

Hon. D J Bossino: Yes, Mr Speaker, one learns something every day. I suppose it is information like that which I would also have enjoyed to have received and to have read in some detail. I suppose I ought to use more generic words like 'trade visits' perhaps, is a more appropriate wording.

1325 Mr Speaker, in relation to a specific point which arises from the information as set out in the schedule, does he know why in the second item – they are not numbered, but it relates to expenditure by the Gibraltar Port Authority in relation to an attendance at the Cape Verde Bunkering Conference – the subsistence is in fact considerably higher than the expenditure in relation to the hotel? Whilst if he looks throughout the other items of information the opposite is in fact the case, as I suppose one would expect, but in this case it is almost six times higher than the hotel accommodation. Is he able to shed any light in relation to that?

1330 **Hon. N F Costa:** No, Mr Speaker, I am afraid that I cannot answer that question without notice because I do not know what the answer is. However, speculation, depending on the place of the conference subsistence varies, and of course it also depends on the number of people that have attended, but he can either write to me or I can make a note and I will provide him with the information.

1335 **Hon. D J Bossino:** Mr Speaker, also, again they are not numbered, but it is on the third page at the top and it relates to again the Gibraltar Port Authority's attendance at the Miami... presumably it is a 'Disaster Management Seminar' rather than 'Management Disaster Seminar' and it has a blank in relation to flights, for example, and a blank also in relation to hotel accommodation.

1340 Again, given the destination, I assume if it is a Miami Disaster Management Seminar, was held in Miami, I may be wrong, but can he shed any light in relation to that, because it seems that no expenditure was incurred in relation to those two items and one would have expected a considerable item of expenditure in relation to them.

1345 **Hon. N F Costa:** Yes, Mr Speaker, he is absolutely right on that and I will have to obtain the information for him.

Mr Speaker, again, although I do not have the information with me, I can tell him that sometimes until the Government is invoiced, the figures would not of course be published on the website.

1350 **Hon. D J Bossino:** Yes, simply to point out, and my colleagues are quite rightly pointing out, that this is actually in excess of a year old and so I doubt that that is the explanation. But the hon. Member has undertaken to or suggests that he will be providing this information and I may indeed write to him by way of a reminder.

1355

CHIEF MINISTER

Q466/2014

**Jason Cruz –
Details of allowances**

Clerk: Question 466, the Hon. D A Feetham.

1360 **Hon. D A Feetham:** Mr Speaker, is the Chief Minister now in a position to inform the House as to the amount which the Government will pay Jason Cruz in respect of (a) an accommodation allowance in Hong Kong and London and (b) an allowance for the private education of his children?

Clerk: Answer, the Hon. the Chief Minister.

1365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I told the House last month, Jason Cruz is one of those Gibraltarians who has done extraordinarily well outside of Gibraltar. He is the sort of man we, as a community, are justly proud of. I cannot emphasise enough how happy Government is that he is now working for Gibraltar in the highly competitive market that is South East Asia.

1370 Jason worked for almost 20 years in Hong Kong's commercial sector. His family lived in Hong Kong for almost 40 years and enjoys an excellent reputation and an excellent network of relationships which will happily accrue to the benefit of Gibraltar. Jason was a Director of Cushman & Wakefield in Hong Kong – no mean feat in what is the world's largest privately-owned commercial real estate firm. Recognised as leaders in their field and who have a vast amount of experience working with over half of the Fortune 500 companies.

1375 In that role, Jason has been responsible for the completion of commercial transactions totalling over US\$ 1 billion, Mr Speaker. Indeed, it is not just the Gibraltar Government that is justly proud of him, for Jason's achievements have been recognised by the Royal Institution of Chartered Surveyors for the most significant commercial transaction in Hong Kong only last year, Mr Speaker, in 2013. Now that is something that the whole of Gibraltar can be proud of, Mr Speaker.

1380 Jason was co-Head Asia Pacific of Cushman and Wakefield's Banking and Financial Services practice between 2011 and 2013 and previously Head of Asia Pacific for Cushman & Wakefield's Global Alternative Investment Services working with hedge funds and private equity firms. His remuneration includes an accommodation allowance of £1,615 per week. There is, as yet, no specific amounts agreed in respect of school fees.

1385

Hon. D A Feetham: Mr Speaker, the accommodation allowance of £1,615 per week, is that for both Hong Kong and London, because my understanding of the position is that he is going to be dividing his time between Hong Kong and London because he is taking over some of the roles of Peter Canessa and others in relation to the London office?

1390 Or is it that my understanding is not correct, that he is going to be in Hong Kong for some time and then will be effectively transferred to London? Otherwise, what is the role that he is playing in London?

1395 **Hon. Chief Minister:** Mr Speaker, I am sorry that I deleted that paragraph of what I had said last month because it is the only paragraph that I read last month that I have not read this month. What I said last month was that he would be in Hong Kong until 2016, unless we agreed a later date, and that he would be coming to London and when he comes to London he stays in hotels.

Hon. D A Feetham: So from the date of his engagement to 2016, he is playing absolutely no role in London... no oversight role in London. Is that the position?

1400

1405 **Hon. Chief Minister:** Mr Speaker, the position is as I indicated last time and I went into this in some detail. He will be coming to London and working also in London in respect of some of the issues which require liaison between London and Hong Kong, Mr Speaker. I think it is perfectly normal that that should be the case. What I indicated was that in 2016 or thereafter, whatever time that we agreed, he would likely be taking over in London. *Hansard* discloses what I said last time.

1410 **Hon. D A Feetham:** So effectively his role in London until 2016 is just limited to liaising on Hong Kong matters and he will play no wider role. The reason why I am asking this of course is because we know that Peter Canessa, for example, who used to play a pivotal role in the London office has actually moved out of the London office and is now back in Gibraltar. I understand he is in the Hon. the Minister for Financial Services Department and that is the reason why I am asking.

1415 **Hon. Chief Minister:** Well, I had worked out why you were asking, Mr Speaker, long ago.
Mr Speaker, Mr Canessa is now going to run a pivotal role in Mr Isola's office and Mr Poggio is back doing the pivotal role that he was doing for many years without needing anybody pivoting next to him.

1420 **Hon. D A Feetham:** Mr Speaker, I think that is a very odd way of putting it, particularly when you are dealing with a highly respected civil servant, who has given many years of his life to public service. I really do think the Hon. the Chief Minister ought to watch the way that he puts things and the way that he talks... I have to say in a bit of a demeaning way in relation to that particular public servant.

1425 Mr Speaker, in relation to the allowance for the private education of his children, why is it that he cannot provide that figure at the moment... that he does not have that figure at the moment? I would have expected that if you have entered into an agreement with somebody about taking that person on, you would have already agreed not only the details of his salary, but also details of his accommodation allowance, which we have, and details of how much is going to be paid for the private education of his children. Of course very important to the individual, and indeed important to the Government that presumably wants to obviously keep a hand on public expenditure.

1430 **Hon. Chief Minister:** Mr Speaker, I really do not know what it is that the hon. Gentleman is talking about when he says that a senior civil servant has somehow been spoken about in a demeaning way. The one who introduced 'pivoting' into the debate was him when he was talking about one person playing a pivotal role somewhere, which I confirmed he is now going to play somewhere else. Or is he trying to suggest that Mr Poggio is not able to run the London Office on his own because for 15 years that they were in Government, Mr Poggio was happily pivoting on his own in London as he had been before. So I do not see where it is that he wants to pluck this idea of anybody being demeaned.

1435 But, Mr Speaker, I recognise that he is trying to do politics and he is trying to pretend that he is on somebody's side and it may be, Mr Speaker, that people want to be on his side, and God knows what he may have promised them. But anyway, Mr Speaker, I am very clear that Mr Canessa is going to continue to discharge as important a role today as he used to in London now that he is back in Gibraltar and he used to discharge in Gibraltar before he went to London, having been selected without interview by the previous Chief Minister to do that role.

1440 Mr Speaker, as to the issue of school fees, as I understand it, the issue is being discussed and negotiated between the Chief Secretary and Mr Cruz. I suppose it relates to the choosing of schools. I do not know the age of his children or whether they are about to change schools and I do not know how the terms work in Hong Kong. So it may be that they are looking at what the next amount or the next school is going to cost if they are finishing one school or another.

1445 But, Mr Speaker, we are certainly very concerned about public expenditure. We are going to ensure it does not rocket as it did in their time. So he can be rest assured that we will look at every penny when the time comes and when the Chief Secretary brings us a figure, we shall look at it to ensure that it is value for money. But certainly in relation to this contract with Mr Jason Cruz, this is probably one of the best value-for-money deals that this Government has done and we are already hopefully going to start seeing the rewards.

1455 **Hon. D A Feetham:** Mr Speaker, I do not understand how he can possibly say it is best value for money when there are aspects of the contract that still have not even been negotiated and remain outstanding. Quite frankly, this may be a really super individual, a very nice individual and very competent individual, but I remind the Government that he has been chosen *a dedo*. That is what this amounts to – *a dedo* – and therefore as an Opposition we are entitled to scrutinise this particular transaction.

1460 Mr Speaker, does the accommodation relate to all Mr Cruz's children or some of them? Can he give some more information in relation to that for example? I mean the private education, not the accommodation, I should have said.

1465 **Hon. Chief Minister:** Mr Speaker, we are talking about people having been chosen *a dedo*. Mr Canessa was chosen *a dedo* by the previous Administration. I understand another civil servant went to the United Kingdom chosen *a dedo*. People were chosen *a dedo* to discharge million pound contracts, not just in breach of what they now appear to think is the criteria that people should be chosen for... tenders for, but in breach of European law, Mr Speaker, people were chosen *a dedo* for jobs inside and outside the Government in Government companies. This was the way of the GSD world. It was an *a dedo* world under the GSD.

1470 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** They ran out of *dedos*! (*Laughter*)

1475 **Hon. Chief Minister:** In this particular instance – (*Laughter*) I have to reflect the comments of the Hon. the Member for Employment who says that they did it so often they almost ran out of *dedos*, Mr Speaker. (*Laughter*)

1480 Mr Speaker, it is extraordinary that in relation to this particular appointment the hon. Gentleman wants to run with the hare and hunt with the hounds at the same time. He wants to say... you know, he is hitting the GSLP for appointing this man *a dedo*, whilst at the same time saying that he is a lovely man and he might be exactly the right choice, but he wants to talk about the package. Mr Speaker, we are giving him the information about the package. The fact that the information as to the school fees is not yet in place, does not mean that there is anything wrong with the package. He will have the information if he asks again as soon as we have it.

1485 But I am reassuring him, Mr Speaker, that we think that this is exactly in the interests of taxpayers in Gibraltar. This is exactly the right person to do the job. I have not heard any complaints from anybody who wanted the job. I have not heard any complaints about the man who has got the job. I think everybody agrees he is a fantastic addition to the arsenal available to the Government of Gibraltar to attract investment to Gibraltar. I trust, Mr Speaker, that he will agree, otherwise he will be demeaning somebody who is playing a pivotal role and who is highly respected in his field.

1490 **Hon. D A Feetham** Mr Speaker, I do not understand how he can possibly compare Mr Cruz to Mr Canessa who was after all a public servant. Mr Canessa was a public servant. Mr Canessa being a public servant was transferred to London and that is not the same as this particular situation, which is a situation where the Government has chosen somebody *a dedo* without going out to advertisement and without advertising this particular post.

1495 Of course, Mr Speaker, he is the new dawn man, as I remind him. He is the new dawn man. It is no defence for him to say, 'Well you used to do *x, y* and *z*'. Well, quite frankly, it is becoming a bit of a habit because he has also done it in relation to the advertisement of the contract for advertisement at the Airport. We discovered all these companies at No. 6 Convent Place, which was also *a dedo*.

1500 Is he going to answer the question that I asked? Does it relate to all the children of this particular individual or only one of them that we are talking about in relation to this private education allowance?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman just does not know what he is doing politically by treading in this area.

1505 Mr Speaker, I am the new dawn man, but the sun still rises in the east and sets in the west. I am the new dawn man, but Government has to continue operating. I am the new dawn man, but I appointed a Chief Technical Officer without going to interview and I will have to appoint a Financial Secretary without going to interview, and I will have to appoint a Chief Secretary, should Mr Gomez ever leave, without going to interview because those are appointments – those three in particular, which he knows from the hon. the backbencher – used to be appointments by the UK which are now appointments reserved to the Chief Minister of Gibraltar, and that is perfectly proper and perfectly alright.

1510 It is not as if Jason Cruz has become a civil servant because the Government of Gibraltar has employed him and said so. It is not as if Jason Cruz has become a civil servant because the policy of the Government of Gibraltar today is that anybody who has been in the employ of either the GDC or of the Government could simply become a civil servant overnight, as was the case under the previous Administration. This is a gentleman employed to do a particular job *under contract*.

1515 Mr Speaker, I hesitate to raise his name again in this House, but the Hon. Mr Bossino has raised it already. Mr Flower, who was in my office when I arrived, somebody who I am very happy to say does an important function for the Chief Minister of Gibraltar, who I knew and had worked with when I was in private practice and he was in banking, and with whom I have an extraordinarily good relationship, was appointed *a dedo* by the hon. the previous Chief Minister.

1520 Mr Golt, with whom I have the greatest political affinity, was the subject of a vendetta by the hon. the previous Chief Minister of Gibraltar for 15 years for having the temerity to stand against him in 1996. He

used to be as close a friend of his as he used to be of me. He used even to be his ideological partner until he decided to go to the dark side of ideology (*Laughter*) with the hon. Members opposite. He was appointed in the end *a dedo* by them, Mr Speaker.

1525

Mr Cantos who used to do his job before them was appointed *a dedo* by the hon. the previous Chief Minister at the time, and then the appointments *a dedo*, even in Government companies, were myriad.

If I may say so, Mr Speaker, to deal with the particular issue in question, the Gibraltar Airport advertising contract was not an appointment *a dedo*, Mr Speaker, it was to undo –

1530

Mr Speaker: Mr Speaker, I have to tell the Chief Minister that we are really running away now from the whole subject and in fact they are in danger not only running out of *dedos* in their hands, but of the feet as well. (*Laughter*)

Let us come down to earth. There is an opportunity next week to debate to your heart's content, when I will be much more liberal than I am prepared to be at Question Time. Let us get on.

1535

Hon. Chief Minister: I am grateful, Mr Speaker.

So the only part of the hon. Gentleman's preface which I have not answered is this question of the Airport contract. I will say very succinctly and very quickly, all we did there, Mr Speaker, is appoint the only person that they had failed to appoint to the new company from the old company. In other words, they took everybody who was employed by the company, who used to run the Airport – (*Interjection*) Terminal Management Limited to the new company GATL. They singled out for their usual vendetta-style approach one individual and when we were elected we ensured that we undid that and we gave him the job that he had held for almost 25 years under successive Administrations until their previous leader decided that he was going to be done away with, as if he were to be discarded like rubbish, and we appointed him back.

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So none of those things that he has said, Mr Speaker, goes anywhere near dealing with any of the issues that they dealt with and so let themselves down and delivered what was not good Government, Mr Speaker, in many respects.

1550

Mr Speaker: One final supplementary and then we will move on to the next question.

Hon. D A Feetham: Mr Speaker, that is all well and good and it is all very interesting – (*Interjection*) No, it is all very interesting, but he has not answered the question. Does the private education allowance relate to all Mr Cruz's children or just one of them? That is the question. He is the Minister for Finance and by the way, he does not know the power of the dark side yet. (*Laughter and interjections*)

1555

Mr Speaker: The supplementary question is: is it to do with one child or with more children?

Hon. Chief Minister: Mr Speaker, the answer is that I do not know how many children Mr Cruz has (*Laughter and interjections*) or may have at the time of the information. I have told him, Mr Speaker, once the Chief Secretary has done an agreement with Mr Cruz, if he continues to ask me I will give him the information.

1560

Mr Speaker. I am fully conscious that the empire always strikes back, but the Jedi always returns and in the end, in episode six, good prevails over evil. (*Laughter*)

Q467/2014

Previous Speaker's tax affairs – Report into leak of information; update

1565

Mr Speaker: Question 467.

Clerk: Question 467, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, I hesitate to ask who is Yoda on the Government benches (*Laughter*) but, Mr Speaker, further to the answer he gave me to Question 207/2014, can the Chief Minister please state whether the report into the leak of the tax affairs of the previous Speaker has now been finalised?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have no doubt of who the evil emperor is and who Darth Vader is.

1575

Mr Speaker, the Chief Secretary expects the report in question to have been finalised before the end of October.

Q468-471/2014
Sunborn Hotel/Credit Finance Company Ltd –
Details

1580 **Clerk:** Question 468, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what has been the total expenditure, either by way of loans or otherwise, by the Government or any of its wholly or partly-owned companies, in or associated with the Sunborn floating venture?

1585 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 469 – sorry, Mr Speaker, let me start again.

1590 I will answer this question about the fabulous floating five-star hotel, the Sunborn, together with Questions 469 to 471.

Clerk: Question 469, the Hon. D A Feetham.

1595 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide details of dividends or any returns actually received by the Gibraltar Savings Bank and the Government from Credit Finance Company Limited?

Clerk: Question 470, the Hon. D A Feetham.

1600 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a breakdown of all legal fees and fees in respect of consultants paid out by Credit Finance Company Limited, together with particulars of the transaction it related to?

1605 **Clerk:** Question 471, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide a breakdown of how the £430 million invested in Credit Finance Company Limited by the Government and the Gibraltar Savings Bank was in turn invested as at 31st March 2014, 30th April 2014 and 31st May 2014?

1610 **Clerk:** Answer, the Hon. the Chief Minister.

1615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as has already been explained in the House previously, details of individual loans issued by Credit Finance Company Limited will not be given; however, details of the total loan book, including the loan issued to the fabulous floating five-star Sunborn Hotel, are now available on the Government website.

1620 Expenditure has also been incurred in infrastructure work to enable the fabulous five-star floating Sunborn Hotel to berth at its present location and to enable the fabulous five-star Sunborn Hotel to have access to utilities, such as potable water and electricity supply. These works are done for any similar development. The total of such expenditure will as usual be shared by those who have taken the benefit of such works and any amounts paid by the Government are therefore going to be recoverable where the benefit is enured to third parties. Discussions in this respect are ongoing with both the owners of Ocean Village and of the fabulous floating five-star Sunborn Hotel.

1625 Mr Speaker, the total costs of the works has not yet, however, been fully invoiced to Government by some private contractors involved and some invoices are disputed. I am therefore unable to provide any reliable figures for the costs of the works at the moment.

Mr Speaker, the amounts received by the Savings Bank Fund from Credit Finance Company Limited from its investment in redeemable preference shares is as follows: 2012-13, £1.22 million; 2013-14, £19.938 million; 2014-15 to date, £3.75 million, representing two months of the year. No other dividends have been paid to date by Credit Finance Company Limited.

1630 The information requested in answer to Question 470 is, I am reliably informed, already available on the Government website.

Monthly information on the total loan book of Credit Finance Company Limited, including details of total commutations paid as requested in Question 471 are now available on the Government website.

1635 **Hon. D A Feetham:** Mr Speaker, can I ask the Chief Minister when the answer to Question 471 has actually been provided... has actually been posted on the Government website? Was it after I provided notice of this question, because if it was, then it is his obligation is to provide it to me in answer across the floor of this House? When I last looked at the website, I did not see it before I actually asked this question. That is why I have asked this question. Indeed, even after I had given notice of this question, it was not on
1640 the Government website. So I think if it was not before, as I am absolutely certain it was not, before I gave notice, his obligation is to provide it across the floor of this House and not just simply refer me to a website.

Hon. Chief Minister: Mr Speaker, I am informed by those who provide the information to me that it is up on the website. So I assume it is up on the website by the time that I am giving the answer, it must have
1645 been at the time that he was putting the question.

But, Mr Speaker, if he wants to... if something is not on the website, instead of asking me across the floor of the House in an attempt to embarrass the Government, if that is what he is doing, simply give me a call and say, 'Fabian, the monthly amounts have not been put up on the website', and I will tell the civil servant responsible to make sure it goes up immediately. That is what the information is there for. It is not
1650 information we are trying to hide. It should be up on the website.

In fact, Mr Speaker, what I can tell him is that I do not have the information with me, but I believe it is the amount that was disclosed last month. I do not think any of those totals have changed in the period since we discussed it and I said that it would be going up on the Government website.

1655 **Hon. D A Feetham:** Mr Speaker, you see I do not want to have these exchanges across the floor of this House because it is completely and utter unnecessary. I have given notice of a question. We now have a situation where I am being told by my Deputy, Mr Bossino, that in fact the only information, which is the information that I saw when I looked at the website... the only information on Credit Finance on the website is the loan book in relation to Credit Finance, the commutated pensions, the amount that has been
1660 invested by the Gibraltar Savings Bank in Credit Finance, which is £400 million, and the total equity invested by the Government, and also arrears... loans provided to allow people to repay Government arrears, which is roughly about £1 million.

It does not have the information. It does not provide the information that I have asked in Question 471, which is important. What this is asking is how Credit Finance is actually investing that money. We know that £72 million has been spent. We know that – that is the information on the website – but the remainder of it must be somewhere. That money has to be somewhere. I think that the Hon. the Minister for
1665 Employment probably can answer that question. I suspect that the money is still sitting – because the transaction was probably a paper transaction – in the Gibraltar Savings Bank wherever the Gibraltar Savings Bank originally invested that money, be it in some account or elsewhere. That is what this question is asking. I want to know how the entirety of the £430 million, which is more than just the £72 million, is
1670 actually invested.

Hon. Chief Minister: Mr Speaker, we have had this debate before. The information that I have told him is going to be publicly available on the website is the one that has already been put publicly on the website. So he has gone through the list of everything that he has asked about and it is all on the website, and so I am
1675 pleased that he recognises that.

The balance, Mr Speaker, I have told him before, it is in cash in the companies. It is in cash in the Government companies held in cash.

1680 **Hon. D A Feetham:** It is held in cash on behalf of the company, but where? What account? With what bank? Simply because the hon. Gentleman has said it is held in cash, there is not £430 million. Less £70 million under somebody's mattress, under the Chief Secretary's mattress or Dilip's mattress because they are the only two Directors, together with another senior civil servant of this company. It is not there. It has got to be somewhere. What I am asking is where is that money invested? In other words, with what
1685 bank is it actually invested... deposited? That is the question.

I even think there is absolutely no commercial sensitivity in this question and indeed it follows from similar questions that I have asked of the Hon. the Minister for Employment and answers that he has provided me, because in fact in fairness to the Hon. the Minister for Employment, he has provided me in the past – he has undertaken to provide to me the same by tomorrow – a list of how exactly the Gibraltar Savings Bank has invested this particular money.
1690

I actually suspect that the money in Credit Finance Company Limited that he says is cash in the company, is still sitting in exactly the same place where it was sitting when the share transfer actually took place, and probably the only difference is that the account holder has actually changed. That is all. That is what I suspect is happening.

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Hon. Chief Minister: Mr Speaker, the position is that I have told him in respect of that money that it is held in cash in the companies – that is the information that we are giving. I will go back and seek from the Financial Secretary further detail. But if we have had this question before and I have answered it like this before. (**A Member:** No.) I do not think we have had this issue before, but I will go away and I will talk to the person that he refers to by his first name, who I refer to as the Financial Secretary.

1700

Hon. D A Feetham: Mr Speaker, I think the question is very clear and all my questions have been very clear, very precise. There is nothing about directly or indirectly, but I know that the hon. Gentleman has difficulty with those questions.

1705

Could I ask the Hon. the Chief Minister to again provide me with this information by tomorrow, which is when the Hon. the Minister for Employment and also the Minister for the Gibraltar Savings Bank is going to provide me with the parallel information as to how the Gibraltar Savings Bank monies are being invested?

1710

ADJOURNMENT

Chief Minister (Hon. F R Picardo): No. Mr Speaker, his questions are not clear. I have no problems with directly or indirectly and I will not undertake to do that. I will go back and I will talk to the Financial Secretary and I will then give him a call to tell him what the Financial Secretary tells me, but I will not tell him it will be tomorrow. I will tell him that it will happen because I am taking away what he has said.

1715

Mr Speaker, I have the honour to move that the House do now adjourn until Monday at 10.00 a.m., when I have notified hon. Gentlemen and Members generally that we will be dealing with the Appropriation debate.

1720

Mr Speaker: I now propose the question which is that this House do now adjourn until Monday at 10.00 a.m.

I now put the question which is that this House do now adjourn until Monday at 10.00a.m. Those in favour? (**Members:** Aye.) Those against? Passed.
The House will now adjourn until Monday at 10.00 a.m.

1725

Hon. E J Reyes: Mr Speaker, sorry, are the Written Questions going to be tabled?

1730

Hon. Chief Minister: At 10.00 a.m. on Monday.

The House adjourned at 4.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.55 p.m.

Gibraltar, Monday, 30th June 2014

Business transacted

Questions for Written Answer	2
Government Bills.....	2
First and Second Reading	2
Appropriation Bill 2014 – First Reading approved.....	2
Appropriation Bill 2014 – Second Reading approved –	2
<i>The House recessed at 12.45 p.m. and resumed its sitting at 12.57 p.m.</i>	32
Appropriation Bill 2014 – Second Reading – Debate continued	32
<i>The House recessed at 1.55 p.m. and resumed its sitting at 3.17 p.m.</i>	40

The Gibraltar Parliament

The Parliament met at 10.00 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 Written Answer

Clerk: Sitting of Parliament, Monday, 30th June.
Answers to Written Questions. The Hon. the Chief Minister.

- 5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the Answers to Written Questions numbered W172 to W209/2014 inclusive.

GOVERNMENT BILLS

FIRST AND SECOND READING

Appropriation Bill 2014 – First Reading approved

Clerk: Bills – First and Second Reading.

- 10 (1) A Bill for an Act to appropriate sums of money to the service of the year ending on 31st March 2015 and further sums of money to the service of the year ended the 31st day of March 2013.
The Hon. the Chief Minister.

- 15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2015 and further sums of money to the service of the year ended 31st March 2013 be read a first time.

- 20 **Mr Speaker:** I now put the question which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2015 and further sums of money to the service of the year ended the 31st day of March 2013 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Appropriation Act 2014.

Appropriation Bill 2014 – Second Reading approved –

- 25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

- Mr Speaker, this is my eleventh budget session as a Member of this Parliament and my third budget address as Chief Minister and I now have the honour to present the Government's revenue and expenditure estimates for the year ended 31st March 2015, which will mark the third full year of a Socialist Liberal administration since we took office in December 2011.

- 30 I will also, Mr Speaker, report to the House on the revenue and expenditure out-turn for the previous financial year, 2012-13, as well as on the public finances and the state of the economy generally; making

this speech, as it has been since it has been led by Chief Ministers since Mr Bossano's ground-breaking address in 1988, very much a State of the Nation address and not just an appropriation.

Mr Speaker, I will end my address to the House by outlining the budget measures that this Government will introduce this year, in pursuance of our electoral commitments and in order to continue to address the social and business needs of our community.

In parliamentary terms, Mr Speaker, I am very proud indeed to reflect on the fact that this is the 24th meeting of the House that I have convened since I was elected – the 25th, if we include the ceremonial meeting for the opening held in December 2011.

It is important in my view that we as a community do not forget that it is only as a result of the election of this administration that we now enjoy the benefit of monthly meetings of the Parliament. Before then the previous administration made up of Members Opposite convened no more than the three meetings required by the Constitution in any calendar year.

Mr Speaker the 24 meetings of Parliament convened by my Government in the past two and a half years compare therefore very favourably to the same number of meetings convened by the previous administration in 10 years from 2002 to 2011. What we have done in just over half the lifetime of this Parliament, it took them the lifetimes of two and a half Parliaments to do! So we are very proud to have demonstrated to our people that we are committed to democracy, not just at election time but throughout the lifetime of the Parliament.

And to make it even clearer, Mr Speaker, we have now fully implemented the technology that allows the public full and open access to the proceedings of this Parliament by way of video feed. The public have now had a full year of being able to see what is happening in this place by way of accessing the audio/video feed on their computers, their laptops, tablets or mobile devices.

I of course want to pause there, Mr Speaker, to thank you and your staff for the work done already in this respect. It is incredible to think that it is only a year ago that we started testing the technology that allows such broadcasting of the video feeds. I think that the Clerks of the Parliament have done an extraordinary job in adjusting themselves to the requirements to provide this service. At the same time, Mr Speaker as they have adapted from the practices of a sleepy Parliament that did not meet very often to the demands that we now make of this place, even now publishing a timetable of activity – which in the model of Westminster is also something that was never done here before.

We are rightly proud, Mr Speaker, of our record on Parliamentary Reform and we will go even further as we finalise the work on the Select Committee on Parliamentary Reform.

It is also true that in the past year, Parliament has required funding in order to manage a European Parliamentary Election. Although not supported as we might have wished by those entitled to vote in Gibraltar, all Members on this side of the House would of course wish to thank the Returning Officer for his work on that election; a good dry run for a new incumbent who will have to deal with a national election in due course.

The Deputy Chief Minister will, Mr Speaker, be addressing matters relating to the refurbishment of Parliament in the course of his address later today, as I turn now to the economic aspects of my address.

Mr Speaker, as has been the case with the previous two budgets of my Government, this budget is carefully designed to support working families, to support our youth and our senior citizens and to support our business community and improve our public services. This budget is designed to continue to deliver on our mission to improve the quality of life and standard of living of all residents of Gibraltar, whilst seeking to keep the costs of doing business here as low as possible so that we remain an attractive place in which entrepreneurs can base their companies. That is an essential prerequisite for continued growth for our community which we cannot lose sight of.

I am pleased to say, Mr Speaker, that we approach this Budget with the European Economic picture a little less bleak than it was a year ago, although in many advanced EU economies the slight economic improvements detected by central banks and financial commentators do not yet seem to be trickling through to citizens. Global activity strengthened during the second half of 2013, as anticipated in the October 2013 World Economic Outlook (WEO) of the International Monetary Fund (IMF). This also predicted that 'activity is expected to improve further in 2014-15, largely on account of recovery in the advanced economies. Global growth is now projected to be slightly higher in 2014, at around 3.7%, rising to 3.9% in 2015, a broadly unchanged outlook from the October 2013 World Economic Outlook'.

The World Bank has cut its own growth forecast for the global economy in 2014 following a weak start to the year in both rich and poor countries. World Bank President, James Kim, has recently stated that the bank expects the global economy to grow by 2.8% compared with the 3.2% predicted in January. Developing country expansion has been revised down from 5.3% to 4.8%, whilst expansion in high-income countries has been shaved from 2.2% to 1.9%. After a sluggish start to 2014, the bank expects activity to accelerate during the rest of the year and for global growth to be 3.4% in 2015 and 3.5% in 2016.

The Vice President of the European Central Bank, Vítor Constâncio, said recently at the 71st Plenary Meeting of the Group of Thirty in Versailles on the 30th May 2014 that:

‘growth remains modest. In many countries, GDP levels are still below or barely above pre-crisis peaks. Euro area GDP in 2013 was 1.7% below 2007 levels.’

In the United Kingdom, growth will happily, it appears Mr Speaker, likely be the highest amongst Europe’s large economies. The most immediate consequence of this for Gibraltar would appear to be the growing strength of the pound sterling. This will obviously have hugely beneficial effects for British holiday makers, our own people included, and for those who work in Gibraltar and live in the Eurozone. The negative effect will be that our products will become more expensive for those who are holding Euros. That makes the shopping experience in Gibraltar also not so affordable. We must keep a careful eye on the strength of the pound sterling and juxtapose that to our need to remain competitive. Local traders may need to adjust pricing as a result of the need to remain attractive to national and international consumers. We have given the cushion with the import duty reductions we have been making in many areas that they need and some which will follow today.

Mr Speaker, it is in this context that we are also working on a consultation on the nature of our status within the EU. We clearly have a debt of gratitude to those who determined our current status on entry 42 years ago. In their own analysis, they got it right that we should stay out of the Common Customs Union in the early 1970s when we entered the European Economic Community, as it then was.

Now we are already developing legal papers and starting work on economic briefs in order to work with the employer and employee representative groups and with Finance Centre and Gaming industry representative groups to ensure we once again understand and get right our determinations of where the future shape of our membership of the EU lies.

This is an exercise which has been widely welcomed and the strategic importance and relevant timing of which is understood by all right-thinking members of our community.

Indeed, Mr Speaker, the issue of the UK’s position on Europe, membership of the EU and a referendum and renegotiation, the order of which may now not be so clear, is playing out on our television screens and on the front pages of the British press at a speed that is frankly vertiginous and itself has entirely justified and vindicated the manner in which we have positioned Gibraltar for this essential consultation process.

Continuing with the economic analysis, Mr Speaker, in neighbouring Spain conflicting data suggests slight improvements, but unemployment remains, in the areas around Gibraltar, as unfortunately harsh as it has been in recent years. This of course means that there are economic pressures on some Spanish citizens – and on those of other nationalities, as well – which sometimes reflect on us in Gibraltar. At least it is now evident that civil servants in the municipality of La Linea have finally been paid the amounts overdue to them in salary, something which has been a difficult to comprehend reality for many professional people in our neighbouring city. The fact that those payments have been made are an effective demonstration of the hard work put in by the current administration of the municipality in righting that previously listing ship. But economic pressures in Spain have repercussions in Gibraltar in myriad ways, not least in its national government wishing to use Gibraltar as a useful distraction where possible.

Mr Speaker, Members of the House will be disappointed to know that UNICEF’s 2014 report informs that child poverty in Spain has grown to 27.5%. That represents a heart-breaking 2,306,000 children living under the property threshold. Unemployment in La Linea and the Campo Area remains exceptionally high, as I have said, and we continue to be of the view that with mutual co-operation and understanding, with dialogue and with goodwill, which has been the consistent attitude of this Government of Gibraltar, we are convinced that Gibraltar can be an economic powerhouse for the whole region that would – in very great measure – help redress the unemployment issues in the region. Without co-operation, however, we are hopeless to help.

The Government, nonetheless, looks forward to a recovery in the Spanish economy as soon as possible which does manifest itself in improvements in particular in the daily lives, we hope, of the people in the whole of the neighbouring Campo de Gibraltar, which would be as good for them as it would be for Gibraltar as a whole. And in this respect Mr Speaker, we remain committed to dialogue as the only mechanism to deliver improved relations with our neighbours’ national government in a way that would boost mutually beneficial economic growth and could result in successful joint job-creation strategies. But we cannot talk to a wall, Mr Speaker.

Mr Speaker, let me turn now to the traditional detailed analysis of our own economic performance.

Mr Speaker, inflation in Gibraltar averaged at 2.1% in 2013 compared to 2.7% in 2012. The Food Group contributed 0.5 percentage points over the year to January 2014. As hon. Members will know, the latest published rate of inflation for April 2014 stood at 1.8%, down from 2.5% in January 2014. The Government’s Statistics Office reports uncertainty on how long inflation in Gibraltar can remain near the target rate of 2%. This uncertainty arises from the openness of the Gibraltar economy and the effects of movements in the exchange rate and commodity prices, both of which are prone to move sharply. The statisticians’ expectations is that downward inflationary pressures in the Eurozone and the weak Euro

150 should nonetheless slow down price increases in Gibraltar during 2014, keeping the rate below the 2% target.

Mr Speaker, in employment terms the excellent work being done in the Ministry of Employment by the Hon. Mr Bossano, now also one of the longest serving parliamentarians in the Commonwealth, is also shining through. In October 2013, the number of employee jobs was 22,907, representing an increase of 6.5% – up by 1,388 from 21,519 in October 2012. There was an increase in the number of employee jobs in both the Private and Public Sectors, where jobs grew from 15,844 to 16,941 – up 1,097 – and from 4,991 to 5,378 – up 387 – respectively over the period. Employee jobs in respect of Gibraltarians *increased* by 126 from 10,731 to 10,857 over the year, representing just under 50%, or exactly 47%, of all employee jobs in our economy.

160 Mr Speaker, last year the Government reported the largest ever increase in Gibraltarian employment levels. The number of Gibraltarians in full-time employment increased in the year between October 2011 and October 2012 by 524. This demonstrated the massive and unprecedented success of the policies introduced by this GSLP/Liberal Government on 9th December 2011 by the increasing full-time employment levels for Gibraltarians.

165 In the whole 15 years of GSD Government, the number of Gibraltarians in full-time employment only went up by an average of 22 a year, or a total of 325 in 15 years. Our average, for the two years of the employment survey since we were elected is 325! In other words, our average in two years is greater than their total over 15 years! **(Several Members: Hear, hear!)** *(Applause and banging on desks)*

That is, I am delighted to report to the House, a truly remarkable achievement.

170 Mr Speaker, I do know that in some circles it is popular to knock Joe Bossano. But if people put away their prejudices and look at the results that the hon. Member is producing, they will see that he is delivering for our people jobs at a rate never seen before in history; and certainly nothing like the pitiful levels seen under the previous administration.

175 So when it comes to other contributions in this debate, I would ask all hon. Members, in particular the Member shadowing Mr Bossano, to deal with the substance of the matter of employment; namely the huge and unprecedented success that we are delivering and the abysmal record that their previous administration were responsible for.

Mr Speaker, the numbers speak for themselves and we will not rest until every able-bodied Gibraltarian who wishes to work is in a job.

180 Mr Speaker, on the back of those encouraging employment figures, I will turn now to the annual analysis of GDP, which is the internationally relevant measure of progress in all advanced economies.

The latest figures available from the Government's Statistics Office indicate that Gibraltar's Gross Domestic Product for the financial year 2011-12 was £1.17 billion.

The GDP figure for 2012-13 is now estimated at £1.28 billion and the forecast for 2013-14 is £1.41 billion.

185 Mr Speaker, when we stood for election in December 2011, we made very clear commitments as to the rate of growth that we anticipated for our GDP and how we believed that the GDP figure could grow in actual cash terms over the lifetime of this Parliament. Our prediction was, as has been the case in each election in which the GSLP has made such predictions, entirely ridiculed by individuals standing against us.

190 Well, Mr Speaker, with the continued roll-out of our manifesto commitments – in particular the refurbishment of the forgotten estates, the building of affordable housing projects and the excellent small boats marina project, together with the development of two new schools in the Upper Town area, and the effect that just these projects will have on our economy in the coming years, GDP growth can now confidently be expected to accelerate and in fact entirely comfortably be predicted to surpass our original estimate of a GDP of £1.65 billion by 2015-16. Our economy is therefore on target to deliver and exceed 195 the target we set in our manifesto.

200 There were some that said – almost with glee, Mr Speaker – that our predictions were too ambitious and unachievable. There were some who said that it was impossible for us to grow our economy as fast. On this subject, I am sure I am joined by all right-thinking citizens and residents of Gibraltar, in being very satisfied indeed that Her Majesty's Treasury in Gibraltar has confirmed this level of growth has been and is being delivered. There can be no happier 'I told you so' than this one for all our community, Mr Speaker – even, ironically, for those who relished predicting we would fail to reach these targets of growth.

Mr Speaker, I am delighted to be able to report to the House and to the people of Gibraltar that these figures reflect a continued growth in percentage terms in our economy of around 10.3% per annum. This is double digit growth unseen *anywhere* else in southern Europe, or indeed the rest of Europe.

205 Mr Speaker, these numbers will rank Gibraltar as one of the fastest growing economies in the world; no mean feat for a nation with a population of 30,000 people in southern Europe – and especially given the current attempts to strangle our economy that have been so evident to the whole world.

Mr Speaker, last year I told the House that the Statistics Office had reported GDP per capita had risen to an average of £41,138 – or US\$64,478. By the per capita rankings of the International Monetary Fund, Gibraltar then ranked fifth in the world, with the GDP per capita up from ninth place in 2011-12.

And, indeed, Mr Speaker, Gibraltar actually now still ranks in the Top Five worldwide in terms of GDP per capita.

In fact, I am *very, very* proud indeed to be able to report to the House today, that I am telling our citizens, and all those who come in daily to work in our economy, that our GDP per capita is estimated by the Government's Statistics Office to now be US\$75,117 – which translates into *third place* on the International Monetary Fund World Economic Outlook Database Ranking of Countries based on GDP per capita. Up from ninth to third in two financial years!

Mr Speaker, it is personally for me a *huge* satisfaction – and for the whole of the Government of course an enormous source of pride – that in the two and a half years since we have been elected we have been able to steer our nation on such a steep rise in this index. I told the House then and confirm now my view that these measures are not entirely scientific because of differing methodologies and fluctuating exchange rates; but they are the measures that the rest of the world relies on.

And the main drivers for this growth, Mr Speaker, are primarily the continued increased employment and turnover in the online gaming and financial services industries, as well as the increased levels of construction – both from the public and private sectors – now evident in our economy.

Mr Speaker, moving on now to public debt.

The level of Gross Public Debt as at 31st March 2014 was £450 million. That means that in the context of an economy that has already grown by over a fifth from £1.17 billion to £1.41 billion, our Gross Public Debt is now £70 million lower than under the previous GSD administration.

The level of Cash Reserves is estimated to have ended the financial year at a very high level indeed of just shy of £100 million, or £96 million to be exact. This is a huge increase in terms of useable cash reserve and is the valuable fruit of our prudent economic management. Fifty times more useable cash reserve than the Members Opposite left at the end of their last financial year in office, which is the measure that really matters!

This analysis reflects a Net Public Debt of 25% of GDP or £354 million; all well within the borrowing limits set out in the Public Finance (Borrowing Powers) Act.

As a percentage of Annual Recurrent Government Revenue in the previous year, Net Public Debt at the end of March 2014 was 65%, leaving a clear margin of 15% – or around £82 million – of useable Cash Reserves under the Public Finance (Borrowing Powers) Act. This compares with usable Cash Reserves of just £20 million when this Government took office on 9th December 2011 – £16 million by the following Monday – and just £2.5 million at the end of March 2012.

In short Mr Speaker, Usable Cash Reserves have now been fully restored to prudent levels and the Public Debt is well within the levels permitted under the Public Finance (Borrowing Powers) Act. There will be no need for us to come to this House to seek a resolution to raise the borrowing limit, as the previous GSD administration were set to do before the last election because they could not balance the books within the borrowing limit formula they set out in the law.

Mr Speaker, as we have said since before our election, this administration is committed to seeing reduced levels of Public Debt on both a Gross and Net basis. This year, we are in the middle of paying for projects that will produce revenue in the future, in particular the building of affordable homes. For that reason, we estimate that the Public Debt will remain broadly at present levels during this financial year; but we can confirm our view remains that it will fall to the levels we estimated by the time of the final budget in the life of this Parliament. In this respect also, we are therefore on target to deliver the reductions in debt in ratio terms that we committed ourselves to deliver.

Mr Speaker I turn now to an analysis of Government revenue and expenditure for the past and coming year.

Government revenue collected in the last financial year has exceeded the original budget by around 12%. As a clear reflection of the continuing growth in our economy, PAYE receipts increased by around 8% over the previous year and Company Tax increased by over 20%. Revenue is up from £387 million, which was the amount in which the financial year 2010-11 ended on 31st March 2011 – and the figure to which the Financial Secretary referred in his Doomsday Memo to me of 13th December 2011 – to an estimate now of £547 million in the two and a half years since we were elected.

Mr Speaker that reflects a growth in recurrent revenue in cash terms of £160 million.

In percentage terms, Mr Speaker, we have taken our nation's economy on a quantum leap forward of growth of 41.34% from the figure at the end of March 2011 to the figure in the conservatively predicted estimates for the end of this financial year.

In the past year alone, revenue has gone from an estimated £487 million last year to the aforementioned estimate of £547 million for this financial year 2014-15. That is a cash estimated growth of £60 million, or

percentage growth of 12.32% in recurrent revenue. That would be hailed as *excellent* growth in any FTSE 100 company!

270 Departmental Expenditure, on the other hand, has been rightly carefully and tightly contained and has ended the year at less than 5% over the original budget. This is excellent control of departmental expenditure which comes in at less than half the revenue growth increase.

Mr Speaker, based on those figures, I would have been delighted to announce to this House that during the last financial year 2013-14, we would once again have achieved an all-time record budget surplus. With those numbers that are reflected in the estimates, at £50.3 million, the Government's budget surplus for the year would have been up by an increase of more than £33 million over the original estimate which was originally a conservatively estimated £17 million.

275 But this address to Parliament today cannot be one that only delivers good news to everyone. Unfortunately, Mr Speaker, as you and everyone in our community knows, this has been a year when Gibraltar has suffered continued attempts to strangle its economy. These have been designed to try to undermine the work not just of the Government but of every person who works in our economy. The nefarious attempts to undermine us economically have clearly had an effect on the numbers that we expected to be bringing to this House and the prosperity that our community can enjoy.

280 Mr Speaker, I am therefore very sorry to have to report to the House, in terms of the surplus to be declared, that there is unfortunately a huge disappointment in store for those watching or listening this morning – at least Mr Speaker, for those who are watching or listening this morning hoping to have damaged us; but unfortunately, not all of those seem to be outside of Gibraltar.

285 Mr Speaker Her Majesty's Government of Gibraltar is *delighted* to be able to report that the surplus is actually much higher than expected – *even* higher than at the time that the estimates book was being put together.

I am delighted to disappoint all of those who wished our community ill.

The surplus to be declared this year is expected finally to be in the region of a huge, record-busting, economic-strangulation-beating, *£65 million!* (*Banging on desks*)

290 Mr Speaker, this surplus is a reflection of the hard work of the Government, of every public servant in Gibraltar, of the prudent work being done in the management of our finances by the team at the Treasury and in particular, it reflects the hard work of everyone in this economy. What some people beyond our shores do not recognise, in particular those who believe their own putrid arguments that we are just a military fortress with a few civilians in it, is that we are a community of hard-working, conscientious men and women, toiling each day to make our way in the world.

300 In fact, Mr Speaker, the pillars of the Gibraltar economy are not, in the view of those of us in this GSLP/Liberal administration, those sectors that may or may not be doing better in our economy in any particular year. They are not the particular industry that may be in fashion at any particular time. They are not five. They are not six. They are not seven, Mr Speaker. They are just two.

305 The two twin pillars of the Gibraltar economy are our land and our people. Those are our natural resources.

And our whole wealth, prosperity and way of life depends on using, and defending our right to use, those resources effectively and efficiently. We have nothing else, Mr Speaker, as the Hon. Mr Bossano so succinctly and eloquently set out as Chief Minister in the first real GSLP budget after the 1988 election. And this is a philosophy that we established from the time we were first in Government then in 1988 and which resulted in the huge investment made by that administration, followed by others and now added to by us, of educating our population to the highest possible standard in tertiary education – now including even Masters degrees as compulsory scholarship awards.

310 And Mr Speaker, that is what the surplus that we declare today reflects above all else: the prudent and appropriate application of wealth to the investment in and management of our human resources and the management of our real estate, so that it is geared towards ventures that produce returns in the long run and all of it topped up by the hard work of our people – a reflection of the real twin pillars of our economy.

315 So today, Mr Speaker, the Government does not just congratulate itself on this record surplus. We congratulate the Community as a whole: the working people of Gibraltar and the entrepreneurs in Gibraltar. This is the fruit of the labour of those who put out their hands each day to work, not to take. The result of 365 days of toil, of getting on with it when the chips are down. The Government says congratulations to all sectors of our economy. The Government says thank you to all economic actors.

This is a rewarding record year for which our people and their Government enjoy joint responsibility.

The prudent management of our economic affairs and the prudent application of our resources is producing the excellent results that we have always believed to be possible.

320 Mr Speaker, in line with our manifesto commitment to allow Gibraltar Community Care Trust to build up its reserves so that it can once again be totally independent of Government grants, I am delighted to inform the House that, out of this record budget surplus for the year, a total of £45 million has been earmarked by the Government as a contribution to this charity. This brings the total contributions made by

330 this Government to Gibraltar Community Care Trust, during the past two financial years, to £80 million. (*Applause and banging on desks*) 'Eight zero', Mr Speaker, not 'one eight'.

Mr Speaker, in making this contribution to Community Care, I am very, very proud indeed to be able to report to our community that the reserves of that charity are now reported by the trustees to be in excess of the £60 million which they had in 1996 and which, under the previous administration, were allowed to run down to zero.

335 I know that everyone in our community will understand the importance of having re-established the contribution to Community Care and the value of that charity, having once again established reserves in excess of the sums they have ever held before. Once again, Mr Speaker, the rainy day fund for Household Cost Allowance is in place.

Mr Speaker, I now move on to the Revenue and Expenditure Budget for the current financial year.

340 As I have already indicated, estimated recurrent revenue for the year is budgeted at £547 million. This reflects the significant increase in recurrent revenue that has been achieved in the previous year but, Mr Speaker, this is nevertheless a conservative budget going forward, which is less than 1% above the forecast out-turn figures for the previous financial year. Mr Speaker, we believe it is important to be prudent in making these predictions and not to overstate the potential for increased income.

345 The overall recurrent expenditure budget for the year is £513 million, which includes a contribution of £25 million to pay costs of Government companies with recurring expenditure which the previous administration had entered into, and which therefore reflects a very modest increase in real terms over the previous financial year of under 4%.

350 For this year, Mr Speaker, the Government is therefore projecting a recurrent budget surplus for this financial year of around £34 million. Again, we are projecting conservatively, based on the conservative estimates we are making of revenue and working hard to once again be able to deliver expenditure as close as possible to the target estimated.

355 Mr Speaker, it is important to set that predicted increase in recurrent expenditure into its proper context, and I intend to do so. In that way, other Members who speak in this debate will have had the benefit of this analysis and will be able to also see how prudent we are being, given how these figures have previously increased.

More importantly, Mr Speaker, we need to analyse these figures in order to ensure that the community properly understands where responsibility lies for many of these increases.

360 Historically, Mr Speaker, my analysis will begin with the position just before the GSLP was elected in 1988.

In 1987-88, recurrent expenditure was £67.3 million. Those estimates were prepared by the AACR Government, although there was an election in between which required the GSLP to lead the Appropriation debate.

365 In 1988-89, the first year that the GSLP was elected, but given the date of the election still reflecting really AACR estimates, recurrent expenditure was £71 million on Revenue of £74 million.

In 1996, eight years later, in the estimates published by the GSLP – although again, the debate happened under the new administration, which was the GSD – and therefore the position of the GSLP when it left office, recurrent expenditure was reflected in the estimates to be £73.2 million.

In 2000-01 recurrent expenditure was £126 million.

370 In 2003-04 it was up almost £40 million, or 31%, to £165 million.

In fact, Mr Speaker, 2003 was an important year. In October 2003, Mr Speaker, the way in which we account for jobs in the public sector in the Employment Survey was changed, so in order to ensure that I am comparing like with like, I will tell the House that in the Employment Survey that year there were 2,938 people employed in the Public Sector, excluding the MOD.

375 In 2007-08 recurrent expenditure had risen *another* £40 million to £207 million – or up by 25.5%. By October 2007, in that year's Employment Survey the number of Gibraltarians employed in the Public Sector had increased to 3,092.

380 It is important to note, Mr Speaker, that in the Employment Survey for 2011, the year of the last election, the total number of people employed in the Public Sector had increased to 4,574. That is a *staggering* increase of 1,636 people employed in the Public Sector – many of them coming in from the MOD and us now selling services to the MOD; but not all of the increase accounted for in this way.

385 It is also important to note that by the time we were elected in December 2011, the Public Sector Pay Roll which we inherited gives us a figure of employees which we are paying for out of the public purse, and thence quite the best snapshot of the 'public sector' that we can have – absent the Employment Survey figures which relate to earlier in the year – of 4,804 people in December of that year.

Mr Speaker, that is an increase of 1,866 people in the public sector under the previous GSD administration or 39% growth in employment in the Public Sector since 2003. That is to say an increase in the Public Sector of just under 40% in just two of their four terms. In terms of increases since 1996, Mr

390 Speaker, the figure would be even higher, but we may not be able to compare like with like, if we use the Employment Survey for that year. We are working on obtaining a correct figure for 1997.

It is nonetheless useful to see that the payroll of the Government and the increase in recurrent expenditure of course is always going to be dependent on the number of Public Sector employees; and that rises quite dramatically in the last 10 years.

395 And now coming back to the analysis of the recurrent expenditure simpliciter, hon. Members will note, Mr Speaker, that at the end of eight years of GSLP Government from 1988 to 1996, recurrent expenditure had gone up from £67.3 million to £73.3 million. That represents a growth in recurrent expenditure in that period of £8 million in cash terms, or 8.1%; an average of 1% a year over the first eight years of GSLP administration. If I did this exercise, Mr Speaker, from 1997, which are the first estimates that the Bossano administration prepared, then you would see that the recurrent expenditure figure for 1997 was £73.3
400 million, and that was actually the same figure for recurrent expenditure in 1996. But you cannot do many calculations with zero, Mr Speaker, which would have represented the zero growth in recurrent expenditure in those eight years.

Mr Speaker, in the first estimates for which the GSD was responsible in 1997-98 – because 1996-97 were prepared by the GSLP – recurrent expenditure was up to £110 million. Let's call that the real figure that they say they inherited. Let's work from there for them, Mr Speaker.

By 2011-12, the last estimates book prepared by the outgoing GSD administration, the *estimate* for recurrent expenditure had gone up to £372.1 million. But in fact the forecast out-turn at the end of that year was quite different. Mr Speaker, remember please, that financial year was three quarters of GSD administration spending in the run-up to a General Election and one quarter GSLP administration stopping all expenditure, having found almost nothing left in the bank.

You see, Mr Speaker, in the year from when the estimates for April 2011 were completed to the time of the forecast out-turn, the then Chief Minister valiantly led an effort to increase wages in a number of Government Departments, Agencies, etc. Indeed, some new Agencies were even created. The forecast out-turn of the recurrent cost for the final year in which the GSD was in office was actually £421 million.

415 Mr Speaker, even when giving them the benefit of their own £110 million figure in their first estimates in 1997-98, as their starting position – which is the first estimate for their second year of government, 1997-98 – that represents a cash increase of £311 million or a percentage increase of 283% in the 16 years of GSD Government in recurrent expenditure. Those figures rise to £348 million, if compared with the GSLP's closing figure of £73.3 million, and juxtaposing that to the £421 million actual spend that
420 represents their last financial year in office. Mr Speaker, that would represent a *staggering* 474% increase in recurrent expenditure in their time in office!

In yearly average terms that is an average increase of £20.7 million per year, or a percentage average increase of almost 18% a year when working from the £110 million to the £421 million, over 15 full financial years. If we went for the purist approach and compared the £73.3 million of recurrent expenditure in the last GSLP estimates book that they inherited, and compared that to the £421 million that they bequeathed to us, then the increase averaged out per year they held office is £23.2 million per year, as an increase in recurrent expenditure in cash terms.

In percentage terms, that would be a staggering growth in recurrent expenditure of 31.62% in average annual percentage terms in the full 15 financial years that they were in office. If they prefer to divide by 16
430 for shorthand, the numbers do not differ much.

As part of that figure, Mr Speaker, is a contribution of £28.3 million to Government Companies that had recurrent liabilities and which also had a debt due to the Consolidated Fund which included spending commitments of almost £100 million and approximately £70 million already spent by the time that we were elected.

435 But that is not the end of the matter, because, in fact, in respect of recurrent expenditure, a large measure of the increase which resulted in 2012-13 estimates which we tabled really reflect some of the increases already agreed by the outgoing GSD Government and the losses that we found and had to tackle, even two years later.

So when we make an estimate in 2012-13 of recurrent expenditure growth to £440 million, from £421 million the year before – the actual that they left us – that actually reflects *also* a growth in recurrent expenditure incurred in particular in the last months of the GSD administration.

The three-year pay deal agreed by the GSD had been 2.5% for 2011-12, 2.7% for 2012-13 and 2.9% for 2013-14. So in the context of the rise in recurrent expenditure from £421 million in 2011-12 to £440 million in 2012-13, in the context of that increase of £19 million the GSD's pay deal, the part of the rise for which they are again responsible, was £4.1 million.

445 That is to say, of the increase in recurrent expenditure in our first estimates, 21.5% was what the Hon. Mr Caruana had agreed with the unions before he left. And that is just the general public sector pay deal.

Let me give you a few examples of where the other growth in recurrent expenditure came from, which is not, Mr Speaker, to say that we are here to blame the GSD – it is actually to do a forensic and detailed exercise and analysis to understand how, why and where Recurrent Revenue is rising.

Remember, Mr Speaker, the 16% pay increase in the Buildings & Works Department which became the Housing Works Agency?

Remember the generous 16% pay increase awarded to all GJBS staff after the election had been called?

Some things Members perhaps cannot remember because they are not things ever announced, but, for example, what about the GBC pension fund which had been underfunded by £2 million? This is a publicly funded scheme which was allowed to remain in deficit. To bring it back requires a contribution to GBC from the Consolidated Fund of a quarter of a million pounds a year for eight years.

Remember also, Mr Speaker, that you have things like the creation of the Highways Enforcement Officers which was an entirely new agency created by the GSD and which cost in its first full year of operation £1.15 million – as was the incorporation of a company to be called Gibraltar Car Parks. The latter also operating at a loss, funded by a contribution from Government in company structures created by the GSD and in which we found the huge black hole of £100 million, which we will come to again later.

Remember also, Mr Speaker, the creation in the last financial year in office of the GSD of the Gibraltar Culture and Heritage Agency, which took spending from an estimate of £1.9 million in the estimates for 2011-12 under then Head 38 to a forecast out-turn in 2012-13 of £3.7 million under the free standing Gibraltar Culture and Heritage Agency. In other words, the real extra cost to the taxpayer of the creation by the GSD of the Culture and Heritage Agency was a staggering £1.8 million. He really was giving it away that year, Mr Speaker.

And that, Mr Speaker, accounts for almost 10% of the increase in spending that year; which is therefore also attributable to the time that Members Opposite were in Government and the decisions they implemented in the run-up to the general election. Mr Speaker, the community will be happy to hear that spending in the Gibraltar Culture Agency, where the Principal Auditor's investigation showed a large number of *a dedo* appointments to very large salaries, has now been reduced considerably by almost £1 million. But in the context of the 'hand-over' increases in spending, let's be clear, 10% of the increase in spending from GSD to GSLP/Liberal administration represents that increased GSD spending on the creation of that particular Culture and Heritage Agency.

Some increases of course, whoever is in Government, cannot be budgeted for and are inevitable. For example, the estimate in 2011-12 for fuel for the electricity authority was £9.2 million; but the increases in the cost of diesel raised that by £5 million to £14 million by the time of the forecast out-turn. And the estimate for 2012-13, the year we are now analysing, Mr Speaker, was £16.5 million.

The increase in scholarship costs is also outside of control when it arises from the increased tuition fees in the United Kingdom. That cost went from £6.4 million forecast out-turn in 2011-12 to a forecast out-turn of £9.6 million in 2012-13. So £3.2 million of the increase in recurrent expenditure from GSD to GSLP/Liberals is due to increased charges in the UK.

So, the increase of £19 million that was the increase in recurrent expenditure between the last real year of GSD administration and our first year in administration, we can show is made up as follows: £4.1 million, or 21.5% was the cost of the first of the GSD pay deals; £1.8 million, or 10%, was the extra costs of spending on culture after the creation of the Gibraltar Culture and Heritage Agency; £0.5 million, 2.5% approximately, which is the cost of four new executives employed in the Financial Services Ministry, or the '4 New Jimmys', which both the GSD had promised and which we employed, and so this increase can also be seen to have been approved in effect under the GSD; £3.2 million or 15% was the cost of increased tuition charges in UK; £7.5 million or 30% was the cost of diesel fuel; and another £0.5 million or another 2.5% is factored in as the cost, of course, of inflation for that year.

Mr Speaker, the House and the community at large will be able to see in that detailed analysis that almost 90% of the increase in recurrent expenditure between the estimates for 2011-12 and the accounts for 2012-13 are directly attributable to the spending and spending commitments that Members Opposite entered into before the last General Election, as to almost 40%, or to factors which are outside the control of any party in Government, like fuel cost increases related to the ever-growing price of diesel for electricity generation or increased tuition costs for students as a result of a hike in fees in the UK, which is 47.5%.

So Mr Speaker, any honest analysis of the increases in recurrent expenditure has to be made on the basis of our having inherited recurrent expenditure at a level of almost £421 million, when our responsibility for growth from there to £440 million the following year is about 10% of it. In other words, of that £19 million growth, £1.9 million is the responsibility of the GSLP/Liberals.

So in terms of annual expenditure growth, which was approximately 4.5%, we were responsible for £1.9 million out of £440 million. That is to say, Mr Speaker, our spending decisions related to 0.3% of that year's recurrent expenditure Budget.

When we trace those inherited increases through into the increased estimate for the following year, Members will once again see that a very large part of the next year's increases continue to be the effect of policies entrenched by the previous administration.

510 For example in financial year 2013-14, which we have just left behind, the estimate was for expenditure to grow from a forecast out-turn of just above £448 million in 2012-13 to an estimate of £470 million. That represents in cash terms an increase in recurrent expenditure of approximately £22 million, or in percentage terms 4.9%, which is about a quarter of the average annual growth in expenditure that they were responsible for.

515 Well, of that £22 million, again nearly 25% is represented by the final instalment of the Public Sector Pay Rise agreed by the GSD, which cost £4.8 million in that financial year.

Another continuing increasing expenditure which will not be tamed until we are no longer using diesel to generate electricity was the recurrent cost of that ever more expensive fuel. The cost of that fuel to the Community was estimated to go up *again* in that year, now from an estimate of £13 million in 2012-13 to
520 an estimate of £23.5 million in 2013-14. That represents, Mr Speaker, a staggering £10.5 million increase in the cost of diesel fuel. That is approximately 50% of the increase in recurrent expenditure for that year; again, not driven by GSLP/Liberal spending plans but by market forces outside our control. In fact, the forecast out-turn is even higher, Mr Speaker at approximately £26 million – but with fuel costs now distributed between Waterport and the new sets brought in, is therefore shown in different parts of
525 Appendix I for this year.

The cost of scholarships again increased from £9.6 million to an estimate of £10.25 million – over £0.5 million increase – to actually a forecast out-turn increase of £12.3 million.

Inflation was also at approximately 2% for that year, so another £8 million can be attributed to that.

530 Again, Mr Speaker, almost all of the increases – in the region of 80% of the increase – in recurrent expenditure driven, not by policies of the present administration, but by the spending commitments of the previous administration or the uncontrollable market forces that increased the price of fuel or the UK's increases in the scholarship fees for our students, the latter being something that we are certainly committed to and that Members Opposite have, until now at least, also said that they remain committed to.

I am also, of course, assuming in this analysis that, despite the high cost of diesel, Members Opposite, if
535 they had been returned to Government would have continued to purchase that fuel because (a) they would have wanted us to have electricity; and (b) because one of the big dividing lines between our respective positions on the generation of electricity has been our commitment to bring in a cheaper and less polluting fuel in the form of Liquefied Natural Gas, whilst they actually signed agreements – luckily with one final get-out trap door – to purchase a new diesel fired power station for Gibraltar.

540 In that context, Mr Speaker, the increased amounts of spending on recurrent expenditure attributable to GSLP/Liberal commitments in the financial year 2013-14 amount to a miniscule part of the increase. Not much to write home about. Well, Mr Speaker, certainly nothing to base a serious speech in reply to a Chief Minister's Budget Address, that is for sure.

545 Turning to this year's estimated increase, Mr Speaker, I am very happy that the overall increase in recurrent expenditure will represent only a 4% increase on the out-turn for the year before – less than a quarter of their average annual yearly increase from 1996 to 2011, if you use the 18% figure. It is too embarrassing for them, Mr Speaker, if I do it as a calculation based on the 34% figure.

We had to make an even larger contribution than expected to recurrent expenditure and the black hole in capital expenditure in the companies than expected in the year 2013-14. That increased from an estimated
550 £17 million to an actual of £20 million. Mr Speaker, this continues to concern us as a Government. This year we are budgeting a £25 million contribution. But this is exclusively an issue created by the previous administration. There were no uncovered recurrent costs in Government companies under the first GSLP administration; and the few trading companies in the structure then paid their way. This company black hole is a phenomenon created under my predecessor, the hon. the now back bencher.

555 So £25 million has to go to that which we are seeking in any event to tame in some way.

The rest of the increase is in part also going to be explained in terms of market forces affecting in particular the cost of fuel. We are budgeting £33.6 million for the cost of fuel; £12 million for Waterport and the balance for the additional generating capacity that has had to be imported. Again, the cost is related to the increasing cost of diesel. That is now going to represent a further £10.6 million increase over the £23
560 million budgeted for the year before; again approximately 50% of a 4% increase in recurrent expenditure.

Inflation is similarly running at 2% which represents another £8 million or so. Tuition fees are expected to increase again by another £4.5 million from an estimate of £10.25 million to an estimate this year of £14.86 million. That is £4.5 million – almost a quarter of the increase in recurrent expenditure.

565 And, as I will come to later Mr Speaker, the Public Sector Pay increase for this year, which I will announce in greater detail later in the course of this address, represents again a similar part of the balance of the 4% increase which we are talking about for this year.

All in all, Mr Speaker, although this analysis of recurrent expenditure has had to be lengthy and detailed, I think it is an important exercise to do with our community on an 'open-book' basis.

570 I think it is particularly useful, Mr Speaker, so that we can frame in honesty any debate Members may want to embark on in the context of trying to attribute what I might call 'political blame' for the increases in recurrent expenditure over the years since we were elected.

I think it is hugely important to frame in honesty any suggestions that controlling recurrent expenditure is something which Members Opposite might have been more responsible for, if they had been returned to Government.

575 You see, Mr Speaker, we need to understand how the easy soundbite that 'recurrent expenditure is too high' or 'recurrent expenditure is growing too fast' would be dealt with by those who suggest that they might be able to do a better job than us – those who left us with an average of 18.8% per year of growth, or 34%, if we were to be really analytical.

580 Would they stop generating electricity for some hours in the day to save money, Mr Speaker? Would they cut the pay of civil servants or public servants generally? Would they not give a pay rise to the public Sector this year, Mr Speaker?

Those who express concern about rising recurrent expenditure need to be honest and tell the public what it is that they stand for.

585 Would they cut down the complement of the public sector? Or would they be stopping our young people from having their scholarships, even if they themselves have two degrees and a professional qualification paid for by the taxpayer?

Well, Mr Speaker, we will not do any of that, and we will continue to run surpluses, grow the economy and control recurrent expenditure; and one of the main ways that we will do this will be to switch in fuel from diesel to gas which is good for the environment and is good for the collective pocket too.

590 But let us, by all means, Mr Speaker, have a meaningful debate on recurrent expenditure if the House wishes, Mr Speaker. Certainly. By all means. But let us have it framed in honesty and not in deceit.

Let us not see our people led into thinking that costs which are at large driven by market forces can be controlled in any other way than we are already working to control them by planning for a future when we are buying less diesel.

595 That is how we will loosen the noose that Members Opposite have tied around the neck of our community by the staggering average annual increases in recurrent expenditure of between 18% and 31% in the years that they were in office. Even the lower figure is a staggering indictment of their management of our economic affairs!

600 And let us not seriously have to endure seeing those who agreed pay deals that cost almost £4.5 million or £5 million a year for three years now say that it is remarkable that costs have increased in part by that very same £15 million.

Because this debate is not about blaming the GSD. It is about telling the truth; about framing debates in honesty and not in deceit; about opening citizens' eyes and not allowing Members to wriggle off the hooks that they have made for themselves.

605 And neither should this debate just be about happily going off to spend some more. It should be about spending on things that matter to our people, that make their lives better and that are long-term investments for our community. And part of that also requires us to have a good and strong discipline in sticking to budgets.

610 Mr Speaker, in the last financial year, the Government invested around £128 million on capital projects funded from the Improvement and Development Fund.

615 Around £26 million was invested on 'Works and Equipment' and a further £102 million was invested in specific capital projects, including £12 million on the conversion and refurbishment of the Old Naval Hospital Dementia Facility; £5.8 million on the Sandy Bay Beach Protection; and £5.2 million on Improvements to our Housing Estates. A total of £40 million which was also provided as Equity Funding for the Government-owned asset-holding corporate structure.

620 Capital Projects that are being funded through the Government-owned companies include the construction of over 1,000 new affordable and rental homes; the construction of car parking facilities in numerous locations throughout Gibraltar; a programme of replacement of our bus fleet with more environmentally friendly vehicles; a number of reclamation projects, including the Eastside Reclamation Development, which has now been brought back fully under Government ownership and control, resulting in a significant increase in the Government's land bank that is available for development projects currently under discussion.

625 Indeed, Mr Speaker, hon. Members will have recently seen advertisements seeking 'expressions of interest' for the development of the whole or part of the Eastside reclamation which the Hon. Joe Bossano had the long-term vision to start when he was Chief Minister.

We sincerely believe it is possible for us to see that plot in earnest development in the short to medium term. The appetite certainly seems to be there and we are looking forward to the end of the period for expressions of interest in order to progress as much as possible in respect of that particular area.

630 This is an area of responsibility which is principally under the ministerial remit of the Hon. the Deputy Chief Minister, Dr Garcia, under his portfolio for lands. Hon. Members will no doubt agree that the management of that prized land asset could not be in better and more reliable hands.

635 Mr Speaker, in this financial year, the expenditure budget of the Improvement and Development Fund is around £120 million. The investment in Works and Equipment continues at around the same level as in the previous year. The other main capital investments include the first phase of the excellent 700-berth Small Boats Marina; investments in our housing estates and our beaches; the relocation of a large number of MOD estates, making way for the release by the MOD of further land and properties for use by our community.

640 Equity funding of £25 million has also been provided as the initial capital base of the Gibraltar International Bank. The new Bank is expected to open its doors to the public later this year and will provide full retail banking services to our community, as Barclays Bank plc reduces its retail banking presence in Gibraltar.

Mr Speaker, I am delighted to announce that we have now secured a board of directors that fits exactly what we had in mind when we announced the bank on 16th December 2013. In that statement, I said that I was:

‘excited that GIB will be a modern, innovative institution designed to meet the needs of our community, licensed and regulated by the Financial Services Commission and independently managed by the banking professionals providing an excellent service to its community’.

645 Mr Speaker, as Members will know, we have engaged the services of two excellent individuals as the CEO and COO of the Bank with extensive expertise and experience in the banking business. However, it has always been our intention to provide them with independent professional support at board level and this has now been secured. Mr Speaker the Board of Directors of GIB will, in addition to the CEO and the COO as Executive Directors, be joined by the following Non-Executive Directors: Mr Albert Langston JP, a banking professional and currently Chairman of the Board of Directors of Lloyds Bank Plc in Gibraltar; Mr 650 Marcus Killick OBE, the former CEO of the Financial Services Commission; Mr Peter Montegriffo QC, a Senior Partner of Hassan’s, previously Deputy Chief Minister; Mr Colin Vaughan, a Director of PWC in Gibraltar; Mr Stephen Reyes, a Director of Deloitte’s in Gibraltar; Mr Anthony (‘Tony’) Welsh, as he is known, a well established and well known Gibraltar businessman; Mr Peter Isola, the Senior Partner at 655 Isola’s; and Mr Dilip Dayaram Tirathdas, the Financial Secretary.

660 Mr Speaker, each of these individuals is well known in our community and each has excelled in their own area of expertise. I am grateful to each of them for having agreed to join what is the founding board of the GIB, and I have no doubt that their appointment will reaffirm our serious commitment to deliver to the people of Gibraltar exactly what I had promised on 16th December 2013 and which our community richly deserves: a new, first-class, independent local bank.

Mr Speaker, there is of course very positive news for clients of the Gibraltar Savings Bank, as well. As hon. Members are aware, when this Government took office, the reserves of the Bank had fallen – or been taken, really. They had not fallen, Mr Speaker. They had been taken, and they were down to almost zero.

665 Before 1997, there was a requirement for a Reserve of at least 10% of deposits to be held in the Savings Bank before a transfer of any surplus in excess of this could be transferred out. In 1997, an amendment was made under Members Opposite to the Gibraltar Savings Bank Act to exclude Government deposits or deposits in Government-owned companies from these minimum reserve requirements.

670 Despite this change which the previous administration made just after they were elected, Members of the House and the public will recall that in the financial year 2008-09, a further amendment was made to the law by the previous administration so that the reserves of the Savings Bank, which had been £19.8 million, built up since the bank was established, could be and were transferred by the then GSD administration into the Consolidated Fund.

675 The actual reserves of the Gibraltar Savings Bank at the end of March 2011 were therefore just £1,444.51. Yes, Mr Speaker. I am no longer talking in millions. In this respect, I am talking *literally* of just ‘one thousand, four hundred and forty-four pounds and fifty one pence.’ *Down*, Mr Speaker, from reserves of £19.8 million that the Savings Bank had built up year on year since its inception, I believe.

680 Well, Mr Speaker, having inherited a Gibraltar Savings Bank with a reserve of £1,444 I am pleased to be able to report to the House today that the reserves of the Bank now stand at around £11 million and that these reserves are projected to increase to over £20 million by the end of this financial year. Mr Speaker, we have therefore re-established the Savings Bank’s own ‘rainy day fund’, having increased the amounts available to it by – and it took me a while to work this figure out, Mr Speaker; most calculators did not want

to do it – 1,385,000%. Yes, one million, three hundred and eighty-five percent increase since the time we were elected! We received the Savings Bank with a reserve of £1,444 and we have increased it to £20 million. A ratio increase, a percentage increase of 1,000,385%

685 That is a phenomenal reversal, Mr Speaker, of the fortunes of the Bank under the life of this administration to date and it leaves little room for argument about how prudent the management of the affairs of the Bank is under our administration. It is a huge and important step forward in the re-establishment of the reserve the Bank had before and likely is already exceeding them in the space of only three financial years.

690 Just this would serve to demonstrate that the time we have been in office has been excellent for the Savings Bank reserve.

695 However, in the period since we took office, Mr Speaker, there have been repeated attempts by Members Opposite, the Leader of the Opposition in particular, to raise concerns in people’s minds about the security of deposits in the Savings Bank. We have been clear about the fact that those deposits are in fact safer than ever.

Mr Speaker, one of the ways in which the Savings Bank has invested part of its deposits is in redeemable preference shares of a company owned by the Government, namely Credit Finance Company Limited.

700 Credit Finance has been the subject of much comment in the past 18 months or so, and I therefore want to report to the House on the investments by the Savings Bank in that vehicle and assure the community that this investment vehicle is performing extraordinarily well and, contrary to the assertions of the Leader of the Opposition, is structured and is operating entirely in keeping with the Constitution and all relevant legislation.

705 As I have said already during the course of the proceedings of this House at different Question Times, the Government will provide all non-sensitive details of the investments which are being pursued by Credit Finance. Also at different Question Times, and now monthly online, we are providing details of the total amount of the loan book which Credit Finance has been running.

710 The loan book stood at £49.42 million when I answered questions last week. The total size of the loan book can be found at table CF1 on the Government website and will be updated on a monthly basis. The details published respect the right of confidentiality of individual borrowers.

The details of what amounts have been loaned to individuals who have used the money to pay off Government debts has been provided, again respecting the right of confidentiality of the borrower. That sum is also on the Government website and is less than £1 million.

715 The loans which have been granted to enable borrowers to repay debts due to the Government are all now *secured* against assets with realisable value. Previously, the debts were not secured.

720 Separately, Credit Finance is paying the commuted pensions of civil servants. How is it doing this? Well, Mr Speaker, as people who have been following the debate will know, it pays the lump sum of the commutation in exchange for an assignment of the pensioners’ rights to receive their monthly pension payments. At the moment it has invested approximately £23 million that way. The Government still has to pay the pensions of those individuals, as those are the terms of the assignments signed by them when they commute; we just pay them to Credit Finance instead of directly to the individuals. So in each year Government is still paying a recurring amount in respect of those commuted pensions. The recurrent expenditure side is therefore not ‘flattered’, as the hon. the back bencher flatteringly put it, to the tune of the pension which is still being paid, only to the difference between the pension paid and the commutations paid in that year. In other words, Mr Speaker, if the commutations had been paid out directly by the Government this year then the amounts that would have been added to the expenditure would be say £11.5 million in financial year 2012-13 and another £11.5 million in financial year 2013-14.

730 Interestingly therefore, Mr Speaker, even if the Government had paid the commutations directly, and we had not received – which we have not – half of the £1 million paid in arrears equally in instalments of £0.5 million each year from loans granted by Credit Finance, we would still have been declaring record surpluses in each of the years in which I have been addressing the House as Chief Minister. The surplus this year would be just £12 million smaller; *still* a record and *still* even above the record predicted!

735 I trust that the Leader of the Opposition has followed that and is not going to therefore suggest in his reply that our records this year and last year might not have been records if it were not for Credit Finance. They would just have been both records that were £12 million smaller – but records nonetheless.

740 And as I have also said repeatedly, what Credit Finance is not doing, Mr Speaker, it is not funding Government projects. We were asked by Members Opposite about each project which we have in our manifestos one by one and whether we were going to fund these from Credit Finance or from the Savings Bank. I guess they asked one by one in order to increase the numbers of questions they asked. We answered ‘no’ to all of their questions.

So Credit Finance isn’t a credit card or a blank cheque for anything that we are doing. But never let the facts get in the way of a good soundbite!

745 In fact, what was interestingly not commented on by the Leader of the Opposition at the last Question Time was the fact that Credit Finance has already started to pay the Savings Bank returns on the investment in its redeemable preference shares. The payments have totalled almost £25 million since late 2012-13. And all of this information is now on the Government website. Talk about transparency!

And of course it is also in Parliament, not just because we have answered questions from a disbelieving Opposition, but also because it is required to be. Let me show hon. Members how.

750 Appendix L this year shows the amount of the Savings Bank Fund. This estimate once approved is reflected in the approved estimates book. Then that is audited, after the end of the financial year, and the Principal Auditors Audited Account will reflect this, as well as the investments in which the Savings Bank has invested its own money. As he knows, this is published in the *Gazette*.

755 So where is the wall of silence that they like to talk about, Mr Speaker? More like a wall of understanding which cannot be penetrated by reason because it is purposely shut for partisan political purposes! They do understand, Mr Speaker. They can see how well Credit Finance is doing. But they want to make mischief.

760 And yet they ask all these questions of Credit Finance; but none about the other more remote funds in which the banks invest. Incredible that they trust the Financial Secretary and the Chief Secretary of Gibraltar less than they trust people they do not even know – any of whom could be another Bernard Madoff.

765 Mr Speaker, let me end this part of my address by saying that the Government has taken detailed legal advice from leading counsel on all of the legal issues that the hon. Member opposite has raised throughout in relation to Credit Finance; not because we consider that there is any grain of reason or merit in the things that he has said about section 69 of the Constitution or the Borrowing Powers Act. We have taken advice in order to responsibly knock all of his points on the head with the benefit of the best legal advice available, and I can happily confirm to this House that everything that Credit Finance has applied funds to has been in keeping with all Constitutional and legislative requirements.

Mr Speaker, I must also address generally the question of using Government wholly owned companies to administer and finance part of the Governments asset holding and development programme.

770 Members of the House will recall that when describing the recurrent expenditure issues earlier, I have had to refer to the £100 million black hole in Government company spending which I addressed to the nation just after the last General Election to appraise them of the state of Government finances at the time.

775 Well, the issue of Government companies has been a live issue for my predecessor when he was Chief Minister also. In his first Budget Address as Chief Minister in 1996 – don't ask me why I read these things, Mr Speaker, but I find them interesting! The Hon. Sir Peter Caruana said this – this is a direct quote:

'Mr Speaker, the list of companies wholly owned by the Government of Gibraltar directly or indirectly would appear to be as follows: Gibraltar Investment Holdings Limited; Gibraltar Land Holdings Limited; Gibraltar Residential Properties Investment Company Limited; Gibraltar Commercial Property Company Limited; Brympton Co-ownership Company Limited; Westside II Co-ownership Company Limited; Westside I Co-ownership Company Limited; Gibraltar Information Bureau Limited; Gibraltar Joinery and Building Services Limited; Gibraltar Industrial Cleaners Limited; Calpe Cleaning and Painting Services Limited, subject to question marks that I still have to clarify; and Gibraltar Quarry Company Limited.'

He went on to say this:

'The Government are considering which of these companies can be eliminated and it is the policy of the Government [the GSD Government, Mr Speaker] to eliminate such companies that are not essential for the proper and good organisation of the affairs of Government in the light of the structures as they presently exist.'

That was in May 1996. I think he had literally just been elected and found himself bounced into a budget session.

780 Well, Mr Speaker, I was not at all surprised to hear the Members Opposite once again making reference to 'a web of companies', no sooner had they left Government and landed back on the seats Opposite. Interestingly, since the time of his maiden budget address as Chief Minister, not much had been heard from the hon. the back bencher on this issue of the web of companies. And yet, in his first New Year's Message as Leader of the GSD, the Hon. the Leader of the Opposition opposite said that the use of Credit Finance amounted to:

'a return to the days when public finances were structured through an impenetrable web of companies'.

785 I am not sure, Mr Speaker, whether that was not actually just a New Year's 'Mess' rather than a New Year's 'Message'.

You see, Mr Speaker, if the hon. Member had been curious enough to peer not just into his Estimates Book but actually into the approved accounts, which is the book which appears once we have ended the

790 debate in this House and which turns the *draft* Estimates the House debates into the Approved Estimates on which we spend, he would see that a chart appears there.

795 That chart, Mr Speaker, in the Approved Estimates for 2011-12 – that is to say, the last Estimates approved by this House with the GSD in Government and the hon. the back bencher as Chief Minister and the Hon. now Leader of the Opposition then as Minister for Justice with specific responsibility for upholding the Rule of Law – if they look at that book, on page x, they will see a chart which tells us that they maintained the list of companies which Mr Caruana had read in his first Budget speech 16 years earlier except for Calpe Cleaning, which was not a wholly owned company at all, I believe, and Gibraltar Quarry Company Limited which had been incorporated – Mr Speaker, you will probably know better than us – by the AACR, the first Government to incorporate a company to do Government business. I believe that company was actually incorporated to work on the sand slopes on the eastside and never did anything and has been struck off.

800 But in all other respects, Mr Speaker, not only had the GSD maintained the company structure they inherited from the GSLP – that structure which was an impenetrable web, that they were going to try and eliminate it – they actually added to it. They added wholly owned companies and then added wholly owned subsidiaries to wholly owned companies; and they even added more trading activities and employees to some of those wholly owned subsidiaries of wholly owned companies; and then they added debt due to both capital and recurrent commitments of the wholly owned subsidiaries of the wholly owned subsidiaries of wholly owned Government companies.

805 And then, Mr Speaker, almost at the end of their time in office, they then added another *40 or so* companies registered at Convent Place, without announcing it to anyone – the sort of things that gives the Hon. Mr Bossino the heebie-jeebies, Mr Speaker (*Laughter*) – except of course if the GSD do it – in order to become the management companies of the Government’s post-war housing stock as they are sold.

810 In fact, Mr Speaker, as can be seen now in clear and unequivocal terms, what they did was that they turned a straight forward asset-holding structure with no trading entities that had any debt into – a *huge web of companies*, Mr Speaker! (*Laughter*)

815 Yes, Mr Speaker, surprising though it may be for those who have not followed the political careers of Members Opposite, they did what we always know and expect they will do. That is to say, the very opposite of what they say they are doing or going to do!

820 So I think it would be wise for all of us simply to have clear agreement across the floor of the House that companies are actually an important part of the way in which modern Government can discharge some of its functions in a fully transparent and appropriate way; but in a manner that also adds business efficacy to the business of Government. There is nothing wrong with that. We do not consider that this is at all a complex structure or a web of anything other than a perfectly straightforward vanilla structure that works – as they obviously think it did, given that they used it for 16 years. They used it and added to it through the 16 years, and then at the end, threw in an extra forty just before they left.

825 Well, Mr Speaker, as ever there are, in any event, objective measures to help us analyse how the public have perceived the positions of the Government against those who have been scaremongering and clearly trying to undermine both the Government and the Savings Bank in the way that they have approached this issue. In this case, the best measure would of course be to look at the deposit base of the Bank.

830 Mr Speaker, the voices raising unnecessary concern about risk have had an effect on the deposit base of the Bank. Mr Speaker, deposits with the Gibraltar Savings Bank have in the period since we were elected grown from around £330 million when we took office to over £800 million now.

835 It seems clear Mr Speaker that when it comes to looking after their money, the public has clearly chosen to follow the Government’s position that the Gibraltar Savings Bank represents a very safe investment indeed and take no heed of the scaremongering of Members Opposite. Indeed, the position is a little more complex than that of course, given that the very founder of the GSD, Mr Montegriffo has been very clear in his view – and this is a quote direct from him:

‘I don’t think savers should be worried. The savers’ money is in my view perfectly safe and any suggestion that the money is under threat I think is quite irresponsible.’

840 Mr Speaker, who would have said, 20 years ago, that a GSLP Chief Minister would be quoting Peter Montegriffo – the founder of the GSD – with approval and agreement at a GSD led by a Mr Feetham; but that is the reality. Incredible to think that there are other areas on which there is public disagreement between the man who is presently the current leader of the GSD and the man who will forever be the founder of the GSD.

Mr Speaker, building on the strong and strengthening foundations, the Gibraltar Savings Bank will continue to provide a good range of savings products to our community, as indeed it has been doing since it was established over 130 years ago. However, the bank will see a transformation during the current

845 financial year, as it starts to make full use of the latest available developments in banking technologies and as it opens a number of further branches and public counter positions.

In the next few months, the bank will be offering our community a number of new and enhanced services. These will include instant-access current-account facilities for the payment of Government bills by standing order and by direct debit and facilities for the electronic transfer of funds between bank accounts.
850 There will be a number of new Gibraltar Savings Bank ATM machines and a new 'VISA approved' Debit Card will also become available to all the bank's current-account holders.

I should say, Mr Speaker, that we will not allow Credit Finance to have one, lest somebody might suggest that they are being used by the Government.

855 These developments will complement the services that I have already referred to which will be offered by the Gibraltar International Bank Ltd, which will be providing a full range of retail banking services to members of our community, including mortgage finance to prospective home-owners and commercial lending to our local businesses.

Mr Speaker, two important projects for the future are the airport underpass or tunnel and the new power station.

860 Mr Speaker is aware that one of the greatest challenges we faced on our election was the dispute with OHL, the successful tenderers for the development of the tunnel or underpass. That dispute grew into litigation and that litigation has required and consumed a considerable amount of my time since my election. Happily, as the community is now aware, Mr Speaker, we have prevailed in that litigation to date. We are already considering how best to activate finalisation of the tunnel works whilst we continue the process of enforcing awards and dealing with appeals.

865 Today, Mr Speaker, I am delighted to be able to announce that late on Friday, I was informed by the Government's solicitors in this matter, Messrs Triay Stagnetto Neish, that we have now received the sum of £4.5 million by way of payment of the interim amount of costs awarded to the Government in this matter. Mr Speaker, this represents 80% recovery of all our costs in the litigation to date, calculated on the standard basis.

Mr Speaker, I told the House last year that one of the most important things on the Government's agenda and one of the biggest capital projects for the Government is the replacement of our three existing power stations with a single new power station in order to guarantee Gibraltar's power needs for the next three decades.

875 Tenders were invited with a closing date for submissions of 1st August 2013 last year. The time for the award of the tender has however had to be extended in order to deal with queries raised by the tendering parties.

880 The Government has now awarded the tender for the construction of the new power station. All tenderers were advised of this decision by the Government. None of the parties that have been turned down have sought to challenge the tender award in the 10-day period after the award which is allowed for that purpose.

Mr Speaker, before I continue, I want to refer the House to a part of the maiden speech as Leader of the Opposition in his Budget Address last year of the Hon. Mr Feetham. In one part of his intervention he said, talking of our commitment to build a new power station, the following:

'a power station that will cost, in anyone's estimate, over £100 million'.

885 Mr Speaker I am today able to announce in this House that the Government has awarded the tender to Bouygues Energies & Services for a basic sum of £67,958,000. (*Applause and banging on desks*) The Bouygues offer was found to be the best Capital and Opex offer and also had the best environmental scoring. So much for the estimating skills of the Member Opposite! Maybe, Mr Speaker, we can put it down to just another 'Rookie error'.

890 The new power station will consist of three in number MAN branded dual fired engines and three in number MAN branded gas engines with a total guarantee power output of 81.45 MW – 81.45 MW for £68 million.

895 An additional sum of £8,200,000 will be payable for the inclusion of Heat Recovery Systems which was part of the Government requirements to provide additional output of approximately 4.2 MW using a more efficient and environmentally friendly way of producing additional generating power.

My colleague, the Minister for Utilities, Mr Linares, will be providing such further additional details as he may be able to, during the course of his address to the House this morning.

900 Mr Speaker, as the Government has set out to do from the beginning, and for the financial reasons that will have become obvious to all in the context of my explanations earlier of the increased costs of diesel fuel, the new power station will operate using natural gas with diesel only as a backup. Perhaps most importantly, the use of natural gas as the main fuel for the engines will reduce airborne NOx and particulate emissions.

Mr Speaker apart from the fact that the cost of diesel has been rising for many years, international reserves of gas are greater and more accessible than reserves of oil. As a result gas is not just a more efficient and more environmentally friendly fossil fuel, it is also a considerably cheaper fuel compared to diesel and its supply more diverse.

Mr Speaker, for all of those reasons, the use of natural gas will be a win-win for Gibraltar technically, environmentally and economically.

Bouygues Energies & Services is the parent company of ETDE who had previously been awarded the Lathbury Barrack power station contract by the previous administration, initially at a cost of £114,200,000 to construct a 64 MW power station. The overall price for the Lathbury power station later increased to approximately Euro 145 million on 13th July 2011 – that was the latest price given to us – due to the delays in awarding the contract. That was the equivalent at the then exchange rate – at the exchange rate of 13th July – of £128 million – £128 million for 64 MW, as compared to £68 million, add the further £8 million, £76 million for 85 MW.

Mr Speaker, this solution, the community will be very happy to hear – the solution that I have announced today – will *not* require a 100% increase to consumers in electricity costs over 20 years at 5% a year – in fact it is much more, because it is compound – as was planned by Members Opposite as the funding for their own power station plans. Those who constantly urge the Government to keep the cost of doing business in Gibraltar down will want to congratulate us for making a choice for our community that both will not require such increases as the previous administration had in store for them *and* will generally reduce recurrent expenditure.

Again, I want to thank the inter-ministerial committee that worked on this matter with me for their clarity of thinking and their tenacity in finding the right solution for the future; not just for today but for many generations to come.

The new power station will be located partly in a reclaimed area off the North Mole but the reclamation area may also yield land available for other purposes also.

Most importantly, and whilst we develop the new facility Gibraltar now has, thanks to this Government, already security of supply and no lack of generating capacity. But we have nonetheless seen catastrophic events this year, when Gibraltar has suffered major power cuts not as a result of not having a power station or sufficient generating capacity, which there is, but because of the creaking distribution network infrastructure, work on which is already on-going.

Mr Speaker, the Government is clear that the Electricity Authority must provide power as an essential prerequisite for modern life and the state-of-the-art businesses we have and want to further attract to Gibraltar. We must do everything in our power, so to speak, as we are, to ensure security and continuity of supply.

But in the context of the huge problems that the recent explosion at Waterport produced, we are indebted to the staff of the Electricity Authority for the way in which they are working, not just on the new facility and the tender, but in repairing the existing facility to see if it is viable that it should provide at least some base power for the months before the new facility is finally supplying the electricity. They have been excellent in agreeing changing shift patterns and putting their shoulder to the mill.

Similarly, the GEA must also get better at communicating with all its clients, in particular its premium clients; and we are working together in Government and with the GEA to deliver better communications should the day come again when we suffer a major catastrophic loss of power again; something which all I am sure sincerely hope and are working to ensure does not happen.

Mr Speaker, the Government continues to explore other ways of reducing energy consumption including the use of solar energy for street lighting and in Government Buildings and a number of projects are being developed in this respect. My colleague the Minister for the Environment, the Hon. Mr Cortes, will be speaking further – and as ever with him, authoritatively – on this subject.

I will add only this: the Government sees huge value in the reduction of the demand for electricity and renewable energy provides for Gibraltar a chance to see that become a reality, as is already the case in some private estates in Gibraltar.

Mr Speaker, technical facilities in relation to broadcasting, to which I now turn, are today at GBC a far cry from what we inherited. A number of additional professional employees have been recruited. Premises – although still very cramped – have been improved, staff morale is higher, and very importantly, programming is better. And, the public is acknowledging the change.

As reported in the news this morning, a recent survey of 1,000 people has suggested that practically all of those polled consider GBC to be vital, very important or important to the community, as all Members of the House will no doubt agree, Mr Speaker.

Radio Gibraltar is listened to by 53% of respondents, making it the most heard station on The Rock by far, while 93% have watched GBC TV since its re-launch last September, with more than half of those consulted enjoying the revitalised programming. I know I do, Mr Speaker.

Perhaps unsurprisingly, ‘Newswatch’ is the most popular TV programme with a staggering viewership of 69%, while ‘Viewpoint’ is seen by 35% of those polled, indicating the public’s preference for current affairs-based programmes. In fact, all of GBC’s shows fared well, which is very encouraging. GBC’s recent re-launch appears to be working, Mr Speaker, with Gibraltarians returning to watch their TV station in relatively large numbers, in the same way as listeners are tuning in to Radio Gibraltar, which with our investment is broadcasting now also a choice of English and Spanish language programming every weekday through two distinct services. In any event, the Government would encourage the Corporation to do more to exploit our bilingualism in order to ensure that those around us are able to better comprehend us socially, culturally and politically.

GBC must now work, as I have no doubt they will, so that the autumn television schedule will reflect the results of this survey.

Gibraltar’s membership of UEFA has also meant that GBC now also includes live football whenever the senior team plays. Football transmissions are expensive, and although a drain on the Corporation’s financial resources, it is important that local fans are able to follow their team on their national TV. Joe does not miss a match!

Gibraltar’s first game against Slovakia, was also a first for GBC TV, given the live broadcast of the game from Faro. Several other live matches have followed, including one from Estonia, and negotiations I understand are underway with UEFA with a view to agreeing the rights to broadcast Euro qualifying matches from September if they are affordable.

Mr Speaker, broadcasting is an expensive business and creating bespoke broadcasts for a community of 30,000 people can cost as much as we want it to. Moreover, the Government shares the view of other mainstream media in Gibraltar that GBC must – as the only media funded from this House’s appropriation – not compete in the market for advertising on which other media depend for their income. For that reason, and as I have repeatedly said since I delivered my first Budget Address as Chief Minister, GBC has to stop taking traditional advertising, with the exception of programme sponsorship. This may require a small increase to the Government in its subsidy to cover the reduction in income when this occurs.

Together with the Board of GBC and its CEO, we are continuing the work of developing the huge potential for alternative sources of income for the Corporation, with the consequent benefit to the taxpayer from a smaller subsidy, should these materialise.

Mr Speaker, GBC’s human resources are now fully maximised and following a very professional work ethic, with the results visible on our TV screens. GBC is now very much a different place to what it was just a couple of years ago. But more needs to be done to ensure the staff remains motivated, and the public is kept informed and entertained.

Broadcasting House is desperately small for the size of the operation, for which we must pursue the long promised relocation of facilities. Although we have previously mentioned possible alternative locations, circumstances have meant that for one reason or another, these have had to be discarded. However, the CEO, the Board and my Ministry are considering a number of new options in consultation with the office of the Deputy Chief Minister who holds responsibility for lands, and I sincerely hope to be able to make a final and definitive announcement during the course of this financial year on GBC’s moves elsewhere.

There is one issue regarding GBC that has been a huge concern to this Government. Mr Speaker, apart from the physical and operational problems at Broadcasting House that we inherited in 2011, we have also had to address the matter of a major shortfall in the staff’s pension fund. The previous administration ignored the problem for years, resulting in a projected deficit in the fund of very nearly £2 million. We have had to give this urgent attention in order to ensure GBC is able to meet its obligations in respect of its pensioners, and we have agreed to cover the financial hole over a period of eight years by making annual contributions to the fund – another area of expenditure that is down really to their failure in office, Mr Speaker. Of course, this could have been avoided if the matter had been addressed by the previous administration when the problem first arose; but a contribution to an underfunded public pension fund does not photograph as well as a new roundabout.

As hon. Members will recall, this is one of the matters affecting the increased cost of recurrent expenditure and will be relevant for the next eight years.

The pensions issue is in addition to the impending digital switchover that the previous administration also ignored, and which we had to resolve within a period of months to avoid GBC TV channels from being shut down. I am pleased to report, Mr Speaker, that the current phase of the required technical infrastructure at both Broadcasting House and the Digital Multiplex has now been completed with very positive results, including GBC HD, the picture quality of which is now in sharp contrast to the blurred image that was on air in December 2011.

Mr Speaker, investment in technology will continue to ensure that this remains so.

With this Government’s support of all GBC’s services, Mr Speaker, we will continue to develop during the next 12 months as we have over the past two years the output of the Corporation. Mr Speaker, I am satisfied with the direction being taken by our local broadcaster, and pay tribute to the entire team that are

1025 making it happen and ask them to do even more, as the progress we have seen to date is in my view only the beginning of what they can achieve.

Mr Speaker, staying with broadcasting, I turn now to Gibraltar Freeview, the Digital Terrestrial TV (DTT) platform from which GBC Television is able to broadcast digitally and an important media asset that, as a result of the foresight of this Government, is paving the way for exciting opportunities for the Rock.

1030 Essentially, in layman's terms, GibFreeview is our very own equivalent of Freeview in the UK, which provides a bouquet of free-to-air terrestrial television channels. The very significant investment in the complex hardware came about following the digital switchover deadline imposed by the EU, a deadline that despite being a legal requirement was one that at the time that we took over, the previous administration had approached with little more than indifference.

1035 Never mind, Mr Speaker, for although we started from scratch out of necessity, that enabled this Government to do things properly.

Gibraltar now enjoys a superb DTT platform from which a number of broadcasters can reach our community and beyond. Attracting international television companies is no easy task, but Gibraltar Freeview Limited is already actively engaged at a commercial level with a number of such entities. Although in the main still very much in the initial stages and with a lot more work to be done, a number of news and general content providers are considering entering into carriage agreements with GibFreeview, with the positive revenue implications that entails for Gibraltar.

1040 In fact, this is already a reality, Mr Speaker. One major international media network is, as we speak, broadcasting on GibFreeview and we are proud that such an established, respected household name has been the first international broadcaster to come on board. We suspect, Mr Speaker, that in due course they will have been only the first of many.

By way of example, discussions are ongoing with one TV company that is available to all UK households on platforms like Freeview, Sky, Freesat, Virgin Media and Astra and which is keen to broadcast from the Rock. GibFreeview has been able to negotiate an in-principle agreement with this particular broadcaster, subject to further discussions, that will result in television exposure throughout the UK of Gibraltar and all it has to offer from a tourism, historical, social and cultural perspective. The potential benefits to our Community are enormous.

1055 In addition, Mr Speaker, interest has also been generated for the licensing in and by Gibraltar of DTT entities that will then be able to broadcast elsewhere in Europe. Mr Speaker, this is media services using Gibraltar to access the single European Market in much the same way as we successfully passport banking and insurance services beyond our frontiers.

As can be seen, Mr Speaker, this Government's approach to media generally, and in this instance to digital broadcasting, is as forward-thinking as it is pro-active. We break away from the tired, plodding dinosaur steps of the past to instead embrace the future and the many possibilities out there that will benefit Gibraltar and its people.

1060 Finally, Mr Speaker – and returning to more traditional media without which we could not imagine Gibraltar – Mr Speaker, I continue to salute all our national print and internet media. I believe we have been fair and equanimous in our treatment of each of them. They are a hugely important part of our democracy and we as a political class in this House must recognise that role. In particular the *Chronicle*, *Panorama* and *The New People* are our nation's newspapers and we must cherish their continued existence and the critical analysis that they bring. In access to news, we must treat all alike.

The respective editors with those of GBC's newsroom are our fourth estate and we – and all who have a role to play in Gibraltar – do well not to lose sight of that or favour one over the others.

1070 Mr Speaker, I will now address my responsibilities as Chairman of the Borders and Coastguard Agency. In my address last year, I informed the House that the Agency, now coming up to its third year, had carried out a review of its operations at the airport, frontier and the port. The review highlighted a number of deficiencies, which had been inherited by the Agency, which it is positively addressing, striving for a more professional, engaged and focused operation.

1075 The review also highlighted the need for professional development, training and management development in particular. This Government continues firmly committed to providing opportunities for professional development for all staff, and as such is supporting the Agency in its effort to address this issue. It has already started the process towards Investors in People recognition and managers at different levels are working towards Chartered Management Institute professional development qualifications.

1080 Mr Speaker, the Agency is working hard to become the focal point for a more centralised immigration service in Gibraltar, working in partnership with other Government Departments and Law Enforcement Agencies to improve the level of immigration service Gibraltar provides.

In the last year alone, the Agency has processed over 12 million people at our borders. In addition, this Government's initiative to introduce amendments to the Immigration, Asylum and Refugee Act, granting Tourist Visa Waivers to Moroccan, Russian, Chinese, Indian and Mongolian nationals in possession of

1085 Schengen visas, has proved extremely successful, and close to 7,000 visitors, whom we would otherwise not have been able to see visit Gibraltar, have done so to date. Given the success of this initiative, the Government has made additional provisions for visa waivers for persons who hold indefinite leave to remain in any EU member state, which is part of the Schengen *aquis*.

1090 Mr Speaker, the Agency works very closely locally with the RGP, with whom it is currently operating in partnership a Ports Policing initiative. Further afield, it works closely and shares information with HMG's Home Office, the UK Borderforce, Spain's *Policía Nacional*, Interpol and more recently the Moroccan Immigration Service.

1095 As part of the Government's programme to make use of information and communication technology more generally, the Agency has been engaged together with other Law Enforcement partners and Government IT contractors in the setting up of a modern fit for purpose IT infrastructure platform for the frontier. The Frontier Management Project will be available to the public very soon; it will enable us to access real time frontier queue information including cameras, statistics and an improved and digitised frontier queue hotline service. In addition, the Agency is also developing its online presence with an interactive webpage which amongst other things will enable visitors to apply for visa waivers online, thus improving the visitor experience.

1100 In addition to their immigration duties, the Agency carries out aviation and maritime security duties at the airport and port, where it is inspected regularly by HMG's Department for Transport to ensure compliance with strict EU legislation. These industries, particularly aviation, are highly regulated, and in order to protect the air and sea transportation of persons and goods, there are established common rules, applicable across the EU, which safeguard against acts of unlawful interference. I am happy to report that the Agency continues to meet the high standards set by the Department for Transport and the EU.

The Agency remains committed to improving the service it provides, contributing to the security of Gibraltar and acting as a facilitator and working in partnership with the private sector.

1110 In terms of my responsibilities for Civil Status and Immigration, the big changes in the past year to report have really been the introduction of the Civil Partnership Act and the recent reduction in the qualifying period for Gibraltar status – from 25 to 10 years of continuous residency – as well as the extension of ability to pass their Gibraltar status to single fathers who are included in their child's birth certificates all of which we were very pleased to introduce to this House.

1115 We have also made considerable progress in the elimination of the backlog of applications for exemptions from immigration control to enable persons, primarily Moroccan nationals who have been resident for over 25 years, to be granted British citizenship.

This year will see progress on a number of other important fronts also.

1120 We shall shortly see the opening of a 'one-stop shop' for the registration of births and deaths. This will enable the public to conduct all the business related to the registrations from a single office without the need to visit other Government Departments and Agencies spread throughout town. The one-stop shop will open during the course of next month and responds to representations from pensioners' representative organisations.

1125 We also expect that this year will see the introduction of new ID cards, which will include enhanced security features and microchip technology to allow for a multitude of other uses. The present target date for rollout is in autumn 2014. As hon. Members know, this is not just an important matter in terms of immigration matters, but also an essential prerequisite for the launch of more substantial e-government applications.

This is a good point, Mr Speaker, in which to turn to my responsibilities for Government IT.

1130 Through the use of Information and Communication Technology, Her Majesty's Government of Gibraltar is promoting a more efficient and effective Government which will facilitate more accessible Government services and allow greater public access to information. e-Government will involve delivering a wide range of Government services online.

1135 During the past year the key investment areas for HMGoG in this sector have included: the work to enhance the physical hardware infrastructure and enhancements to network security and connectivity, together with the expansion of the Government Secure Intranet (GSI) and many others, including finishing the work on this Parliament's video and audio feeds.

The e-Government portal has recently been launched with basic services. New services will be added on an ongoing basis.

1140 The introduction of the new e-ID Card in coming months will offer a citizen profile page where the individual will be able to transact business with Government in a secure environment and will also allow the citizen to access Government parking and bus services, with other services being rolled out as they become available.

I will now turn to my responsibilities for Industrial Relations and to what has been a landmark year in that respect.

1145 It was always my desire to introduce a modern and progressive approach to the way that I deal with representative bodies in the workplace. How we deal with Industrial Relations is key to having a productive workforce who feel that they form part of their organisation, and that their voices are heard.

1150 This has been done in a way that the previous administration chose not to pursue. We have dealt with legacy issues in key areas of the Public Sector where individuals' claims and grievances have been ignored – in some instances for over a decade.

Customs, Sewers, Ministry for Housing Technical Division, Elderly Care Agency are but a few of the areas where we have not only improved terms and conditions of service to employees, but we have also brought in modern working practices that deliver ultimately better, more cost-effective services to the taxpayer, all achieved in partnership.

1155 And Mr Speaker, talking of partnership, I have also broken ground in Government's relationship with representative bodies. As announced at May Day, we have entered into a partnership agreement with Unite the Union, where we are looking at a principle of mutual gains through co-operation. This approach is designed to produce more efficient working practices and improve financial performance within a better working environment.

1160 Mr Speaker, I sincerely hope that within the next year, it will be possible to extend this approach in the dealings with other representative bodies also.

1165 And it has been in application of those principles, Mr Speaker, that we have already been able to deliver on long-standing, life-changing issues that will form the basis of our future public sector workplace. The introduction of the new public sector working hours is something that the workforce has been crying out for. As has been the implementation of legislation to prevent bullying at work. Mr Speaker, we have delivered these changes within my first two years of office, and not only have we delivered a flexible system that focuses on the needs of individuals, we have also been able to deliver a vastly improved service to our customers by the extension of public opening hours.

1170 Too often one hears criticism of the Civil Service; some of it deserved, some of it less so. So, Mr Speaker, let me share with the House and the community at large today an e-mail I received last week as I prepared for this debate, which reads as follows:

'Just a short note to thank you and your staff at the Income Tax Department for your assistance and professionalism in dealing with the various issues I had with your Department.

Despite the many criticisms received from the general public towards Civil Servants, it was certainly a breath of fresh air to be dealt with in this manner.

Keep up the good work.'

It is right, Mr Speaker, to speak up for the Civil Service and report on positive feedback also, Mr Speaker, and I am delighted to have had such an apposite chance to do so today.

1175 Much progress has also been made on the legislation designed to deliver the eradication of bullying in the workplace, making it an environment that people will now feel safe to work in. We have also introduced a Health and Safety Working Group in order to introduce changes to the way in which we manage risk in the workplace.

Mr Speaker, I move on now to an entirely different matter.

1180 I have spoken before about establishing for Gibraltar a status akin to that of the Privy Council in the United Kingdom. When a nation such as ours finds that there are issues that affect the national interest, there needs to be a body above party politics that can provide an opportunity for consideration of those issues.

1185 Mr Speaker, such a body can of course be established on an *ad hoc* basis at any time. I have had *ad hoc* contact with the Leader of the Opposition and his predecessor on such terms last year. The previous Chief Minister established a similar *ad hoc* consultative body when Gibraltar was facing the threat of Joint Sovereignty but did not choose to include the Opposition in it.

1190 I want to go further than that, Mr Speaker. I want to change the way we do politics on issues that matter to the national interest. I am a supporter and defender of the Westminster party adversarial system. But when the national interest is at stake, then we must all be able to work together, because Gibraltar's best brains can be brought to work in unison when necessary, but not condemned to never have to challenge each other by a change to a committee system of government that some have talked about in the past. But any such new body must in my view be permanent. It cannot be *ad hoc*.

1195 I therefore today propose to create a body to be known henceforth as the Chief Minister's Consultative Council (CMCC), the makeup of which will be as follows: for their lifetimes, all individuals who have held the post of Chief Minister; for their lifetimes, all individuals who have held the post of Deputy Chief Minister; for the period of their tenure in office, the Leader of the Opposition and the Minister for Justice; for such period as may be stipulated in the notice of the appointment, such other person or persons as the Chief Minister of the day may consider appropriate to appoint.

1200 Membership of the CMCC will require members to sign the Official Secrets Act so that information shared with them is subject to strict rules of confidentiality, or such other equivalent as may be the case in the Privy Council.

1205 The CMCC will enable the Chief Minister of the day to meet with all, some or just one of its members as he or she may consider appropriate, and exchange ideas or take advice on any particular matter or issue within the parameters of the strict confidence required of individuals who will make up the Chief Minister's Consultative Council.

It is my view, Mr Speaker, that all individuals who become members of the CMCC should be able to use the pre-nominal letters 'The Right Honourable', as is the case in respect of membership of Her Majesty's Privy Council in the United Kingdom.

1210 I have asked that legislation be drawn up for this purpose. Before anyone starts getting any ideas, Mr Speaker, the appointments will not be remunerated!

Mr Speaker, I turn now to the Budget Measures for 2014-15.

1215 Mr Speaker, it was a manifesto commitment to re-activate the Widows and Orphans Pension Scheme and to give those officers who opted out of the scheme in the late 1980s the opportunity to opt back in. Much work has already been done in this respect in the Treasury. Implementation of this manifesto commitment has however been delayed following on-going representations from, and discussions with, the Gibraltar Pensioners Association.

As a result of this, Mr Speaker, it has been agreed to introduce a revised basis for re-entry which the Government believes represents a more equitable solution of this longstanding issue than has been previously proposed.

1220 As a consequence, Mr Speaker, those re-entering the scheme will repay arrears paid to them in 1989-90 re-valued for RPI increases to date. They will also repay outstanding contributions on the same re-valued basis up to the date of their retirement. However, such contributions will be adjusted to take account of PAYE relief which is available under the Income Tax Act throughout the period in question.

1225 The effects of this measure introduced in this way, Mr Speaker, will be to effectively treat re-entrants in exactly the same way as existing contributors who remained in the Scheme.

1230 The Gibraltar Pensioners Association, with whom I have met on this subject, have made numerous impassioned representations about the terms of repayment, arguing that, in some cases, it may be onerous to repay monies due in one up-front payment. The Government has therefore decided that applicants should be offered the opportunity to re-enter the scheme on the basis of one of the following repayment mechanisms: either 100% repayment on acceptance of terms; or 75% repayment on acceptance of terms, with the balance deducted in equal monthly instalments from the applicant's pension during the following 12 months; or 50% repayment on acceptance of terms, with the balance deducted in equal instalments from the applicant's pension during the following 18 months.

1235 With the caveat, Mr Speaker, that in the event that the applicant dies during the repayment period, the monthly repayments are to be made in proportion to the pension payable to the widow thereby extending the repayment period until the full amount is paid.

1240 It seems to us to be fairer and equitable, Mr Speaker to do this in this way. For those who might not yet have expressed an interest in being included in this option, there is still an opportunity to do so by writing to No. 6, with their letter addressed to either WOPS Opt-In, No. 6 Convent Place or by e-mail to wops@gibraltar.gov.gi.

1245 Mr Speaker, the following measures are designed to encourage and reduce the cost of doing business in Gibraltar. In order to further stimulate the retail sector in Main Street, for which we care deeply as a Government, and to continue to make Gibraltar a more attractive destination for shopping, and in order to stimulate environmentally positive behaviour by businesses and citizens alike, the following reductions in import duty will be introduced, with immediate effect.

Import duty on all LED lighting, including LED torches, is reduced from 12% to zero; import duty on all appliances or white goods with a C or D rating is doubled from 6% to 12%. There are very few such items on the market these days and they are hugely inefficient.

1250 Import duty on all writing implements, including pens, pencils, ball point pens, and felt-tip pens, is reduced from 12% to zero.

Import duty on mobile phones is reduced from 3% to zero.

Import duty on pleasure craft, yachts and other seagoing vessels under 18 metres in length, including jet-skis and kayaks, is reduced from 6% to zero.

Import duty on pet food, including dog and cat food, is reduced from 12% to zero.

1255 There is no import duty on food, Mr Speaker, unless it is for dogs and cats.

Import duty on fertilisers for all flowers, gardens and other greenery is reduced from 12% to zero. Import duty on all paper-based stationery, including receipt books, carbon paper, envelopes, diaries, maps, plans, drawings, trade advertising material and post cards, is reduced from 12% to zero.

1260 Import duty on all umbrellas, including sun umbrellas, is reduced from 12% to zero and import duty on sunglasses is also reduced by 3% to zero.

Import duty on musical instruments, musical instrument parts and accessories is reduced from 12% to zero.

Import duty on natural and cultured pearls is reduced from 12% to 4.5%, in line with the import duty on other jewellery items.

1265 Import duty is introduced on the commercial importation of single-use plastic bags and single-use paper bags not made from recycled paper, at the rate of 5p per bag.

Import duty discount and cash-back on hybrid vehicles is extended to purely electric vehicles also. The cash-back is increased to £750 for cars and introduced at the rate of £150 for motorcycles.

1270 Electricity and water charges will not be increased this year, despite the increasing costs of providing these public utilities, as per our manifesto commitment and in order to keep the cost of doing business down. Government will continue to subsidise the balance between the reduced amounts collected in revenue and the cost of generating power. This is – for the reason ventilated earlier in my address on the subject of recurrent expenditure – a huge subsidy for every household in Gibraltar and every business in Gibraltar, which needs to be understood by those who call for even greater subsidies and reductions of costs.

1275 And, Mr Speaker, as I announced at the Thomson Reuters Jaguar Land Rover Dinner at St Michael's Cave a week and a half ago, the import duty on all artwork, including paintings, drawings and pastels, sculptures and other statutory, original engravings, prints and lithographs, basketwork and wickerwork, is reduced from 12% to zero.

1280 Given that the Government is expecting the stock of affordable homes to come on-stream in large measure during the course of the next calendar year, we want people to find it attractive to furnish their homes purchasing from local furniture suppliers. As a result, Mr Speaker, on items of furniture and furnishings as well as domestic appliances, also known as white goods – unless they are caught by the increases for C and D rated goods – import duties payable by locally registered companies with a valid trade licence are reduced from 6% to 3%. Import duty on textiles imported also by those with a valid trade licence is reduced from 6% to 3%.

In order to better promote the use of Gibraltar as a maritime jurisdiction in all respects, passenger tax at Gibraltar Airport is abolished for passengers who are joining vessels in Gibraltar.

1290 Any vessel calling at the Eastern Anchorage in order to take on provisions, spares, stores, or to carry out crew changes will receive a 75% discount on tonnage dues – compared to the 50% discount at present.

Ships anchoring in the Western Anchorage, whose main purpose is bunkering, will receive a 75% discount on tonnage dues – compared to 50% at present.

1295 Mr Speaker, in line with the Government's manifesto commitment to encourage and reduce the cost of doing business in Gibraltar, the discount for early payment of rates for offices, workshops, construction and manufacturing industries, and transport and distribution industries, will be increased from 10% to 15% with effect from 1st July 2014. A further discount for responsible businesses who pay on time.

For new companies starting up business in Gibraltar, there will be a larger discount for early repayment of rates of 65% for their first year of trading. Rates further reduced to encourage start-ups – an excellent additional incentive for entrepreneurs.

1300 In addition to this, the Government has already announced that for bars and restaurants, the discount for the early repayment of rates will be increased by a further 20% to 40% between 1st October 2012 and 30th September 2013 and to 30% between 1st October 2013 and 30th September 2014, in order to assist in the introduction of the smoking ban. This assistance is now extended for another year until September 2015.

1305 Mr Speaker, Government will be setting up a small Fund to support the development of new start-ups in Gibraltar. We will set aside £250,000 of the surplus this year, and invite the Chamber and the Federation of Small Businesses to sit on the board of the Fund to consider applications from business start-ups for loans which would be secured and at competitive rates.

1310 Mr Speaker, our Social Insurance benefits will in future need to be funded, as far as possible, from the income receivable in Social Insurance contributions with less reliance on Government contributions. In this respect, the Government continues to study a number of proposed innovative reforms to our Social Insurance Scheme in order to make it self-financing for future generations of our community. An announcement in this respect will be made when the study has been completed.

1315 We had hoped to do this this year, but we have not been able to do so. As a result, once again this year, the cost of Social Insurance will *not* increase. This will, I know, be welcome by the business community as it will reduce again the cost in real terms by the rate of inflation. The reduction has therefore been in the order of 6% since we were elected, if calculated in that way.

In order to assist working families with the purchase of their homes, as well as those families who may need to move to alternative accommodation as their family composition changes, no Stamp Duty will be

1320 payable by first-time and second-time buyers on the first £250,000 of the cost of their property, irrespective of the total cost of their new home.

The Government will arrange to provide soft loans to residential estates for funding projects to change traditional lighting within their residential estates to LED lighting. Approved projects will receive funding which would be repayable in a period of up to 10 years at an effective interest rate of 1% interest per annum, with the Government funding the difference in the cost of finance by way of a grant.

1325 The Annual Pensioners Utility Grant, applicable to persons aged 60 and over, will be increased from £75 per annum to £100 per annum, with effect from 2014. Old age pensions will this year also of course increase by the rate of inflation. The Minimum Income Guarantee will similarly rise.

1330 Mr Speaker, in line with this Government's commitment to keep the National Minimum Wage under constant review, the statutory minimum was increased from £5.40 to £5.70 in August 2012; from £5.70 to £6.00 in August 2013. This will now be increased again, in line with the Index of Retail Prices, from £6.00 to £6.11, with effect from 1st August 2014.

1335 Mr Speaker, despite the continuing pay restraints in the UK public sector over the last few years, Civil Service pay in Gibraltar has continued to increase over the years as a result of the introduction by my predecessor of the increases in Gibraltar which kept up with the cost of living, which we analysed earlier today. These put the public sector in Gibraltar beyond parity. The Government will once again increase Public Sector salaries under the 2014 Pay Review, which will increase by 2.5%, with effect from 1st August 2014.

1340 Mr Speaker, Her Majesty's Government of Gibraltar felt, as expressed in its election manifesto, that Her Majesty's Customs Gibraltar was under-resourced in the execution of its role as one of our Law Enforcement bodies and in particular in the administration of our country's imports and exports controls and one of our main sources of Government revenue.

1345 We therefore embarked on a review process with stakeholders, which has now successfully concluded. The purpose of this process has been to deliver to our community and to those working at Customs a stronger department that transitions to a statutory disciplined body with its discipline code, the law enforcement functions of which will be specifically recognised and enshrined in a tailor-made Act of Parliament. Raising the status of that Department to be in line with other Law Enforcement bodies has been a key aspiration of all members of staff of the Department and of the representative bodies that represent them. This will also require the staff to adapt to these changes to meet the needs of the organisation.

1350 To achieve this, Government and staff have now agreed to implement a roadmap in which individual points of this agreement will be introduced as and when they are ready to come into force. HM Customs have powers of arrest, search, detention, rights of access, investigation, seizure of goods etc. The remuneration of officers has therefore been increased to reflect their rank, duties, responsibilities, risks and exposure and any other duties that may be assigned to them.

1355 The general restructure of the Department will be introduced to bring it in line with modern operational needs which will include, in salary terms, an agreed 12% increase which is in line with the proposal made by the previous administration to the men and women of that Department. A change of nomenclature to the current grades will reflect the new Law Enforcement status and separation from Civil Service grades. In order to deliver this change, Government will be creating new Customs Officer posts.

1360 The advertisement for those posts has appeared in today's national press. Applicants will need to meet entry qualification requirements and attend a one-day selection programme to assess their suitability. With the introduction of a new structure, there will be six additional promotions at Senior Customs Officer level (HEO) and 17 new Executive Customs Officer posts (EO).

1365 This proposal provides for an excellent step forward for HM Customs. It is designed to enhance opportunities within the Department and to add to officers' career prospects. The Government thanks all the parties for their positive involvement in these negotiations and for their patience in seeing the proposals through – a process which floundered under the previous administration as voted down and which has prospered now by a huge and overwhelming majority of officers backing the changes.

1370 Mr Speaker, it is also true that Government has been in negotiation with the members of the City Fire Brigade (CFB) for some time. Under the previous administration there was little progress in the practices of the Brigade. Again, with good faith and hard work we have made huge advances in our discussions but have not yet reached final agreements in some areas, including progress on new premises. One thing that is clear is that the commitment is there from both the official and the CFB side to now accelerate and reach new agreements and understandings which are within reach and with which both sides will feel we are able to consider progressive and value for money, whilst ensuring we have the fire service our community deserves. For this reason, I am today able to announce that the Public Service Pay Review will be doubled for members of the City Fire Brigade and that the present 3% abatement applicable to their pay is henceforth eliminated.

1375 Mr Speaker, this Government's commitment to law and order and the Rule of Law has been clear from the moment that we presented our manifesto to the electorate in November 2011.

1380 Mr Speaker, the RGP has enjoyed unprecedented access to resources in the time since we have been elected. This year, members of the public will have noted the arrival of splendid new BMW police bikes. New vehicles are on order. This week a further new police vessel has been launched, after we agreed to fund a full refurbishment of a forfeited vessel. Another very large vessel will be delivered to the RGP also during this calendar year, which will be aptly named *'The Sir Adrian John's'*. Why so many resources to this organisation? Because a commitment to law and order and a commitment as real as ours to the Rule of Law cannot materialise into reality without that level of delivery on resources and the commitment and ability of a Minister as able and dedicated as Mr Licudi.

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1390 Indeed, Mr Speaker, the only accusation levelled at us in this respect is that we are *too* committed to the Rule of Law, even if it has required us to make difficult decisions about not accepting agreements that can see some break the laws of Gibraltar with impunity.

And the primary instrument of law and order amongst our Law Enforcement Agencies is the Royal Gibraltar Police; an organisation of which everyone in this community is and should be justly proud.

Last week we saw 14 new Police Officers pass out on parade in the square outside. We were all reminded then in the programme that:

'Policing in Gibraltar presents unique demands and challenges. It is a difficult and demanding role.'

1395 Mr Speaker, that is only the tip of the iceberg of what we as a nation expect our Police men and women to do as they strive to work together with all of us to make our community safer.

Only last week, we have seen what is possible with the figures that speak to continued decreasing crime. I am delighted to say that Commissioner Yome's Neighbourhood Policing mechanisms are working at every level, something on which I am sure my colleague the Minister for Justice, Mr Licudi QC will be saying more.

1400 Mr Speaker, deciding to join the Police and deciding to stay are not things that any person would do simply on the basis of looking at earnings; but the Government accepts that such issues might in the future potentially affect recruitment and retention in this important body. I sincerely believe that the success of our Police is principally down to one thing above all else: the sense of vocation and love for this community and its safety, which makes our officers such an example to others.

1405 Mr Speaker, for that reason I am today announcing the removal henceforth of the abatement of 3% from officers' salary, and the doubling in the case of the RGP also of the Civil Service pay award of 2.5%, also as from 1st of August. In addition, Mr Speaker, we have wanted to see Police Officers be able to purchase their own homes for some years now. Officers who enjoy the benefit of Government housing do not pay rent or rates. Officers who have bought their own homes have enjoyed an allowance pegged at £76 for some years now, analogue to an average rent of a 3RKB Government quarter. Years ago there was even a central area of residence for Police Officers in the Old and New Police Barracks. Those days are gone and more and more of the new officers that are recruited are home buyers like so many others in our community. I am therefore today formally breaking the analogue in the RGP's housing allowance for officers who do not reside in Government accommodation. Given that it has been stuck for so long at £76, I am raising it today to £125 per calendar month with immediate effect.

1410 Mr Speaker, how apposite after dealing with the RGP and Customs, that I should now turn to deal with duties in relation to tobacco. In support of this Government's continuing efforts to discourage smoking generally among our community, and despite the sensitivities in raising the price of this commodity of which hon. Members are fully aware of, hon. Members will have noted that Import Duty on cigarettes was raised in April 2014 by 10p per packet, which followed a similar increase in December 2013.

We will now again raise the import duty on rolling tobacco, which was last raised in May 2013, with immediate effect from midnight last night, by 20% from £35 per kilo to £42 per kilo.

1425 Mr Speaker, we are conscious of the growth of the import duty collected in respect of this particular commodity in the past 18 years. For reasons related to public health arguments around the world, this is not in our view a future proof source of revenue and we are therefore keen to move our economy back to the situation we were in in 1996, when we left Government, which made income from that source surplus to expenditure needs. This requires short, medium and long-term work on which the Government has already embarked and is a sensitive area in which I trust that we will be able to work without attempts being made to undermine our efforts, in the interests of the whole community. As the whole House knows, this is an area exploited poisonously against us by our international political adversaries. We must not allow them to use any part of our national political debate to fuel their toxic discourse.

I will say no more at this stage about those strategic issues.

1430 I am, however, very proud of the fact that the Government can further demonstrate our commitment to the Rule of Law and law and order in the manner in which we have acted decisively in the banning of retailing of tobacco in the residential estates at Laguna and Glacis. I particularly want to thank the RGP and Customs for the work they have done and are doing in curtailing activity in these estates, other estates

where there are less serious but equally anti-social issues which we are going to tackle and generally throughout Gibraltar.

1440 We have also acted decisively in respect of the EU Commission's recommendations in this respect. The House has before it legislation to consider later in this session.

1445 Mr Speaker, I am very happy to tell the House today, that in addition to the position we have taken in relation to Laguna and Glacis Estates, I have now directed the Trade Licensing Authority that I consider that it is not in Gibraltar's public interest for any further retail licences to be granted given the serious reputational risk to Gibraltar and I have accordingly, within the parameters permissible in law, discouraged the Trade Licensing Authority from issuing any new retail or wholesale tobacco licences, unless an existing one falls away. I have also directed the Authority that I strongly encourage it to grant requests from holders of existing tobacco retail licences who may wish to move out of residential areas to areas not designated as Special Zones. A copy of my Direction to the Authority will be annexed to printed copies of this speech.

1450 Mr Speaker, in order to assist those businesses which have had to move their tobacco retail licences out of Laguna and Glacis, a 100% discount will be applied on General Rates payable in their new premises for one year and an additional capital allowance or tax credit is allowed equivalent to the relocation costs approved by the Commissioner of Income Tax in his discretion.

This year, Mr Speaker, there will be no increased duties on fuels.

1455 Mr Speaker, in pursuance of the Government's commitment to reduce the level of personal taxation for every taxpayer in Gibraltar, the following reductions in income tax will apply, with effect from 1st July 2014: taxpayers with assessable income of £10,500 or less will be brought out of the taxation system altogether and will pay no income tax. This applies to taxpayers in both the Allowance Based System and the Gross Income Based System.

1460 A tax free allowance of up to £3,000 over two years is introduced for both the Gross Income Based System and the Allowance Based System for the installation of solar energy for boilers. A streamlined application process will be applied for any necessary Town Planning applications, along with a waiver of any fees payable.

1465 Taxpayers under the Allowance Based System will benefit from the following increases in allowances: Medical Insurance Allowance is increased by 100% from £2,000 to £4,000; Nursery School Allowance is increased from £3,000 to £4,000 per child; the Blind Person's Allowance is increased from £3,000 to £4,000; the Disabled Individual's Allowance is increased from £5,000 to £6,000.

1470 At present, any deductions for disabled individuals under the Income Tax (Allowances, Deductions and Exemptions) Rules 1992 are dependent on whether the parent or individual claiming the income tax allowance is in receipt of financial assistance out of the Social Assistance Fund. However, eligibility to financial assistance out of the Social Assistance Fund is dependent on the applicant residing in Gibraltar for a period of five years. Even though this five-year residence requirement will remain in force for social assistance purposes, this requirement will be dispensed with for the purposes of obtaining an income tax allowance on the grounds of disability.

1475 Single Parent Family Allowance is increased from £3,000 to £4,000; Personal Allowance is increased from £3,000 to £3,100; and Spouse Allowance is increased from £3,000 to £3,100.

For those taxpayers who have elected to pay income tax under the Allowance Based System, the tax rate for the taxable income bracket ranging from £4,001 to £16,000 will be reduced from 24% to 18% as set out in our manifesto.

1480 Taxpayers under the Gross Income Based System will benefit from the following measures.

In order to further assist working families with the purchase of their first-time home, a deduction from assessable income of £6,000 will be made to taxpayers under the Gross Income Based System in respect of approved expenditure incurred towards the purchase of their home, during the tax year commencing 1st July 2014.

1485 In order to encourage saving for retirement by way of employee contributions to approved pension schemes, a deduction from assessable income of £1,200 per annum will be made to taxpayers, under the Gross Income Based System, in respect of contributions made with effect from the tax year commencing 1st July 2014.

1490 For those members of our community who choose to have private medical insurance, a deduction from assessable income of £2,500 per annum will be made to taxpayers under the Gross Income Based System, in respect of premiums paid for such cover with effect from the tax year commencing 1st July 2014.

1495 Mr Speaker, at present any employment-related loans made to a director, a shadow director or any connected person is treated as earnings from employment and is taxed as a benefit-in-kind. This applies to all loans or advances irrespective of whether an arm's length rate of interest is paid or not. I believe there are genuine cases where a company may wish to make a loan to a director and expect a repayment to be made and interest paid. I am therefore happy to announce that, with effect from 1st July 2014, all loans or advances made to a director, a shadow director or any connected person and the terms of the loan is such that an arm's length rate of interest is paid and that the loan agreement has received the approval of the

1500 Commissioner of Income Tax then such loans or advances shall not be treated as earnings from employment.

Mr Speaker, the standard rate of tax for individuals currently stands at 30%. This rate has remained unchanged for over 25 years notwithstanding reductions in tax rates in both the Allowance Based System and the Gross Income System. Today no-one pays tax at an effective rate of more than 25%. Therefore, with effect from 1st July 2014, the standard rate of tax for individuals is slashed to 20%.

1505 Mr Speaker, the income of a trust resident in Gibraltar is currently charged to tax at the standard rate of 30%. With effect from 1st July 2014, the standard rate of tax for trusts is reduced to 10%.

1510 Mr Speaker, changes are being introduced to the Pension Scheme Guidelines by the Commissioner of Income Tax, which will permit members of Approved Pension Schemes in Gibraltar to continue as active members and make contributions to such pension schemes, even whilst not in employment. Mr Speaker, this will encourage all members of our community, whether or not they are in active employment and indeed the self-employed, to save for their retirement.

Mr Speaker, the Government is also pleased to note that the Provident Trust Pension Schemes have been approved by HM Revenue and Customs in the UK as Qualifying Recognised Overseas Pension Schemes or QROPS.

1515 This QROPS approval, together with the changes to the Pension Scheme Guidelines mentioned previously, will be of particular benefit to Barclays Bank employees in Gibraltar who may wish to transfer their UK pension funds to Gibraltar, following the decision by Barclays Bank to close its retail business in Gibraltar.

1520 Mr Speaker, in my last Budget address I stated that occupational pensions received by retired members, aged 55 or over, of the Royal Gibraltar Regiment would be exempt from income tax. I am now delighted to announce that this measure will also be extended to members of HM Customs Department, in keeping with the implementation of the agreement entered into with Government which I have already announced to the House. In addition to this measure, we shall be awarding to retired members of the Royal Gibraltar Regiment and HM Customs social insurance contribution credits as from the age of 55. In doing so, we shall be bringing the Royal Gibraltar Regiment and HM Customs in line with the Royal Gibraltar Police and other uniformed bodies. This will take effect as from 1st July 2012 for the Royal Gibraltar Regiment and from the effective date of the implementation of the aforesaid agreement for Customs.

1530 Mr Speaker, in last year's budget, I announced that the Government was considering the introduction of a Payroll Giving Scheme, thereby allowing tax-free charitable donations to be made to approved charities through employment earnings. I am now delighted to confirm that this Scheme will shortly be introduced, enabling any person who pays income tax in Gibraltar to give regularly and on a tax-free basis to approved charities of their choice.

Donations under the Payroll Giving Scheme shall be capped at a maximum of £5,000 per taxpayer per annum.

1535 As a separate measure, Mr Speaker, places of worship of all faiths and denominations recognised as such by the Chief Executive Officer of the Gibraltar Electricity Authority will enjoy a credit against their electricity bill of the average of their consumption in the past two financial years, each year.

1540 Also separately, all spousal allowances will now apply between civil partners as a result of the Civil Partnership Act, as the House is aware, Mr Speaker. Today I am announcing that the Government will now consider claims for allowances or benefits payable from individuals who are or have been in common-law partnerships in respect of allowances or benefits payable to married couples or couples in a civil partnership, if the relevant individuals can satisfy the relevant officers of the administration who are in charge of payment that they are or have been in such common-law relationships. Discretion will remain with the relevant officer, subject to review by the Chief Secretary as appropriate. Legislation may be required for this long overdue change.

1550 Finally, in order to encourage the construction of office accommodation in Gibraltar last year, I announced that any such developments on which construction commenced on or before 31st March 2015 would be allowed a Capital Allowance deduction in the first year following completion of construction equal to 30% of construction costs and the remaining 70% written down over the following seven years. This allowance will be claimable in part or in full by either the developer or the occupant up to a maximum claim of the full construction costs. Construction costs will be considered to be those costs wholly, and exclusively laid out or expended in the construction of the office accommodation, including all primary planning, design and associated costs but excluding the cost of the land.

1555 That measure has met with a huge success, Mr Speaker. A number of such schemes are now in development and about to break ground seeking to meet the deadline of March 2015.

As the Government is presently providing for the market in affordable homes, we are therefore now extending the measure I made for office accommodation to developments of high value accommodation, where ground is broken before December 2015.

1560 In the same way as Gibraltar needs affordable homes for our people we also need to stimulate the market in high end homes for those who wish to re-settle in Gibraltar.

1565 Mr Speaker, one of the products in our Financial Services Sector which has certainly stood the test of time and which has led to many people resettling in Gibraltar in luxury homes – and in that way added to our economy very significantly – is the Category 2 Individual Status. Professionals across the sector have used and worked with this status in the structuring of their clients’ personal affairs since this was first implemented in 1992 as the then High Net Worth Individual Status.

Yes, Mr Speaker, this hugely successful financial services product was introduced by the last GSLP administration and unfortunately has not been seriously reviewed since that time other than by the hiking of the tax payable by those who hold the status.

1570 This particular product is one which involves personal status and residence issues and is therefore also one in respect of which I carry ministerial responsibility for that reason.

We firmly believe that it is the duty of Government to work in partnership with the private sector to maintain our portfolio of products current and updated in an ever-changing world and to ensure that these products remain relevant to the needs of Gibraltar’s clients.

1575 I am therefore, Mr Speaker, delighted to announce today that an inter-ministerial committee comprised of my office and the office of the Minister for Financial Services and Gaming, the Hon. Albert Isola, my Government has commissioned a long overdue review and report of the Category 2 product, and to this end has engaged and instructed the professional services of the leaders in their field in each of these areas.

1580 Mr Speaker, the professional working group will be asked to consider and report on all aspects of this product and its development. They will engage with existing holders of this status as well as with those involved in the application process to ensure that applicants enjoy the benefits of a product that is fit for purpose in today’s world and delivered in a manner that meets the expectations of those we are seeking to attract to Gibraltar. They will also be in contact with professional intermediaries outside of Gibraltar who are experts in the field.

1585 In terms of the Government’s affordable home ownership scheme, progress is huge and for all to see at the building sites at Eastern Beach and Waterport.

We are well down the road of the construction of the first projects and the acquisition of the Queen’s Hotel will allow us an opportunity to develop even more rental housing for the elderly near the town centre.

1590 Mr Speaker, the Government is nonetheless of course conscious of the difficulties currently being experienced by prospective home owners in obtaining finance from mortgage-providers in Gibraltar, especially mortgages for financing the purchase of their homes under the Government’s co-ownership schemes.

1595 The Government is in advanced discussions with the local banks and other financial institutions in this respect, and is considering proposals which will lead to an increase in the availability of such mortgage finance in order to assist the growing number of working families who would like to own their own home – and that is most of them, Mr Speaker.

1600 The Government is also working on proposals to provide further assistance in order to free up some of the pressure on the mortgage market by arranging facilities for public sector employees who may wish to purchase their homes under any of the Government’s home ownership schemes. Government is seeking to arrange that such loans be secured against their pensions and gratuities. This would enable many public sector employees to purchase their own homes in cash without the need to have a mortgage on their property with interest charged at market rates, on a reducing-balance basis. Interest and any capital repayments would be deducted from their monthly salaries, with the loans being repaid in full upon the employee’s retirement or earlier departure from Government service.

1605 Moreover, Mr Speaker, the Government will also now be extending the 50/50 scheme to the sale of its Post War Housing Stock to sitting tenants and eligible relatives. We shall shortly be communicating with those who were eligible to purchase to advise them of how this extension of the scheme will work in relation to that part of the Housing Stock.

1610 Mr Speaker, as a further measure to assist those who may wish to buy their home in cash and who may have their savings locked up in fixed-term debentures with either the Government of Gibraltar or the Gibraltar Savings Bank, such debenture-holders will be given the option to redeem their debentures before the maturity date with no penalty, if they can satisfy the Financial Secretary that the redemption monies will be applied for that purpose.

1615 Mr Speaker, I have received a petition from Unite the Union signed, amongst many others, by Members of the Government and the Opposition in which we were asked to consider the possibility of making it compulsory for every individual in the private sector to have a pension. I am today creating a working group to be made up of the relevant unions and employers’ representative bodies including the Chamber of Commerce, the Gibraltar Federation of Small Businesses and Unite the Union, onto which we will also invite the Gibraltar Betting and Gambling Association in order to consider whether such measures are feasible in the context of our economy. I am aware that these measures are now in place in the United

1620 Kingdom and I want to recognise and praise the work done by Unite in understanding the way in which these systems have been introduced in the UK by the Conservative Liberal Coalition who have done so in a manner that appears to have enjoyed the support of employers and employee organisations. I will be asking Michael Crome from my office to Chair that Working Group.

1625 Finally, before rounding up Mr Speaker, I am delighted to announce that the Government will be creating two annual scholarships to be available to children under the age of 18 who are exceptionally gifted in the arts and who are able to obtain placements to progress their development and the study of music, dance or another art other than at degree level which is covered by the present Scholarship programme.

1630 Mr Speaker, last year I was very disappointed that the hon. Gentleman did not actually reply to my budget address. Just like I did last year, I have again made a very large number of announcements this morning which are clearly for the good of our community. I have disclosed important figures that demonstrate that some of his criticisms throughout the year have been entirely unfounded. I have shown that his oft expressed concern about the growth of recurrent expenditure is actually something they created whilst in government that we are now taming and bringing under control.

1635 I trust that this year he will in his speech respond to these matters and not simply deliver what he has come prepared to say. I do hope he will specifically respond to what I have said and not just fall into the trap of delivering his prepared text; because his analysis will be less than relevant if all he says to us is that he is worried about rising recurrent expenditure, blaming us for what he says is a £66 million rise without addressing the fact that it has actually grown principally as a result of what his previous leader used to call untameable market forces and as a result of the things they did when they were in government before they left.

1640 Mr Speaker, I want to thank the unions who have worked with me this year, the Chamber, the Federation, ATCOM, the Finance Centre Council and all others for their input. Not all their requests or shopping lists can be accommodated, but good input from those organisations helps us to better calibrate this appropriation and to consider how some structures may change to accommodate innovative suggestions in the future. We will certainly continue our full engagement with them.

1645 It is also right of course that I should thank all public servants of Gibraltar, without whom Government cannot operate and who in great measure are as responsible for these great results as any of the 10 of us on this side of the House.

1650 In particular, Mr Speaker, our thanks to you, the Clerk and staff of the House for bearing with us this year. This month we continue the work of refurbishing the work areas of Parliament behind the Speaker's Chair and as a result I am happy to announce that there will be no July session. It is an issue which we have considered in the Select Committee in any event.

1655 I apologise in advance to you and your staff, Mr Speaker, for the disruption the refurbishment will create and trust that the absence of a meeting whilst it is ongoing will minimise the effects it will have on your work which, as Members know, but the rest of the community may not be aware, continues even when Parliament is not in session. The installation of the lift to make the Chamber accessible will also now commence in earnest, and I understand is expected to be finished in time for the October sitting.

1660 Again, this year, this is a useful moment to extend a very special acknowledgment also to the staff of No. 6 Convent Place, especially the team that works on my corridor of the building.

1665 Two and a half years in, and it is very much thanks to them that I never feel alone at any time of the day or night when I am working at our nation's challenges at that emblematic address, and that is finally being transformed – as Members Opposite and on this side will know – into an address which is the representation of the modern Gibraltar and not what it was.

1670 Today, I also want to continue the tradition I established, which I think is fitting in a system of real Cabinet Government, of publicly thanking all other members of the ministerial team, for their sterling efforts in the course of this past financial year. It is that work and the work of the civil servants who work alongside us that delivers these excellent results.

1675 Because it is quite clear to me, Mr Speaker, and no doubt to people outside this place, that this is a *game-changing budget*; a game-changing appropriation of monies for our community.

This Budget shows our community that our long-term strategy for the future of this nation of ours is starting to bear fruit.

1675 Already, the rainy day funds are well established once again in Community Care, now with over £80 million on deposit.

1675 Already, the rainy day funds are well established once again in the Savings Bank, where reserves are estimated to be restored again to the level at which they were before Members Opposite took the money for their general purposes – talk about using savers' money for the Government's own purposes!

Mr Speaker, this is the Socialist Liberal Government's third budget, which once again delivers social justice for all our community.

1680 This is a budget for people of aspiration; for hard working people who are the spine of our success as a community.

Because this budget demonstrates that we care about the people who cannot pay their bills and who are not riding high and we care about businesses that are not doing as well as they could because of the attempts to strangle our economy.

1685 This is a budget for entrepreneurs and the working man and woman.

A budget not for those who put out their hands just to take; it is a Budget for those who put out their hands to work and for those who genuinely cannot work.

And these are exciting times for business in Gibraltar.

Entrepreneurs can see there is a Government in Gibraltar that is on their side.

1690 A Government that understands their needs.

A Government that wants to see growth continue and spread to every sector of the economy.

A Government that understands each taxpayer is a shareholder in this common enterprise that we call the nation we are building.

1695 And our role is to ensure that we maximise shareholder value in everything that we do: adding shareholder value in tangible, economic terms and in non-tangible non-economic ways too; a balancing act that we are getting right at every turn.

We are delivering game-changing developments like Commonwealth Park in partnership with responsible charitable organisations like the Kusuma Foundation, whilst also delivering game-changing surpluses.

1700 And we are not just relying on established industries and established standards.

We are dragging Gibraltar out of the culture of mediocrity; we are reaching out for a better standard and new businesses.

We take not just the low-lying fruit of the established sectors; we go further to try to establish new industries with innovative thinking and set our sights on the future, not just the present and the past.

1705 And that is what is resulting in investors breaking ground on new office developments which just would not get off the ground before we were elected.

That is why we already have a fabulous new 5-star hotel already operating, barely 30 months after our election – organising functions Gibraltar could never have hosted before.

We can see we have the confidence of the financial services sector which has grown in jobs since our election, despite the challenges that industry faces.

1710 We can see the confidence from the gaming sector which has grown in jobs since our election despite the challenges that industry faces, *by almost 50%*, Mr Speaker.

We enjoy the confidence of unions and employers' representative organisations, because we listen and we act when we believe their ideas are better than ours.

1715 But we are clear that we enjoy the confidence from all sectors of society because we are working *for* all sectors of society and delivering to all sectors of society.

And so I say, Mr Speaker, to every member of our community, whoever they may have supported at the last election: this is a budget for you: for those of you who voted GSD or PDP, for those of you who mixed your vote and for those who did not vote at all as much as for those who voted GSLP/Liberal, because we are a government for *all* of Gibraltar – as we promised to be *and we make absolutely no apology for that!*

1720 We are a government delivering a budget for workers and for entrepreneurs; for those on middle class incomes and working class incomes; for the worker and for the business man.

A budget that delivers social justice for all of our people, as we will endeavour to do in every appropriation we bring to this House.

1725 A budget that demonstrates that we will take *no lessons in finance* from those who left Gibraltar with just £2 million in the bank when they left.

We will take no lessons in democracy from those who financed their party newspaper exclusively with taxpayers' money or hardly called any meetings of this Parliament when they could.

1730 Because this is a budget of a government that will always put country before party and not the other way around.

This is a game-changing budget, Mr Speaker, that sees our people basking in the bright sunlight of the new dawn.

A budget of a record-breaking surplus that exceeds even the record-breaking estimate.

1735 A budget of useable cash reserves up again to almost £100 million – *50 times* the paltry £2 million the Members Opposite left behind.

A record high in Gibraltarians in employment.

And Gibraltar now third in the international rankings of GDP per capita with people enjoying the benefits of that in the carefully targeted spending commitments of their Government.

1740 Mr Speaker, more cash, more jobs, more surplus and much more transparency and democracy than ever before.

Not just a record-breaking Socialist Liberal Government; a *game-changing Socialist Liberal Government for all our community*.

1745 Mr Speaker, it is therefore with both great pride and humility in having been allowed to present the fruits of the work of this whole team in the opening address in this debate, that I commend the Bill to the House. (*Banging on desks*)

Mr Speaker: Having regard to the fact that hon. Members have remained in their seats for over two and a half hours, including the Clerk and myself, I think we should have a very short comfort recess, not exceeding 10 minutes.

1750 The House will now recess.

The House recessed at 12.45 p.m. and resumed its sitting at 12.57 p.m.

**Appropriation Bill 2014 –
Second Reading –
Debate continued**

Mr Speaker: The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, it is an honour for me to rise to deliver my second budget speech as Leader of the Opposition.

1755 As I said in my budget speech last year, the Opposition will never make political capital against the Government at the expense of this community or without clear justification. Where we can work with the Government, we will do so. Where on balance it is justified and we believe that for the sake of national unity we need to be adopting a different policy to the ones we have held in the past, we will also do so. We will not stick rigidly to partisan political lines, even where intellectually we would have been justified in doing so, if on balance it does not serve the national interest.

1760 Thus for example, we attended the National Day Rally last year, despite our long held position in Government to depoliticise National Day. We have also done so on attendance at the United Nations Committee of 24, where I said publicly on more than one occasion on first becoming my Party's Leader, that although we do not resile from our Party's long standing position that the 2007 Constitution created a modern, non-colonial relationship with the United Kingdom with the maximum level of self-government, short of independence and compatible with continued British sovereignty, we would for the sake of national unity attend, provided that I could see the Hon. the Chief Minister's speech beforehand and agree the text with him.

1765 The hon. Gentleman has not taken me up on that.

1770 On the attempt by the UK Prime Minister, David Cameron, to negotiate new terms of membership with the EU, I brought a motion to this Parliament within weeks of becoming Leader of the Opposition, calling on the Chief Minister and myself to work together so that Gibraltar's interests could be protected. Not once have I been briefed, despite his recent unilateral decision to undertake a consultation exercise on Gibraltar's inclusion in the Customs Union and Schengen.

1775 On our relations with Spain, I have said on many occasions again, from very soon after I became Leader of the Opposition, that he and I should work together and devise a common strategy, and for us to be an example to future generations of politicians here in Gibraltar. He has never taken me up on that either.

1780 Last year, for two months we suspended normal political activities and criticisms of the Government, to give the Government the political space to resolve a difficult situation in the aftermath of the laying of the concrete blocks. He briefed me for those two months but the briefing ceased as soon as normal political exchanges resumed.

1785 There are therefore many initiatives from this side of the House where we have held out an olive branch to the Government on issues of national importance, and the reality is that for whatever reason, they have not been taken up by the Government. Indeed we have gone, Mr Speaker, far further than they did when they were in Opposition.

That said, Mr Speaker, what the Government cannot do is equate its own narrow political interests with the interests of this community of Gibraltar. Every time it is met with criticism on their handling of public finances and indeed on their handling of relations with Spain. They are not the same and indeed, I note, Mr Speaker, that he has done precisely that during the course of his speech here today, this morning.

1790 Thus, whilst we welcome some of the measures – for example, the measures to encourage savings and also the measures to stimulate trade in Main Street – that the hon. Gentleman has announced today and indeed the growth of the economy, we continue to have very real and considerable concerns about the way

1795 that the Government is managing our public finances, including the opaqueness surrounding the expenditure of the Gibraltar Savings Bank and Credit Finance Company Limited and the legacy of debt and spiralling expenditure that the hon. Gentlemen is leaving future generations of Gibraltarians.

The seeds for the opaqueness management of our public finance today were sown by the Chief Minister in his political discourse at the last election, as we will see in a moment. It is a discourse that goes to the heart of whether hon. Members, and the Chief Minister in particular, deserve the trust of the people of Gibraltar at the next election, Mr Speaker.

1800 The reality is that the Hon. the Chief Minister's position remains riddled by substantial, fundamental and presentational contradictions, as he himself has always known and which I said last year during the course of my Budget address, would catch up with him sooner rather than later if it had not already done so. Well, Mr Speaker, it has caught up with him in this Budget, for reasons that I am going to be developing in a moment.

1805 Mr Speaker, what this Budget shows is that the Big Lie has well and truly unravelled. (*Banging on desks*) Highest net public debt in the history of Gibraltar in monetary terms. Substantial increases in gross debt despite the Chief Minister's address last year and his predictions that gross debt would actually go down. Highest levels of recurrent expenditure in Gibraltar's history.

1810 It is not surprising, Mr Speaker, that the Hon. the Chief Minister has been so defensive about recurrent expenditure this morning, and he uses and deploys the well-known and tiresome mantra of 'blame the GSD'.

Well, Mr Speaker, what the Chief Minister cannot do is on the one hand argue that our public finances were in a ruinous state in 2011 and claim credit for some miracle in two and a half years, whilst saddling the GSD with recurrent expenditure (**Several Members:** Hear, hear!) (*Banging on desks*) because it was our fault, Mr Speaker. Mr Speaker, the French saying, *Qui s'excuse, s'accuse* comes to mind and the Chief Minister has done it perfectly this morning.

1820 Mr Speaker, increases in recurrent expenditure outstripping increases in recurrent revenue in both percentage and monetary terms; highest ever reliance on import duty, despite the Chief Minister decrying our dependence on it rightly, from the Opposition Benches; overspend across the majority of Government Departments; and a very worrying propensity Mr Speaker, for overspend in the Chief Minister's own Department, No. 6 Convent Place, Mr Speaker. It really is, money is no object when it comes to No. 6 Convent Place, (**A Member:** Hear, hear.) as we will see in a moment.

1825 This, Mr Speaker, from the gentleman that used to criticise his predecessor, Sir Peter Caruana for his expenditure, when he makes Sir Peter Caruana look like a veritable scrooge in comparison, Mr Speaker. And that, without taking into account the opaque investment – because that is what it is – of £400 million by the Gibraltar Savings Bank in Credit Finance Company Limited, over £70 million of which the Government has already spent.

1830 Mr Speaker, if the Government has spent that £70 million directly, instead of using savers' money as its credit card, and accounted for that expenditure in these estimates of revenue and expenditure, the Government would not be making anywhere near the kind of surplus it is making and declaring today, Mr Speaker. Indeed, it would be making a mere loss. That is the fundamental reality of this budget, Mr Speaker. (**Several Members:** Hear, hear.) (*Banging on desks*)

1835 Mr Speaker, for the last two years my predecessor as Leader of the Opposition and I, Sir Peter Caruana, have been describing the 2011 Election as the Big Lie election, involving not one big lie, but two big lies. One on the state of public finances and the level of public debt, which he described as astronomically high or in excess of the legal borrowing limits; and a second lie about electoral promises made to the electorate, which were quite frankly undeliverable in the way that the Chief Minister said that they were going to be delivered, Mr Speaker.

1840 He promised £750 million of capital projects and indeed huge increases in recurrent expenditure to boot. He promised to freeze rents, rates, electricity, to cut income tax, the effective rate, from 25% to 15%, to cut public debt by half and to donate every single last penny of Government surpluses to Community Care. Mr Speaker, a veritable miracle by biblical proportions.

1845 And it does not take a rocket scientist to work out that if you are going to increase Government capital and recurrent expenditure to those very significant – and by Gibraltar standards – astronomical levels, whilst at the same time cutting the income available to the Government – because what you are doing is, you are cutting income tax, freezing rates, rents, electricity, cutting the public debt and donating every single last penny of Government surplus to Community Care – how on earth did he expect to pay for it all, Mr Speaker?

1850 In his very first address to this community on 18th January 2012, he appeared on public television on an emergency basis and spoke quote 'serious public debt problem'; quote 'a serious public finance problem'; quote 'an impenetrable curtain'.

He then went on to create the impression, an impression that he reinforced in the budget last year and he has done so again this year, that there was somehow a sinister £100-million black hole in the public finances of Gibraltar.

1855 Mr Speaker, it is a claim that he even repeated on Spanish television last year! If I had made such a criticism of his Government on Spanish television, I would have been required to walk in procession, Mr Speaker (*Banging on desks*) from College Lane to No. 6 Convent Place, self-flagellating myself in the process, prostrating myself in front of No. 6 Convent Place, until his party machinery had forgiven me for my supposed sin, Mr Speaker.

1860 But of course, what he does not do, he does not judge his political opponents by the same standards that he judges himself, Mr Speaker.

And Mr Speaker, yet by the beginning of last year, when challenged by a GBC reporter on the levels of Government spending in the light of that very bleak picture that he painted, barely 12 months earlier, he said that the Government, and I quote ‘had cured’ any public finance problems that he had inherited. Mr Speaker, from financial ruin to the land of milk and honey in barely 12 months! Mr Speaker, *it is simply not credible*.

And of course Mr Speaker, he had to find a miraculous cure pretty quickly, because this was a Chief Minister that was going to be embarking on some of the most expensive capital projects that we have seen in Gibraltar, Mr Speaker. He would be soon spending money as if there were no tomorrow: 1,000 affordable homes at a cost of over £100 million; the cladding and improvement to three estates at a cost of nearly £100 million; the small boats marina at a cost of £24 million. Sandy Bay at the cost of between £5 and £10 million; £4.5 million Mr Speaker on a semi-Venetian palace at No. 6 Convent Place, Mr Speaker! (**Several Members:** Hear, hear.) (*Banging on desks*) the Queen’s Cinema, Commonwealth Park and £25 million as he has today announced on the Gibraltar International Bank, to name but a few.

1875 But also, Mr Speaker, importantly, *huge* increases in recurrent expenditure.

Mr Speaker, last year I said that in comparison to the financial year ending 31st March 2012, the projected overall, the current expenditure for the year ending 31st March 2014 will have risen by £66.6 million per annum or £5.5 million per month. In fact, Mr Speaker, the recurrent expenditure has risen during that period by £95.6 million per annum or £7.96 – nearly £8 million – per month. That includes increases in recurrent departmental expenditure of £76.6 million; recurrent contribution to Government-owned companies of £9.6 million and £9.4 million paid in previous years to the Social Security Fund, which this year has inexplicably been transferred as a one-off payment out of surplus, which has artificially increased the size of the surplus, only for that money to then be paid from the surplus to Community Care.

1880 In other words, in the past, £9.4 million was paid to the Social Security Fund, from there to Social Assistance and then from there to Community Care. This year, it has been treated as part of the surplus and from there it has been paid directly to Community Care.

Mr Speaker, I will return to this later on, but for present purposes, it represents an increase of 28% in recurrent expenditure from the position that it was in March 2012, when the hon. Gentleman first gave his first Budget speech. Even if you take the £9.4 million from recurrent expenditure, as they have done, recurrent expenditure would still be £86.2 million more than it was in March of 2012, Mr Speaker. An astronomical increase by anybody’s standards from a Government that won the election claiming that the public finances of Gibraltar were in a ruinous state, Mr Speaker.

1890 But it is the implications of these huge increases for the community and not the big lie in itself that concerns me, as I will explain in a moment. But the big lie is the reason for the hon. Gentleman’s blind gamble – for that is what it amounts to, a blind gamble – with the future of our children and our children’s children, because these levels of public expenditure are simply not sustainable and someone at some point in the future is going to be left with an almost impossible task, when the mess that he is creating comes back to bite us all, Mr Speaker.

1900 Mr Speaker, recurrent expenditure for next year is expected to rise by 32% from the position it was in March 2012 to £108.95 million per year, an increase of £9 million per month. But Mr Speaker, almost across the board, there have been huge increases in expenditure and overspending in Government Departments from the levels that he predicted in his budget last year. Twenty-four out of 41 Government Departments have spent more than their allocated budget – 24 out of 41 Government Departments are overspending, Mr Speaker. No. 6 Convent Place is spending £16 million per annum today, compared to £7.5 million per annum in March 2012, Mr Speaker. (*Interjections*) It is an excess over budget of 45%. The hon. Gentleman cannot even keep within a budget in his own Department in No. 6 Convent Place, Mr Speaker!

1905 Mr Speaker, No. 6 Convent Place is spending £16 million today, compared to £7.5 million in March of 2012 – an increase of 112% rise in expenditure in the Chief Minister’s own Department since March 2012. Now, the Chief Minister may argue in his response, that the IT Department is within his budget now. Therefore that would account for a large part of the increase because the IT Department accounts for £1.1

million of the increase. However, even that £1.1 million, Mr Speaker, that increase only happened when the IT Department was within his control, was within part of No. 6 Convent Place.

1915 Even if I were to give him the benefit of the doubt for the increases within the IT Department, and other Departments which have moved in and out since March 2012, there is still a rise in overall expenditure of £7 million, which is still an increase in his Department of 93.5%, Mr Speaker, and the increase is across all the items within his Department. Total payroll, Mr Speaker, at No. 6 Convent Place has increased from £2.2 million in March 2012 to £4.26 million in 2014, with a further increase to £4.4 million by 2015.

1920 As at March 2014, No. 6 was spending £2 million, or 91%, more in salaries than it was in March 2012. Excluding the IT Department, it equates to 36% increase in salaries, Mr Speaker.

1925 In 2015, the Chief Minister plans to increase the levels of staff by seven more bodies. That is more than the total increase planned for the GHA during the same period, Mr Speaker. Legal consultancy fees for No. 6 Convent Place have increased by £666,000 in March 2012 to £2.25 million in March 2014 – an increase of a staggering 237%. This despite significant increases in legal staffing levels employed directly by No. 6 Convent Place during the same period. For the first time, there is a Head for Media Monitoring which comes in at £475,000.

Mr Speaker, I know that he likes to spend an awful lot of time monitoring what everyone says on social media, but £475,000 on media monitoring is an awful lot of money to spend on media monitoring.

1930 Travel and entertainment was an item that I focused on last year. The estimated figure was £390,000. The actual was £1.3 million, or a massive 287% over budget, Mr Speaker.

Mr Speaker, it is a question of priorities. Priority is a word that he ought to learn and ought to be in his vocabulary, Mr Speaker. I really cannot understand how all this expenditure on his offices can be justified when one looks at the priorities for this community, especially from a ‘new dawn’ Socialist Party that claims to be the people’s party, Mr Speaker.

1935 One has to ask what benefit is there to the ordinary man in the street by this extravagant spending and overspending on No. 6 Convent Place? Mr Speaker, there has rightly been a public outcry regarding the availability of doctor’s appointments at the Primary Care Centre. The overspend on travel and entertainment alone of £920,000 could have employed 10 doctors for a year, Mr Speaker, which would have dramatically reduced waiting times. Yet the priority is given to the Chief Minister’s own offices and it would appear his own comfort, Mr Speaker. (*Banging on desks*)

Perhaps the next time that the leader of the new dawn socialists is near the Primary Care Centre, he should pop in and explain to all those people who are hours waiting to see a doctor, why he is spending so much money on his own offices, on his own staff, on his own travel and entertainment when they have to wait hours to see a doctor, Mr Speaker. (*Banging on desks*)

1945 None of this of course takes into account the £4.5 million plush upgrade to his offices or the Jaguar or the Tesla or the three or four Mercs, Mr Speaker and he had the audacity to criticise his predecessor for the gas-guzzling Jaguar, Mr Speaker!

Turning to other Departments, Culture and Heritage: estimated spend was £3.7 million; the actual came in at £5 million, which means a 35% over budget. Utilities: the estimate was £48 million; the actual spend was £64 million, which means 33% over budget. Human Resources: the budget was £1.4 million and the actual has come in at £2.4 million, which means a 64% over budget. Treasury: the projected expenditure was £16 million; the actual came in at £17 million or 6% over budget.

1950 Mr Speaker, the Hon. the Father of the House is not here to listen to my response to the Hon. the Chief Minister’s Budget, but I know that he delights in reminding me, Mr Speaker, that he has known me since I wore short pants. The issue whether I wore short pants or not shall forever remain a bone of contention between him and I, but we do go back a long way and I know him as well as he knows me – and he must be absolutely gritting his teeth, Mr Speaker, at forming part of a Government that is spending at the levels that this Government is spending, Mr Speaker, and overspending across Government Departments!

1960 Whatever happened, Mr Speaker, to his famous and I think correct policy of the rainy day fund policy, Mr Speaker? And Mr Speaker, to the extent that he forms part of a Government – a *Socialist* Government Mr Speaker – that agrees to pay a former Socialist activist in Hong Kong, £250,000, Mr Speaker! Ten times the national wage average here in Gibraltar, inclusive of the private education of his children, Mr Speaker. Since when have socialist governments anywhere in the world, Mr Speaker, paid for the private education of anyone’s children, Mr Speaker?

1965 The reality is that the Hon. the Father of the House is going to remain, Mr Speaker, the only non-champagne-drinking Socialist at this rate, on the Government benches, Mr Speaker! (*Laughter and interjection*) I hope that he is listening to this, because at this rate – and I hesitate to make the point, because Mr Speaker, I will incur the full wrath of his response – but at this rate, he is going to feel more at home on these benches than on theirs, because at least I used to listen to him when he used to talk to me about the need for financial prudence and the setting aside of a little bit of money in order to meet a situation when the going gets tough – a lesson that obviously the Hon. the Leader of the new dawn Socialists has simply not learnt, Mr Speaker.

But Mr Speaker, I now turn to recurrent revenue.

1975 Recurrent revenue increased by 19.97% since March 2012, whilst I have already indicated, that expenditure has risen by 28%. From March 2012, recurrent revenue has increased by £90 million. Of that amount, £54.45 million or 44% was accounted for by an increase in import duty. Mr Speaker, increases in current expenditure are expected to continue to outstrip increases in recurrent income in both percentage and also monetary terms next year. The expected rise of revenue for March 2015 is only £2.5 million. The expected rise in expenditure is £22.8 million next year. What is concerning about these figures is that the

1980 bulk of the increase in recurrent expenditure is attributable to import duty.

In March 2011, import duty accounted for 25% of total Government revenue. Today it accounts for 32.6%. Mr Speaker, when he was on these benches and in these debates – indeed in the speech that he gave when he was Leader of the Opposition, his only one – he said that we needed to cut dependence on tobacco revenue. Well, Mr Speaker, I agree but dependence on tobacco revenue is going up, it is not going down and it has been two and a half years on his watch that this has continued to happen.

1985

Mr Speaker, that careful calibration between increases in recurrent revenue and expenditure which the Government predicted at the last election is not happening because the Government's expenditure is out of control. That is the reality. I recently said in the *Gibraltar Chronicle* that the Government is creating the ingredients for a perfect storm in future and I have to say that I am more worried than ever having read these figures for this debate. And I emphasise again, that you cannot hermetically seal the public finances of Gibraltar from outside influences.

1990

Even the EU Commission visit on Wednesday of this week could have an important impact on important sectors of our revenue, Mr Speaker. Our relations with Spain can also affect not only important sectors of our economy such as gaming, which accounts for 20% of GDP and nearly 3,000 jobs, but also important revenue streams too, Mr Speaker and they have to be conducted in a calm, mature, intelligent way, Mr Speaker. Less of the flashing of the cufflinks, Mr Speaker, and more thought.

1995

And in this regard, I do congratulate him for his toned down UN speech that he delivered this year. A far cry from his speech last year comparing, whether he believes it or not, comparing Spain to North Korea, which I thought was one of the biggest own goals that any Chief Minister in the history of Gibraltar's politics has actually scored.

2000

Mr Speaker, I do not think that it is a coincidence that we have seen a decrease in certain revenue streams this financial year. Tourist site receipts are down by 5%; bunkering charges are down by 33%; ship registration fees are down by 17.2%; revenue from vessels using the east side anchorage down by 45%; Upper Rock visitors down 3% compared to last year – down 30% when compared to 2012; yacht arrivals down approximately 13%, the number of coaches arriving in Gibraltar via the land frontier down 33%; Gibraltar Museum revenues down 27%, Mr Speaker.

2005

Mr Speaker, I now turn to my analysis of public debt. The gross public debt stands at £450 million and cash reserves stand at £96 million. That gives a net public debt figure of £354 million. In monetary terms that is the highest net public debt figure in the history of this community.

2010

Let me repeat that for the benefit of hon. Gentlemen opposite: £354 million, the highest in monetary terms for net public debt in the history of this community, Mr Speaker. And this is from a leader who decried the levels of public debt at the last election and he is responsible now for saddling this community with the highest levels of net public debt in monetary terms in the political history of this community.

Last year, he promised to reduce this figure by £12 million. Instead, it has actually risen by £76 million, or 27%, and it is expected to rise again next year by £25 million. Even if you analyse it, in gross public debt terms – which is their preferred method and was their preferred method at the last election – I remind the Chief Minister that last year he said that he was well on course to meet his manifesto commitment of reducing gross public debt to £260 million. Well, the outturn is £450 million – an increase, Mr Speaker, of £74.3 million in gross public debt.

2015

Mr Speaker, of course he may decide to convert to GSD policy by arguing that we should not look at gross debt but we should look at net debt and net debt as a percentage for the size of the economy, and it happens to be 25%. I will leave that up to him in his reply. But if he does that, if he argues that it is low because it is net debt as a ratio of the size of the economy, well perhaps he can also apologise to the people of Gibraltar for his misleading public discourse at the last election, Mr Speaker. (**Several Members:** Hear, hear.) (*Banging on desks*)

2020

But Mr Speaker, these net and gross public debt figures do not even provide us with an accurate picture of public debt – and I am turning to analyse the Gibraltar Savings Bank and Credit Finance Company Limited. Mr Speaker, last year I said that the Gibraltar Savings Bank would and I quote:

'become absolutely pivotal to any debate on public finance and the Government expenditure over the next few years'.

2030 Mr Speaker, at the time that I uttered those words, I did not know about the existence of Credit Finance Company Limited – and unfortunately, I have been proved absolutely right.

I also said this and I quote:

‘Mr Speaker I have been observing the Hon. the Minister responsible for the Gibraltar Savings Bank, Minister Bossano, for many years. I may not always agree with what he does or the manner in which he does it, but he does everything for a reason. I hope, Mr Speaker, that I am wrong and that the Government is not contemplating using that money. The consequences for these annual debates and the transparency of Government finances would be considerable because it would be blow, a massive hole in the Governments duty to account to this House at budget time for the expenditure because as we all know, the Gibraltar Savings Bank expenditure is not reflected in these estimates’.

2035 Again Mr Speaker, I made these predictions, which have turned out to be absolutely totally accurate, because since they came into office, they have been effectively shifting Government debentures which rank as Government debt from the books of the Government to the Gibraltar Savings Bank where they do not rank as Government debt. Of course, the Government still guarantees all deposits, including debentures, in the Gibraltar Savings Bank.

Mr Speaker, in March 2011, the Gibraltar Savings Bank debentures stood at £27.6 million. They now stand at £378 million, plus £74 million in bonds. Including deposits, the total amount in the Gibraltar Saving Bank is £815 million, compared to £330 million in 2011.

2040 Mr Speaker, in March 2012 the Government caused the incorporation of Credit Finance Company Limited, a company owned by the Government and the Gibraltar Savings Bank. It did so with an initial investment from the Gibraltar Savings Bank of nearly £300 million. For a Government that delights in issuing press releases on virtually anything and everything, it is remarkable that it made no announcement at all on such a huge investment of savers’ money. Probably, Mr Speaker, because they knew there was a by-election around the corner, Mr Speaker.

2045 And when I asked in this House, before that by-election, whether the Government had directly or indirectly provided any kind of financial assistance to the owners of the Sunborn, which would have led me to the existence of Credit Finance Company Limited, he said – and he could have answered yes – he answered ‘No, sir’, only to come clean the day after the by-election, Mr Speaker. The lack of transparency and accountability to this House in the handling of the finances of the Gibraltar Savings Bank and Credit Finance Company Limited will forever be a huge stain on his transparency and accountability agenda, Mr Speaker. (A Member: Hear, hear.)

2055 Yet further, Mr Speaker, he still refuses to answer legitimate questions as to who is in receipt of loans from the Government and in what amounts. It makes a mockery of this debate today. What is the point, Mr Speaker, of having 24 meetings of Parliament which he crowed about during his own address, if he will not answer questions on where Credit Finance Company Limited is spending that money and that expenditure is not accounted for in these estimates of revenue and expenditure? It is the single most important assault on the democratic and parliamentary process since I have been in politics, probably ever.

2060 Mr Speaker, Credit Finance Company Limited’s only employees are its directors, the Chief Secretary, the Financial Secretary and another senior civil servant. To date, the Gibraltar Savings Bank has invested £400 million, or 49% of all monies deposited in the Gibraltar Savings Bank, into this company and the Government has invested a further £30 million. You do not invest such colossal sums of money in a Government-owned company unless you intend to make use of that money in some way. This is particularly so, Mr Speaker, when one understands that the rates being offered by the Gibraltar Savings Bank are significantly higher than the rates available in the open market.

2065 There is a deliberate policy of making Gibraltar Savings Bank debentures as attractive as possible to encourage deposits within the bank and anecdotal evidence suggests, from the banking sector, that even foreign investors are being encouraged to take advantage of the higher rates of return within the Gibraltar Savings Bank. Mr Speaker, it is simply not true to say that under the GSD Government, the Government could and indeed did make use of the monies deposited in the Gibraltar Savings Bank. It is not true. That is their policy and it was this Government that changed the law quite deliberately to allow them to do so.

In March of 2012, the Chief Minister moved a Bill to amend the Gibraltar Savings Bank Act and took out the requirement that the investments of the Gibraltar Savings Bank be limited to cash deposits or their equivalent. That is why we voted against the Bill.

2075 The importance for present purposes is that, as a consequence, we now have a situation where legally there is no longer a requirement for the Government to invest in Gibraltar Savings Bank deposits in very safe forms of investments with very low returns. That is the reason why the investment of £400 million by the Gibraltar Savings Bank in Credit Finance Company Limited has been possible and I repeat, it is inconceivable that the Government is not going to be using that money because it is already costing the Gibraltar Savings Bank a considerable amount of money in interest payable to debenture holders.

2080 So far the Government has spent £72.43 million out of the £400 million, Mr Speaker.

Mr Speaker, I say the Government, because no-one in a million years, and less still Her Majesty's Opposition, is going to believe that the Chief Secretary and the Financial Secretary wake up every morning, hold a breakfast meeting and unilaterally decide who Credit Finance Company Limited lends money to and who Credit Finance Company does not lend money to.

It is a ridiculous notion to suggest that two senior civil servants decided unilaterally that they were going to be lending £30 to £40 million; we do not know what amount because he refuses to answer those questions, to the owners of the Sunborn. Absolutely ridiculous! They are obviously rubber stamping, Mr Speaker, the decisions of the hon. Gentlemen opposite, of the Government.

The expenditure is properly the expenditure of the Government: £23.05 million has been paid to pay off commuted pensions of civil servants; £49.42 million has been used to provide loans to the owners of the Sunborn and housing estates, of which we know of – because it could be others but we do not know because he refuses to answer questions; £1 million has been used to allow individuals or entities to pay off their arrears including tax arrears to the Government, Mr Speaker.

Mr Speaker, this not only inflates Government recurrent revenue because at its most basic, it is allowing individuals to pay off their debts to the Government whilst parking a Government debt in a Government-owned company so that it is not reflected in these accounts, but it allows the Government to use Credit Finance Company Limited to pay for expenditure that it would otherwise have had to meet through borrowing or its own reserves.

Mr Speaker, if the Government had spent that money itself, the surplus would have been much more reduced this year, Mr Speaker. Indeed it might have even made a loss. In other words, if you take out the £70 million out of the forecast surplus, that surplus would be virtually wiped out, Mr Speaker. Even if you treat the loan book of £49.42 million in accountancy terms as a loan from the Government and not expenditure, the surplus would be reduced by the amounts that had been paid in commuted pensions of civil servants. As I said at the beginning of my speech, that surplus has already been inflated by £9.4 million which has always been treated as a payment to Social Security and eventually to Community Care, which this year has been treated as a one-off payment to surplus and then paid from there to Community Care thus inflating the surplus.

Mr Speaker, it is smoke and mirrors economics. That is what it is. Conversely, if the Government had borrowed the money, Credit Finance Company Limited has paid out, there is no doubt that the net and gross public debt of this community would have increased by £17 million so we would be even more in debt than we are now directly – debt directly attributable to the Government, Mr Speaker. Indeed, it would be interesting to conduct the exercise, Mr Speaker, when he is through next year, as to the amounts that he eventually spends out of that £400 million in Credit Finance Company Limited and the levels of gross and net public debt to see whether actually, if you take them both together, the legal borrowing limits set down in law would have been exceeded, Mr Speaker, if the money that is being spent by Credit Finance Company Limited had been properly, as I say, properly been spent by the Government.

Mr Speaker, that is the true face of the Government he presides over. No economic miracle; he is mortgaging Gibraltar to the hilt and part of that mortgage is being kept away from these estimates which what we have consistently objected to since this debate first arose last year.

Finally, Mr Speaker, on this area, these figures do not give and take into account, substantial expenditure by the Government on for example the power station – and I will return to that at the end of my speech – or the installation of the liquid natural gas at the Detached Mole and its supply to the power station or the land reclamation associated with it. It does not take into account any expenditure by the Government on home ownership estates, so there will therefore be more spending next year, Mr Speaker, and there will either be more borrowing, either directly by the Government or through Credit Finance Company Limited.

Mr Speaker, I now turn to economic growth. Mr Speaker, the forecast gross domestic product for the financial year 2011-12 was £1.137 billion and the forecast GDP for 2012-13 was £1.226 billion. Today the Chief Minister has said that economic growth for the year ending 31st March 2014 was 10.3% and that GDP was forecast to rise to £1.41 billion. Of course, Gibraltar is bucking global trends as it has done since the financial crisis broke in 2007. These figures are therefore good figures, there is no doubt that there will be further growth next year, driven entirely Mr Speaker, by Government projects.

But we must however be careful about economic growth based largely on Government projects funded by borrowing. At some stage that money will have to be repaid, likewise, lending the owners of the Sunborn or any other business £30 to £40 million to relocate to Gibraltar is not with respect, the best economic model. This is not economic growth generated by huge inward investment.

And I remind the Chief Minister that when he was Leader of the Opposition, and he was interviewed by Gerard Teuma in May 2011, he said that just as the GSLP had international investors lined up before we were elected to Government in 1988, so too did he have international investors lined up if he became Chief Minister of Gibraltar. Of course he never gave any details and that was understandable but there has been an election, they won it and I asked him on four separate occasions about these supposed international

investors. After almost two years of asking him, he finally came clean in January of this year and said that it was a coin-minting company from Austria that he had in mind in 2011.

2145 Mr Speaker, talk about damp squibs! How on earth can he possibly compare himself to the first GSLP Government with the land reclamation at Europort, the Euro Towers and all the international investment that quite rightly that first GSLP Government has been praised for bringing to Gibraltar to a coin-minting company, Mr Speaker, from Austria? They are simply not comparable, Mr Speaker.

2150 Mr Speaker, the hon. Gentleman really needs to spend less time on photo opportunities and more time thinking about ways in which he is going to be attracting inward investment to Gibraltar and indeed, we have a number of ideas on this side of the House on how to attract that business and if he wants to, he can sit down with me and I will gladly impart some of those ideas. I have no reason to keep them to myself. At the end of the day, we are both working towards a common purpose and if he wants to engage with me, I will happily engage and tell him about the ideas that we have on this side of the House for attracting inward investment.

2155 Mr Speaker, during the course of his speech, he spoke about the web of companies that supposedly the GSD had created during his 16 years and then he said, in reference to my Hon. and Learned Friend Mr Bossino – and he has the audacity to talk about secret companies... Mr Speaker, how on earth can you compare and how on earth can you trust the creating of a Government-owned company to the creating of a situation where you are allowing or incorporating companies registered at No. 6 Convent Place, with public servants as its Directors owned by GSLP activists being provided by direct allocation with Government contracts subsidised also through the Future Job Strategy, Mr Speaker? How on earth is that comparable? (*Banging on desks*) Because it is not.

2160 Mr Speaker, he also spoke about the power station. Mr Speaker, I had actually anticipated that he would be making the announcement of the power station during the course of his Budget, but Mr Speaker, he talked about in his speech, ‘we have got to frame this debate in honesty’. He said ‘frame the debate in honesty’ and then he proceeds to talk about £67 million for the power station, but actually omitting to say that on top of the £67 million he is going to have to spend money on the building of a liquid natural gas installation at the Detached Mole with a supply from that installation all the way to the power station and he is also going to have to spend extra money as well on the land reclamation, Mr Speaker, because that is what he is going to do. It will be £120 million from this same company because it is the same company, Mr Speaker, that he has announced, it was going to be building our power station, the £120 million included a new building for GibElec and it also included all the installations and all the infrastructure that was necessary, including storage facilities for that power station.

2170 Mr Speaker, he is comparing apples with pears but that is his style, he is over eager Mr Speaker and often over plays his hand, that is what he does, losing credibility in the process, just so that he can say, blame the GSD and look at what the GSD is doing and look at what we are doing. If he spent less time thinking about the GSD and getting on with the business of running Gibraltar, Gibraltar would be all the better for it, Mr Speaker.

2175 Mr Speaker, in relation to the black hole, he seems to have forgotten, Mr Speaker, what I said about the supposed £100 million black hole during the course of my Budget speech last year. Let me remind him, after outlining the arguments about the £100 million black hole, I basically said as my Hon. and Learned Friend, Sir Peter Caruana explained last year, this so called £100 million black hole is attributable entirely to the fact that the public debt ended higher and cash receipts ended up lower than the Government had estimated at the start of the year.

2180 It happened before in 2009, in 2010 it was estimated would finish the year at £116 million and it ended at £148 million. In 2010-11 £180 million was estimated and it finished at £216 million. All it takes, Mr Speaker, is for capital expenditure to proceed more quickly than budgeted for, for capital receipts from the sale of assets or for capital receipts from the sale of assets to be delayed or a combination of both, to produce this effect. The GSLP Opposition, Mr Speaker, has never criticised that position before in any of the statements that it made during the course of this debate in the past.

2185 Last year Mr Caruana said, and I quote:

‘delayed asset receipts for the year remain on-stream to come in now or in the future.’

2190 Well Mr Speaker, he was absolutely right. If the hon. Member looks at page 143 of the Estimates, actual receipts for last year from the sale of Government properties and other premia amounted to £1.4 million, whereas the forecast outturn for this year is £102 million, an increase of just over £100 million – end quote. There is your black hole, Mr Speaker – a black hole of the hon. Gentleman’s own invention, Mr Speaker.

Mr Speaker, last year to conclude he said that what needed to go down had gone down and what needed to go up had gone up. Not even he can maintain a straight face, adept as he is at it, keep a straight face, whilst making that remark for this Budget today. We finally see his true face, Mr Speaker. We finally see that this is no economic miracle, a miraculous cure for an illness he himself invented at the last election. He

2200 is mortgaging the future of Gibraltar, the future of our children and our children's children to the hilt to pay for a plethora of reckless promises he made at the last election. That, Mr Speaker, is his true face.

A Member: Hear, hear. (*Applause*)

2205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I cannot quite believe that that is it – but then again it was a game-changing budget, so I therefore move that the House do now adjourn until 3.15 p.m. this afternoon.

Mr Speaker: The House will now –

2210

Hon. Chief Minister: Recess, I am sorry, thank you until 3.15 p.m. this afternoon.

Mr Speaker: I am sorry I am school-masterish...!

2215 **Hon. Chief Minister:** Ah! Quite right.

Mr Speaker, if I may I will inform Members as soon as I know of the changes proposed to the schedule of the Hon. the Minister for Europe whose plane has gone back to London and therefore we may have an opportunity of continuing with the session this afternoon as a result, and, as soon as I know more, I will make sure that hon. Members are informed either here or privately, of what the arrangements may look like.

2220

Mr Speaker: The House will now recess until 3.15 p.m. this afternoon.

The House recessed at 1.55 p.m. and resumed its sitting at 3.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.17 p.m. – 7.33 p.m.

Gibraltar, Monday, 30th June 2014

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The Gibraltar Parliament

The Parliament met at 3.17 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Appropriation Bill 2014 – For Second Reading – Debate continued

Mr Speaker: The Hon. Dr Joseph Garcia.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, this is my 16th contribution to a debate on the Appropriation Bill in this House, my third as a member of the Government.

5 There have been many changes to this place over those 16 years. Some have been physical changes to the building, like the introduction of air conditioning and the refurbishment of the Chamber itself; other changes have been of substance to the rules, the procedures and the practices of the House.

10 I can remember, when I was first elected in 1999, that the *Hansard* of the previous year's Budget was not available to me immediately. As the House knows, *Hansard* is now published and circulated on the Parliament website quicker than it has ever been before – indeed, there was not even a website then. Even an institution like Parliament, Mr Speaker, has to move with the times. The publication of *Hansard* reflects the policy of the Government to make such information publicly available in as little time as possible. We have achieved this. The proceedings of this House are now televised. The House has been modernised and refurbished beyond recognition. This has taken into account the interests of the public, the press and obviously ourselves as its Members.

15 I want to confirm, Mr Speaker, that the next phase of the refurbishment will happen shortly. There is financial provision for this project in the estimates of revenue and expenditure before the House today. This next phase will include much needed works to the ante-room and the back-offices for Mr Speaker, the Clerk and the staff of the House. It will also include the installation of a lift, which will allow easy access for the disabled, the elderly and others into the public gallery for the first time.

20 Mr Speaker, this building was not constructed as a Parliament. It was the seat of the Exchange and Commercial Library, which had been founded in 1817 as the civilian population's response to their exclusion from the Garrison Library; but that is another story for another day. I know that the installation of a lift will be welcomed by my hon. Friend and colleague, the Minister for Equality.

25 Moving on now, Mr Speaker, to other matters, last year was the 300th anniversary of the Treaty of Utrecht. The Government organised a very successful symposium on the subject, which included speakers from Gibraltar as well as experts from abroad. I want to thank Jennifer Ballantine Perera and the staff at the Garrison Library for the superb organisation of the event.

30 This year, Mr Speaker, there will be another symposium; this time on self-determination and referenda. The intention is that another panel of speakers will analyse the subject of self-determination from different perspectives. The principle is different in application and in law, for example, in a non-self-governing territory to what it could be elsewhere. There is already a provisional list of experts that has been drawn up and I understand that invitations will be going out soon. Once again, there will be speakers from Gibraltar as well as panellists from outside our frontiers.

35 The symposium comes in a year when Scotland will hold a referendum on independence from the United Kingdom. It also comes in the year when the Catalan Government want to hold a similar referendum in order to determine their own fate. The positions of Scotland and Catalunya are very different to that of Gibraltar and this will no doubt add to the discussion.

40 Gibraltar is a Non-Self-Governing Territory. We are, Mr Speaker, in the United Nations Third International Decade for the Eradication of Colonialism. It will not have escaped anyone here that the number of Non-Self-Governing Territories on the UN list has actually gone up instead of down. The UN list and removal from it is another theme for the symposium.

The symposium, Mr Speaker, has been pencilled in for mid-October and the Government is sure that it

will prove very interesting and very relevant, both from an academic, a legal and a political point of view.
45 There is provision in the estimates for this event.

Moving on, Mr Speaker, the seminar ties in with the need that the Government has already identified to increase the political profile of Gibraltar abroad. We have already announced our plans to step up our lobbying for Gibraltar in Brussels and in Washington. The House already knows that the Gibraltar-American Council is made up of very supportive and well-connected individuals to whom we are thankful
50 for the continuing interest that they show in Gibraltar. This is very useful work, but more needs to be done.

In this context, the Chief Minister and I met with legal and lobbying firm Holland and Knight during our visit to Washington in March. It is clear to the Government that lobbying works very differently in the United States from what it does in the United Kingdom or in Europe. Therefore, the Government has contracted Holland and Knight, initially on a six months basis, in order to drive our campaign in
55 Washington.

A branch of the American Chamber of Commerce has now been established in Gibraltar. The Government welcomes this as a first step to increased trade links in the future. A very successful trade delegation from the United States visited Gibraltar a few weeks ago. The House knows that the Chief Minister and I were again in Washington this month for a number of political and other meetings which are designed to pursue the Government's agenda.
60

Mr Speaker, it is obvious that Gibraltar needs to do more in Brussels as well. The Government is looking to develop an office there based on the one that we currently operate at Gibraltar House in London. This would involve the recruitment of new staff or the redeployment of existing staff to Brussels.

We will, at the same time, continue to count on the support of Members of the European Parliament. However, the loss of Sir Graham Watson will be felt in the light of the valuable work that he has done for Gibraltar behind the scenes. The Government remains open, in this new set-up, to the idea of Sir Graham continuing to assist Gibraltar, albeit in a different way.
65

There is a huge amount of legislation coming through the EU pipeline, where it is essential that the Gibraltar view is heard at an early stage in order to avoid problems later on. I know that Michael Llamas and his staff at EUID, who do an excellent job for Gibraltar, will very much welcome additional resources on the ground in the European Union capital. It might even be possible to deploy officials from Gibraltar to Brussels on a rotating three-months basis, in order to create a pool of experienced public servants in the EU capital. The College of Bruges, which trains European civil servants, might also be an attractive proposition for young Gibraltarians. We will, needless to say, continue to work closely on Gibraltar issues with UKREP, the UK Permanent Mission to the European Union.
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75

Mr Speaker, there are also more than 700 members of the new European Parliament who need to be briefed and be made aware of the issues facing Gibraltar. We had made in-roads into the Parliament before the European Elections. The base of Gibraltar supporters in Brussels is no longer made up exclusively of British MEPs. This was seen in the two votes earlier this year on Air Passenger Rights legislation and the updated Single European Sky. Hundreds of MEPs of different nationalities and belonging to different political groups supported Gibraltar. We have seen German and even Spanish MEPs take up Gibraltar-related issues over the last couple of years, particularly the queues at the border. This is a good thing and we need to build on it. To do so, we need a team of people who will be dedicated to the task.
80

The election of a new European Parliament in May and, later in the year, the appointment of a new Commission that has to be ratified by that Parliament, presents a number of opportunities for Gibraltar to build on what has been achieved already. This lobbying has, up to now, been co-ordinated from my office in Gibraltar. Its role has been transformed since we were elected into a hub for the gathering of data and the compilation of reports. These reports are then transmitted to the relevant entity, which includes the EU Commission in Brussels or, more recently, the United Nations in New York as well.
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The House knows that a detailed dossier of statistics, photographs and press cuttings has been sent to the Chairman of the Committee of 24 and the Chairman of the 4th Committee. The objective behind this is to challenge the claim made by Spain that the Chief Minister's address to the 4th Committee last year contained falsehoods and insults. This was in respect of the border delays, the incursions at sea and in particular the shooting incident involving the Spanish Civil Guard and a Gibraltar jet-skier.
90

The European Commission continues to receive monthly updates of the situation at the border. This includes statistical data, video footage, photographic evidence and press cuttings. There will be another EU mission to the frontier on Wednesday of this week. Mr Speaker, I am very grateful to everyone who has been involved in this exercise. It is very important as we continue to build up our case against Spain.
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The House will know that the Government has set up a website in order to monitor the frontier delays. This has proved an extremely useful tool for persons who want to cross the border into Spain. We also know that the European Commission itself uses it to monitor border flow. The website was launched on 7th December 2012, which is about a year after we came into office. In the time since then, there have been over 12 million page views. The current average stands at about one million hits per month, which equates to about 32,000 page views every day.
100

105 This system is being upgraded to a new one, using the latest available technology. This is known as the Frontier Monitoring Project (FMP). The House will see that this is provided for in the estimates. The FMP system will give up-to-date information on queuing time, flow rates and camera imaging. Historical data going back two to three years will also be available. This will allow a correlation to be made between the length of the queue and key political events that Spain may not like.

110 The system will allow registered users to receive information on queuing times at preset regular intervals via e-mail or WhatsApp. This means that it can be programmed to send information on the queues, for example, between five and seven on weekdays for people returning home from work. It can also be programmed to supply information on a one-off basis for someone who does not cross the border regularly. The system will give the user the optimal time to cross in either direction, because it works using the flow rate of cars across the land frontier.

115 The system has the capability to detect suspicious activities. This gives it a law-enforcement capability through the use of Automated Number Plate Recognition (ANPR). Law enforcement agencies will be able to track down any particular vehicle from Devils Tower road to the frontier loop area.

120 It will also allow for quicker response times for traffic management purposes. The House knows, Mr Speaker, that works have taken place at the border in order to comply with the recommendations made by the European Commission. There is now a five-lane Customs area. Provision has also been made for an in-depth search area adjacent to the Customs area with incorporated car-lift facilities. There will also be an ANPR system at the commercial gates to detect all vehicle movements as well as the incorporation of security barriers and gates to better manage Customs operations in the area. This will serve as a deterrent after hours as the area will be closed off.

125 It is a credit to Gibraltar, Mr Speaker, that we have complied with the recommendations of the EU Commission at a time when Spain has done practically nothing. The Government trusts that this will be obvious to the EU Commission itself when they visit Gibraltar for a second time on Wednesday.

130 Another area which continues to be current is civil aviation. The House knows that legislation on Air Passenger Rights, on the Single European Sky II+ and the EU Aviation Agreement with Ukraine are all held up because Spain wants to exclude Gibraltar Airport from the scope of these measures. The Government will work closely with our friends in the European Parliament and with the United Kingdom Government on these issues. Indeed, the Government welcomes the position taken by the United Kingdom Government in relation to the inclusion of Gibraltar Airport in the EU civil aviation measures. This position is that the exclusion of Gibraltar Airport from EU legislation is a 'red line' for the United Kingdom. Indeed, this was spelt out at the second Aviation Policy Consultative Conference held at the Department of Transport in London in May by the Parliamentary Under Secretary of State for Transport with responsibility for Aviation, Robert Goodwill MP.

140 Mr Speaker, the Government welcomes the continuation of that robust approach. The Government would again like to thank all the MEPs from different political groupings who supported Gibraltar on aviation issues in the European Parliament.

145 Some of these matters now move on to discussion between the Parliament and the Council, which is composed of the Governments of the 28 Member States. This is where the UK must maintain its position that Gibraltar Airport must be included. The House can rest assured that the Government, for its part, will continue to make a case for the inclusion of Gibraltar Airport in EU civil aviation measures.

150 Mr Speaker, I move on now to aviation security. Gibraltar Air Terminal Ltd, the Borders and Coastguard Agency and GibAir Handling continue to make significant progress on Aviation Security matters. During the year, as part of this process, the Director of Civil Aviation approved a new Cargo Security programme, which reflects the completely changed procedures required by the new terminal. As a consequence, GibAir Handling has been revalidated as a Regulated Agent listed on the Commission's Register of such organisations which are allowed to process air cargo.

155 In common with other airports in the European Union, in response to European legislation that came into effect on 31st January, the Airport has introduced new equipment capable of screening liquids for the existence of liquid explosives. At present, the equipment can only be used for certain predefined types of liquids – principally for the screening of medicines and special dietary requirements, including baby food. The European Union is shortly to discuss the use of the equipment for other liquid types.

160 Mr Speaker, in this year's Budget there is an allocation of £150,000 set aside to improve security measures on Winston Churchill Avenue in order to stop cars from being able to enter the runway while aircraft are operating from it. The current preventative measures have been in place for a number of years and have been assessed as being in need of upgrading with modern barrier systems.

Mr Speaker, during the bird management audit of the Airport, it was recommended that responsibility for the bird control system on the roof of the air terminal should be passed from GATL to the NATS bird management team. A fibre-optic cable linking the terminal and ATC has now been put in place in order to make this happen.

165 Over the past year, GATL has continued working to enhance the air terminal's operational capabilities and improve the passenger experience. A new stand was opened for the parking of general aviation aircraft at the eastern end of the present stand. This will permit more aircraft to use the Airport. The extra parking will allow this part of the business to develop further without the previous constraint caused by the commitment to stand allocation for the regular scheduled services.

170 The old air terminal has now been demolished and all the remaining tenants have been rehoused in both the air cargo building and the new entry processing unit, which is located within the air terminal itself. The Government invited expressions of interest for the development of the old air terminal area on 1st March 2014.

175 Finally, GATL is fully engaged in updating the new Airport Emergency Orders which, once finalised, will replace the current Air Crash Response Plan.

Mr Speaker, I want to take this opportunity to thank the many professionals involved in all the many different fields that I have mentioned for their support and assistance.

180 I now move on to my responsibility as Minister for Town Planning. The Development and Planning Commission (DPC) continues to discuss Government projects which are presented to it for guidance and advice. I am pleased to report to the House that the same system has now also been extended to a number of Ministry of Defence applications, at their request and by agreement with them. This is very welcome news.

The policy of the Government to place its projects before the Commission for guidance and advice has worked very well. It allows the different stakeholders to give their views on planning applications and to improve them.

185 The full plans and applications relating to Government projects continue to be placed online on the Government website. This gives the general public more information on Government projects than ever before. Over the last financial year, the Government's commitment to place the planning process online has continued to be developed. Once ready, it will allow the Planning Department to function and offer all its services electronically. This means that the public will be kept abreast of all applications, allowing once again for improved dissemination of information. When the system is ready, it will be possible to examine all private and Government projects online.

The Government is also in the final stages of completing the new Town Planning Act.

195 Mr Speaker, the Commission has been able to make its views known to the Government and the Government has listened to and acted on those views. Members will recall a number of examples of this approach. The Government decided not to proceed with an additional floor to Moorish Castle, Glacis and Laguna Estates, following the advice of the Commission. The Government also decided not to proceed with the original scale of the Sunborn reclamation in Marina Bay, which included a car park, following the advice of the Commission and the input of residents of the area. The system has therefore worked very well and many projects have been improved as a result.

200 The House will also recall that the Chief Secretary has written to all Government Departments, Agencies, Authorities and Companies to officially inform them that the policy of the Government is that all its projects should go before the DPC. The only provisos are serious issues of public safety, urgency or security. This system allows for inter-departmental or inter-authority consultation and discussion and for information to be exchanged between different stakeholders.

205 Mr Speaker, the resources of the Town Planning and Building Control Department have been increased after this Government came into office with the addition of two assistant town planners and an EO administrative grade in the Department. This last financial year, two posts were advertised following the resignation of one of the two assistant town planners and the retirement of one town planning technician. The two town planners are now involved and consulted over Government projects at the earliest possible stage, often well before a project has been officially submitted. This allows them to express their professional opinions and to have an input sooner. They also form part of the group that examines all expressions of interest in order to consider and evaluate proposals made to the Government. It will be recalled that the Department and its professional staff were totally sidelined by the previous administration.

215 Mr Speaker, the Opposition know that the system works better than ever before, following the reforms that this Government has introduced. Meetings continue to be open to the public and the feedback that the Government has received from applicants, objectors, the media and others continues to be very positive indeed. Many times it is standing room only at DPC meetings. On a number of occasions there have been additional special meetings dedicated to one or two applications only. Indeed, it was a historic day when the application to construct a football stadium at Europa Point was considered in public by one such special meeting. More than that, the meeting was broadcast live, given the high level of public interest in this particular application.

220 This reflects the policy of the Government to increase the openness and transparency of statutory bodies. It is a policy that has served to generate awareness of planning issues and to add to public debate on the matter. Discussion and debate is a good thing, Mr Speaker. This Government has come so far in such a

225 short time period that it is difficult to envisage that all of this used to happen in secret, behind closed doors in a boardroom in Europort, just over two years ago.

It is not only the public that has had access to the meetings. The fact that architects and project managers are often present continues to prove very useful. Most, if not all, queries can be dealt with on the spot, thereby allowing the decision-making process to be expedited. The Commission has listened carefully to countless applicants and objectors who have chosen to address it in person. It has then taken a decision with the benefit of this input and after considering the pros and cons of each application.

230 Mr Speaker, there were 16 meetings of the Development and Planning Commission during the last financial year. Those meetings considered 359 applications, 86 of which were for Government projects. The details of all these applications are available online, as are the minutes, which show the deliberations and the decision in each case.

235 Mr Speaker, Building Control is also part of my remit. The Building Control's main duties are the administration and enforcement of the Building Regulations made under the Public Health Act by inspection of deposited plans. This is followed up with the necessary site inspections in order to determine that the works have been carried out to the approved plans and specifications.

240 The Town Planning and Building Control sections shall soon be able to receive fee payments at their offices. This may seem a pretty odd announcement to make. The Government intends to replace the cumbersome system that we inherited, where the public submit their papers at Building Control in Europort and then have to go to the Environmental Agency in Town Range in order to effect the payment. The new one-stop shop will make it easier for applicants.

245 Mr Speaker, the number of building control applications that received approval in 2013 is 497. This is a record number. There has been a steady increase from 351 in 2011 to 383 in 2012, to 497 now. A total of 177 completion certificates were issued in 2013.

I take this opportunity to thank everyone in the Town Planning and Building Control Department for the professional and enthusiastic approach that they have shown in the implementation of the policies of the Government.

250 Mr Speaker, I move on now to lands. During the financial year 2013-14, 28 residential properties were sold, generating an income of £9.3 million. One Government flat was also released as part of a purchase. The leases for some of the properties are pending completion, which means that the final figure might vary should prospective purchasers not complete. Some of the properties that have been sold are in the Upper Town. A number of impressive schemes have already been presented to the DPC for the regeneration of parts of the Upper Town through the refurbishment of such properties. There is now a process in place to identify the next batch of residential units to put out to tender.

255 Mr Speaker, there is clearly a demand for properties in the Upper Town. The Government understands that one scheme with over 20 flats sold out within hours of being marketed. There are also a number of former MOD properties that have been put out to tender. The most recent were the 16 units at Europa Pass Battery, which are expected to raise just under £7 million. This money is then committed to re-provide the MOD with new buildings in a different location. New for old. This is what the previous administration agreed to under the Lands Agreement of July 2011.

260 A total of £24 million will have been received from the sale of residential properties since 2012 once all pending sales have been completed. Additionally, 19 commercial premises have been allocated via tender during the financial year 2013-14 and an income of £1.2 million will have been received once all the allocations are completed.

265 Mr Speaker, the House will have seen that various adverts have been published inviting expressions of interest. These have covered areas such as Rosia Bay, the Northern Defences, the old air terminal site, Ragged Staff Magazine and the Eastside reclamation. All of these, except the Eastside, have now closed. The successful proposed development at Rosia Bay was selected from 16 interested parties. The successful applicant has already presented the scheme to the DPC. The expressions of interest in the Northern Defences and the old air terminal site are under consideration, and that for Ragged Staff closed on 23rd May. A total of £3 million will have been received from commercial tenders since 2012, once all assignments are finalised.

275 Mr Speaker, I would like to thank the staff of the Lands Office in Convent Place and the management and staff of Land Property Services for their assistance over the financial year.

280 Mr Speaker, I will now say a few words in my role as the Chairman of Gibtelecom: 2013 was again a productive year for the company. Business turnover increased year on year, giving the company a solid base from which to develop and continue to make the much needed investment in infrastructure for the years ahead.

285 The roll-out of the Company's Next Generation Network is ongoing, with the continued deployment of VDSL2 technology to bring superfast broadband to Gibraltar. This is being made possible through the installation of active cabinets across Gibraltar, bringing the fibre to the kerb, and consequently closer to customer premises, to facilitate higher internet speeds. I can now confirm that 95% of homes are currently

within reach of this technology, with the company reporting that it expects to complete its deployment plan by the end of the year. In all, some 50 cabinets have been or are being installed around various points in Gibraltar. I am pleased to inform hon. Members that Gibtelecom now has plans to significantly increase the broadband speeds currently available to their customers before the year is out.

290 Gibtelecom is also securing for itself a role as a global carrier, offering diverse communication routes and data centre services with a range of contracts extending well beyond Gibraltar. The investment in the Europe India Gateway (EIG) submarine cable is the driver for Gibtelecom's enhanced connectivity worldwide and the development of their new overseas business transporting communications carriers' traffic. Gibtelecom has recently established a technical point of presence in Marseilles, France, a major gateway for cables into Europe.

295 Gibtelecom completed the purchase of the Haven Building from the Government in January of this year. The building, which until recently housed the Government's Treasury and other public sector offices, has been acquired on a 150-years' lease for £5.8 million. The building is connected to Gibtelecom's John Mackintosh Square headquarters and will facilitate the expansion of the company's technical facilities in the Haven building and allow the business to house, amongst other things, its next generation communications switch that will eventually replace the existing System X exchange located in the adjoining City Hall.

300 Because of the magnitude and complexity of developing the next generation technology, together with re-parenting the extensive cabling to and within City Hall, this project is expected to take a number of years; but once it is done, Gibtelecom will be more in control of its own destiny and, as importantly, we will return the whole of the City Hall to its iconic status as a centre of history and governance in Gibraltar. Part of the arrangement will be for the company to eventually remove that monstrosity of a bridge between the City Hall and the Haven building that was so necessary in its day.

305 Mr Speaker, the Gibraltar telecoms regulator has recently awarded Gibtelecom one of three 4G mobile licences, conditional on the company being able to launch superfast mobile broadband services by the tail end of next year. The company is also progressing the roll-out of a Gibraltarwide Wi-Fi network, which will complement the existing mobile signals.

310 Staying with mobile services, Gibtelecom recently received approval from the DPC for the erection of much needed new mobile mast sites. It is expected that some of these sites will be operational within the next two to four months, with the remaining sites coming on line within the next 12 months. As a result of the way mobile signals propagate and the changing topography of Gibraltar due to building developments, the business needs a higher number of sites to satisfy the new lower power emission planning requirements. This is another example of Gibraltar being a leader on environmental issues and reducing our carbon footprint.

315 Mr Speaker, I am confident that Gibtelecom continues to be well placed to meet the twin challenges of running a business of which Gibraltar can be proud in the ultra-dynamic communications world, whilst providing an excellent customer experience. The company takes a well-rounded and balanced approach by continuing to invest in infrastructure and technology, as well as in people. I am sure that Members will agree that this is the way to ensure that society's demand for more and more communications can be met for many years to come.

320 I would like to conclude by paying tribute to the personnel of Gibtelecom, its staff and its management, who are helping the business in Gibraltar keep pace with the fast-moving world of communications technology.

325 Mr Speaker, the Government continues to deliver its programme as set out in the election manifesto of the GSLP/Liberals. This is what we were elected to do. A large number of these commitments have already been completed. Many more are in progress and others will be tackled soon.

330 On coming into office, we opened up meetings of the DPC to press and public scrutiny. We opened up Parliament to live broadcasts of its proceedings. Soon afterwards, we identified several plots of land where over 1,000 homes are now being built to house our people. The success of Commonwealth Park is visible for all to see. This year, we announced changes to working hours for public sector workers. We announced that the Youth Centre will again open on Saturdays. We have built and refurbished play parks for our children. Our tourist product in general and our beaches are now looking better than ever. There are new schools going up, a new power station in the pipeline and Government rented housing estates are being refurbished. There are more Gibraltarians in employment. The environmental filter is firmly in place.

340 This is what we promised to do, Mr Speaker, and we are doing it. In so many ways we have transformed Gibraltar. We have introduced a degree of openness, accountability and transparency into the conduct of Government that simply did not exist before, whatever the Opposition may say. We continue along the path of greater e-government in order to bring the administration closer to our people and into their homes. Having said all that, there is still work to be done. We are confident, Mr Speaker, that we will continue to deliver what we promised between now and polling day.

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I take this opportunity to thank you, Mr Speaker, and to thank the past and present Clerk and staff of Parliament for their assistance and support over the year.

I would also like to thank my personal staff in No. 6: my personal secretary, Coral Schembri; PA, Ernest Francis; and Principal Secretary, Caine Sanchez.

350 Thank you, Mr Speaker. (*Applause and banging on desks*)

**Statement by Hon. Dr J E Cortes –
Awarding of contract for Commonwealth Park –
Comments in social media**

Mr Speaker: The Hon. Dr John Cortes.

355 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Before I move into my Budget speech proper, Mr Speaker, I feel I should comment on a matter that, fuelled by an implication made by Members opposite in this House last week, has been the subject of speculation by some in what we now commonly know as the ‘social media’.

360 Mr Speaker, in supplementaries to Question 448/2014, my past connection with a firm that runs the Botanic Gardens, a connection known to the whole of Gibraltar and successive Governments for over 20 years, was presented in a way that may have implied some impropriety on the part of Government in awarding the contract for Commonwealth Park.

365 I think, Mr Speaker, that this point was answered when it was confirmed by me that I am no longer directly involved in the company and that my shares are not held in trust for me. Clearly, in the company search that they carried out and which they said they had, Members opposite will have seen that my wife was still a shareholder. This is no secret, and in fact Members opposite will have known this anyway, for I worked very closely with successive GSD Ministers as director of the Gardens. There is therefore no issue in that I ever wanted this not to be known, as I knew it *was* known. Correctly, I believe the Opposition made no issue of that, and you, Mr Speaker, moved the Oral Questions session on.

370 Mr Speaker, some contributors to the social media, who it appears also had that information – which is fine, as it is public – sought to imply that this meant that my wife, and perhaps indirectly I, had a monitoring interest in the company and therefore in the Alameda and Commonwealth Park. I made it clear in a brief statement on social media that neither my wife nor I have ever collected fees from the company and that this would continue to be the case with Commonwealth Park. The company was merely a vehicle by which to perform the work I carried out, and my wife’s continuing as a shareholder is just a sentimental link to 20 years of my life, but – I repeat – with no financial benefit.

375 The matter that remains then, Mr Speaker, is whether the situation as described in any way unfairly benefited the company in its bid for the Commonwealth Park contract. The process was not run by me, but independently by the Government’s Procurement Office. It was the board that considered the three applications and that ruled that two of these did not comply with the requirements. I was not involved in any way at that stage. In fact, I am only aware of the identity of one of the other two tenderers because they approached me since last Wednesday to assure me that they bear no grudge and do not assign any unfairness to the process leading to the outcome.

380 Mr Speaker, what we cannot have is that a group of good professionals with huge experience and many qualifications are excluded from being considered for carrying out functions which would benefit Gibraltar because I happen to have had connections with them. By implication, for example, Hassan’s would be excluded from all Government work because Members from both sides of the House still have connections with the firm.

385 I wish to assure this House, Mr Speaker, that there has been no preferential treatment given and that the process for selection of the firm to manage Commonwealth Park has been dealt with in a fair and professional manner by all concerned.

390 Mr Speaker, I should point out that a few years ago, during the time of the previous administration, Wildlife was directly given a contract for the Upper Rock, assumed responsibility for running the Scientific Authority and bird control and was repeatedly offered management of the cemetery, which it declined. This was presumably done because the Government of the time thought that they would do it well. Indeed, the Minister for the Environment at the time, the Hon. Ernest Britto, wrote to me on the day marking 20 years of the Botanic Gardens project in May 2011, stating, and I quote:

‘I want to extend my warmest congratulations to you personally and also to the staff of Wildlife (Gibraltar) Ltd on the occasion of the 20th anniversary of the running of the Alameda Gardens. It is without doubt that the Gardens have seen great improvement during this time, especially the creation of the Gibraltar Botanic Gardens and the

general beautification of the Gardens, which is in itself a very important attraction to many visiting tourists, making a significant contribution to Gibraltar's tourist product.'

The only thing that has changed since then is my departure.

I can accept, Mr Speaker, that in politics the slightest thing will be picked on, but I can assure this House that there has been nothing in this process that can cause this House any concern.

**Appropriation Bill 2014 –
For Second Reading –
Debate continued**

400 **Minister for Health and the Environment (Hon. Dr J E Cortes):** And so to the main body of my speech, which will be divided into two parts.

Mr Speaker, I begin with the environment. This past year has been the consolidation of environmental thinking in Government policy and action, cascading and percolating well into the private sector.

405 On looking back and taking stock, I am at the same time as embarrassed at the huge environmental deficit Gibraltar held to the rest of the world in 2011 as I am proud of the way that it has advanced since.

I am delighted therefore to report, Mr Speaker, that this year has been yet another testimony to the unparalleled level of commitment and work in all areas of national and international environmental management which began when I took office as Minister for the Environment two and a half short years ago. *Tempus fugit* – or, to quote Virgil to the full, *fugit irreparabilis tempus* – which makes it even more
410 important for us to dedicate ourselves fully to the task of bringing Gibraltar up to international standards in environmental governance and make up for all the lost time of the past.

Mr Speaker, Gibraltar has now firmly established itself as a leader in environmental governance within the UK Overseas Territories, a role it has long deserved and that I worked for before entering politics, but that was blocked by the isolationist policies of the former administration.

415 The success of the Government's outreach was highlighted last year in a much acclaimed report on environmental governance in the Overseas Territories – produced by the Royal Society for the Protection of Birds, by far the largest UK environmental NGO, and published last year – where Gibraltar ranked first in all aspects.

420 Not only are we leaving our mark with the Territories, but within Europe as well, as Government officials increasingly network and demonstrate our vision and working practices. Only last month, Environment officials attended a seminar in Greece, where Gibraltar showcased its marine management and contributed towards enhancing the management of Mediterranean protected areas at a European level. From a position where Gibraltar was simply not represented in these events at all, we have moved to helping mould European environmental policy.

425 The benefits to Gibraltar from these networks are tremendous. As we collaborate on exciting projects and the wider international community, we get increasingly known, recognised and accepted. Gibraltar is now working at different levels with most EU countries, either directly or as part of group forums, on a wide variety of issues, including the Habitats Directive, air quality, climate change, waste, and habitat management.

430 Scientists and officials in the Department regularly attend courses on a whole array of issues, ranging from oil-spill response to environmental law. As a scientist myself, I am all too aware of the need for continuing professional development in this field and the benefits of providing public servants with these opportunities.

435 Mr Speaker, environmental civil servants and advisers continue to be involved in discussion and decision making at all levels of Government. They not only work for me, for but for all other Ministers in the Government and are called upon by my colleagues for input and advice on a regular basis. The Department continues to work closely with law drafters at the European Union and International Department (EUID) to review existing environmental legislation and deliver improvements where possible, always with the view of providing for sounder and greater environmental management and protection,
440 which are in the interests of all.

As I have said, Mr Speaker, Environment is now more proactive than ever before, and its staff better prepared, through resources and training, to deal with a whole array of environmental issues. By way of example, the Department now has its own diving section and is performing marine surveys and relocations in house. Officers are also on call to allow for faster deployment when dealing with a wide array of
445 environmental problems, including oil spills and pollution incidents. This complements the excellent work already being done by the Environmental Agency.

We have also enhanced the number of staff in the environmental feedback section to allow for an improved service to the public and will shortly be releasing a new app called Fix my Street, an online reporting facility which provides direct contact with Government Departments and agencies for the reporting and resolution of municipal service requests. Citizens will be able to submit service requests relating to a variety of issues, including abandoned vehicles, pollution, domestic refuse, graffiti, potholes, sign damage, stormwater drains, street cleaning, street lights etc.

In order to ensure that environmental governance is public servicewide, a seminar with all Government Departments to ensure the successful adoption of the newly revised Environmental Action and Management Plan is planned for September/October. This document exemplifies this Government's commitment to environmental change in Gibraltar and the Department is tasked with ensuring its successful implementation throughout the public service.

The Green filter continues to drive through Government activity. One of the biggest success stories in this respect, Mr Speaker, continues to be the Government's green procurement policy. By applying and directing the public sector's purchasing power within the local market towards green alternatives, we are now finding that these are not only more widespread and easily accessible to the consumer, but that increasingly they are available at a lower price than the non-environmental alternatives, and more and more local businesses are moving into the environmental sector with the products and services they offer. This just goes to show what can be achieved when Government leads by example, and is one of several clearly emerging successes that resulted from the inspirational Thinking Green Conference address by Vice-President Al Gore in October 2012.

Representatives of the Environment Department are present in any cross-departmental committee which may be set up, as well as in the Government's Projects Committee. The Department leads in committees such as the Environmental Noise Steering Group, the Energy Efficiency Committee, the Litter Committee and the Climate Change Forum, all of which I chair.

We have recently created a Climate Change Task Force, chaired by the Deputy Chief Minister, which meets on a monthly basis and, significantly, includes key stakeholders from the private sector and the Financial Services Commission. The aim, Mr Speaker, is to deliver tangible changes within Gibraltar on energy efficiency, climate change and decarbonisation: in essence, to deliver Gibraltar's 2020 Climate Strategy and overarching climate goals.

Environment has also been key in the creation of a co-ordination committee across technical departments in order to increase co-operation and efficiency in delivering Government projects.

Mr Speaker, the extremely successful recycling initiative continues, and further bins have been purchased and will be deployed in coming months. The numbers of blue, green and yellow bins will be increased in the town area, as well as in MOD estates and other locations in Gibraltar. Further expansion to the recycling initiative includes more pink bins, which cater for the recycling of waste electrical and electronic equipment; and, for the first time, the deployment of orange bins to cater for the recycling of waste cooking oil. The recycling of paper, small items of waste electrical and electronic equipment and batteries from all Government Agencies, Authorities and Departments, which commenced last year, continues with 52,061 kilos collected from the public sector alone in the financial year 2013-14.

Promoting awareness is vital for the successful implementation of any environmental initiative. With this in mind, the recycling campaign has been enhanced to capture the recycling of further waste streams – namely paper and waste electrical equipment.

Mr Speaker, in 2013, the yellow bins used for cans, plastic and tetra brick collected a total of 70,720 kilos; a 383.7% increase from the previous year. The Green bins, where we deposit glass, collected a total of 153,248 kilos in 2013; a percentage increase of 21%. The blue bins, used for paper and cardboard, collected 132,495 kilos, with a massive percentage increase of 3,617%. The pink bin programme commenced in 2013 and collected a total of 1,113 kilos, with only six bins so far around Gibraltar.

Mr Speaker, if these figures do not illustrate a success story, I simply do not know what will – a success story which would not have happened without the political will and foresight of this administration, and without the support of the general public, who deserve to be praised for assisting Gibraltar as it moves towards achieving the EU recycling targets. Mr Speaker, two years ago, all you could recycle in Gibraltar was tins and glass.

The refurbishment of all refuse-holding facilities has continued, with six refuse cubicles being completed this year and 15 in the pipeline.

The Gibraltar Waste Management Plan was updated this last year to reflect the Government's policy on waste management and was submitted to the EU.

The waste tender is going through its technical assessment. In respect of waste, Gibraltar is set to receive technology that will transform the way we deal with our rubbish.

The Litter Committee continues to meet on a regular basis and the improvements as a result of the work of this Committee are evident throughout Gibraltar, with the enclosure of the refuse quarry being but one

example. With the Litter Committee, we are studying ways in which to make our streets cleaner, especially those areas where historically there have been accumulations of rubbish, especially at weekends.

510 Mr Speaker, there is still more to be done, and I would like to take this opportunity to thank all the members of the Committee, especially those from outside the public sector who give of their time, for all their hard work and dedication. It really is a pleasure working with them, even though we spend most of our time talking rubbish!

515 Other waste and litter-related initiatives include the addition of signs to litter bins on dog fouling, the incorporation of ash trays to litter bins and an extensive CCTV programme in hotspots – areas of dog fouling and waste dumping.

Working with NGOs continues and regular meetings take place with both Government officials and with me. We have now expanded the process of involvement and transparency, and not only meet with the established environmental NGOs but also with other groups and individuals who work and contribute towards improving Gibraltar visually through cleanliness and who focus on waste and litter.

520 Mr Speaker, Government remains committed to involving the wider Gibraltar in its work. My Ministry now engages with more local groups than ever before and liaises with the public on a whole array of issues, directly and indirectly related to the environment. My doors are never closed to any such group.

525 Regular meetings continue to be held with the Scientific Authority and the Nature Conservancy Council, who are working closely with the Ministry and Department on a variety of issues relating to nature conservation and habitat management.

I mentioned last year the work of the Department with the GFSB and Chamber of Commerce on varying issues of environmental concern. As a result of this, a green seminar was held by the Department on sustainable construction. It was extremely well attended and more seminars are being planned in order to tackle other issues, such as sustainable tourism.

530 Mr Speaker, we have made history this year. Not only has the Government signed a power purchase agreement for wave power, which has already seen Gibraltar thrust firmly into the renewable energy scene, but I am delighted to announce that last month, for the first time in the history of energy generation in Gibraltar, 90 kilowatt hours of solar energy were fed into the local network. Additionally, data on energy savings are being collated as a result of the solar panels on the GSLA swimming pool and the tercentenary sports hall. To put matters into perspective, based on the data and savings thus far, the projected annual savings to Government from the swimming pool alone is £103,789. Further projects on solar power are currently underway at St Bernard's Hospital and Tangier Views. Work is continuing in the Department to identify further sites for the development and deployment of renewable technology, and we are in discussion with several providers. We look forward, during the course of this year, to announce further solar power projects. We will also be continuing our work to assess the viability of marine current energy as a supplier of electricity.

540 This is, Mr Speaker, clear evidence of our commitment to delivering a sustainable Gibraltar. May I remind the House that before this Government came into administration, there had been absolutely no progress made nor any interest shown in such matters, with Gibraltar trailing badly behind the rest of Europe. The actions and initiatives being delivered by this administration have enabled a wide range of possibilities to become available in Gibraltar, with Environment working horizontally across the full breadth of the public service to deliver economic prosperity with environmental protection and social justice.

550 This past year has seen a concerted effort in raising awareness of a whole array of environmental issues through the media. Some of you may have watched some of the episodes showing on GBC on the work carried out by the Department in respect of World Environment Day. More programmes will follow, focusing on other aspects of the environment.

555 But this is not all. We have moved into the 21st century and have taken the raising of awareness to a new dimension, using technology and current trends to facilitate active learner involvement in the local environment. What is hugely significant about this strategy is that through the use of android and iOS, we are also spreading awareness to the world at large. We have seen the launch of the Gibraltar wildlife jigsaw. Today, as I speak, we are launching a recycling game, and soon we will see a macaque augmented reality application, the Upper Rock multi-functional app and the Gibraltar interactive wildlife encyclopaedia. The Thinking Green website now has a kids' zone, which will be developed further and expanded upon in coming months. All of these portray local environmental resources, which children not only from Gibraltar but now from all over the world can download and learn about as they play.

560 Mr Speaker, this year, Government celebrated the 10th anniversary of World Environment Day. The purpose of this United Nations Environment Programme Day is to spread awareness of centre-stage environmental issues. This year's theme is particularly well suited to Gibraltar, being climate change in small island states, with the slogan 'Raise your voices, not the sea.' And I must say the children did exactly that: their message showed through louder and better than ever before.

As Minister for the Environment, and someone who I think has always tried to keep in touch with the youth, it is the most inspiring part of my work to see that the message really does get across and that we are succeeding in ensuring that tomorrow's generation, tomorrow's political leaders, public servants and business entrepreneurs, are growing up with this environmental awareness – which means, Mr Speaker, that finding solutions and assuming their environmental duty of care will form a natural part of their lives. The work done by children, teachers and parents has to be praised. I must also praise my Department, whose unwavering efforts with schools and other youth groups in recent years has really brought the message home.

Mr Speaker, this year finally saw the launch of the Government's Geoportal, an interactive map of Gibraltar produced by the Technical Services Department together with the IT department and Environment. The GIS database consists of a series of layers that can be overlaid to provide information on spatial patterns. The IT department has been monitoring usage, and since 19th March the map has been viewed and utilised from right across the globe: as far east as China; as far south as Mozambique and New Zealand; the extreme north, including Finland and Canada; and to the west, reaching Los Angeles in California. It has been used on mobile devices and a whole array of operating systems and web browsers. The average usage is 14,825 server requests per day. So not only are we providing an interactive map with valuable information online, ranging from streets and buildings to natural areas and geology; it is clear that people all over the world are interested in what Gibraltar is all about. This service will continue to be updated and further information is being added regularly.

Mr Speaker, the GIS project had been stumbling without political leadership or indeed interest for years, and since this administration took over it has progressed unrecognisably. (*Banging on desks*)

Another exciting development last year, Mr Speaker, was the UK Overseas Territories GIS conference. It was a resounding success and Gibraltar once again led by example and is taking a very active role in the development and deployment of GIS across the Territories.

Moving on to energy and climate change, Mr Speaker, I ask that you forgive me if I appear overly enthusiastic, but again progress, determination and success are very much the name of the game.

The Government continues with the programme to replace public lighting and street lights with solar-powered devices and/or LEDs. Data on energy, and as a result cost savings, are being collated by the Gibraltar Electricity Authority and are very encouraging. Going green certainly pays off.

Furthermore, as part of our efforts to mitigate and contribute towards the global fight against climate change, the Department is working hard to ensure that we fulfil our obligations under the various energy-related EU directives. To this end, we are working closely with AquaGib and the GEA to start the roll-out of smart meters. These will allow people to see their energy usage differently and make changes to save on consumption and money. Bills will also take on a new format, allowing householders to compare usage in one month from previous years.

Energy efficiency and reduction, decarbonisation of the economy, energy audit and the launch of renewables are the order of the day. We are spearheading Gibraltar into the international arena as we seek to form part of initiatives such as the Covenant of Mayors, Green Cities and the Local Governments for Sustainability initiative.

Mr Speaker, since I spoke last year, the evidence for the global and local risks of climate change has deepened and strengthened. The Intergovernmental Panel on Climate Change 5th Assessment Report was released in September. Its conclusions were starker and more certain than in any previous report. In its summary for policymakers, it states:

'Warming of the climate system is unequivocal....The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased.'

Mr Speaker, we cannot afford to ignore this issue, which is storing huge risks and threats for established order on our planet for our children and grandchildren. Along with the rest of the global community we need to de-carbonise our economy. Failure to do so will leave future generations to pick up the costs and the insecurity which climate change will bring. We must play our part in both mitigation and adaptation. It is for these reasons that last year I reported our ambition for Gibraltar's climate change strategy to make us a top five city in environmental governance. I am pleased to report that huge progress has been made on many fronts, moving our manifesto commitment to make Gibraltar carbon neutral from ambition into action.

In October of last year, an internal review of our climate change strategy and commitments endorsed a recommendation to deliver carbon neutrality by 2020 at the latest, ahead of any other city in Europe. To reiterate a few of the actions we have already taken to reduce carbon emissions: our plans are well advanced to build a new gas-powered power station, which will simultaneously deliver energy security and much lower emissions, as well as improving air quality; our renewable energy projects; a range of energy efficiency measures; and the invaluable and ground-breaking work of the Climate Change Task Force.

The Climate Change Forum, which continues to meet, will this year deliver a revised climate change programme as a result of the work being carried out by the task force. The work and remit of the task force include assessing and finding the most effective ways of implementing the Gibraltar climate change strategy for 2020 and beyond. By incorporating private and public sector stakeholders, the task force is well placed to find ways of implementing the findings of the research being conducted in providing an economic assessment of the decarbonisation options for Gibraltar; a renewable energy strategy; supporting the delivery of an energy efficiency action plan and building renovation strategy; a city level inventory of greenhouse gas emissions; and a climate change strategy for the transport sector.

The focus of this administration, Mr Speaker, is to work hand in hand with the community and all facets of the private sector to deliver this very inspiring change and ensuring Gibraltar truly becomes a top green city.

One of the major conclusions from our strategy review is that climate change is as much an economic issue as an environmental one. Avoiding compliance costs is another powerful argument for actively reducing our emissions.

A second conclusion is that we can make progressive climate change actions a long-term economic opportunity rather than a cost. The example of the GSLA swimming pool is a classic example, even if small for now, which in addition to the £103,789 of cost savings I have already highlighted, is eliminating nearly 18,000 tonnes of carbon emissions from our atmosphere every year.

To give more figures, Mr Speaker: despite the fact that there are more areas of public lighting, the change of some areas to lower energy systems has meant that, for the first time, energy consumption in street lighting fell from 1.81 million kilowatt hours in 2012-13 to 1.74, resulting in a small but significant saving of several thousand pounds. This is just the beginning. Other changes in light fittings in public buildings and public areas are resulting in energy savings of up to 90%.

We have also concluded that in the lifespan of this Parliament we will introduce a range of incentives for all parts of our community to adopt lower carbon lifestyles and business practices. The Chief Minister, in his address, has announced some of these incentives.

It is obvious, Mr Speaker, that making massive reductions to our carbon emissions will take many years; and even when we have made all the viable technical, social and economic investments to reduce emissions there will still be residual emissions which we cannot eliminate – for example, in transport fuels. We are reviewing how these emissions can be offset and are looking toward working with other countries to this effect. The most important point to make here, Mr Speaker, is our collective drive and determination to ensure success, and I would like to take this opportunity to sincerely thank all members of the task force for their work and dedication to delivering this vision for Gibraltar.

In terms of energy performance of buildings, the Government is currently completing a building renovation strategy which will set new cost-optimal levels of energy performance for new buildings and existing buildings, as well as defining nearly zero energy building standards as we move towards 2020.

On water quality, Mr Speaker, both coastal water quality and bathing-water monitoring programmes continue to be in operation, and these are spearheaded by the Department of the Environment and the Environmental Agency respectively.

New initiatives that have been incorporated into the former programme include carrying out a comprehensive chemical monitoring investigation of marine biota in British Gibraltar Territorial Waters, targeting both fish and bivalve mollusc species. This initiative will serve as an excellent medium to long-term indicator of pollutant levels in Gibraltar's marine environment. It is now possible to say that the Department of the Environment is monitoring most, if not all, marine environmental components – namely coastal water, sediment and marine biota. In addition, the Department has also commenced the development of a marine litter campaign, which includes monitoring the incidence and composition of marine litter.

Groundwater quality monitoring also continues to be carried out by the Department in the Northern Isthmus aquifer and also within the bedrock aquifer underlying the Rock of Gibraltar. The results generated from the coastal groundwater programmes will shortly be used to inform Gibraltar's second River Basin Management Plan in line with the requirement of the European Union's Water Framework Directive. Results will also be used to inform reporting requirements under other directives, such as the Marine Strategy Framework Directive.

In order to improve coastal water quality within the harbour, the Department of the Environment, together with the Technical Services Department, is currently pursuing the development of one-way flow culverts which could help improve coastal water quality in specific areas within the harbour.

New EU compliant beach signs have now been developed by the Department of the Environment, together with the Environmental Agency and the Gibraltar Tourist Board, and these will be installed this year. The signs will provide the public with easily accessible information on the characteristic of each beach in Gibraltar, along with further information on the results of the water monitoring programme.

I must also pay tribute to the hard work of the staff of the Environmental Agency, who have also been working tirelessly to deliver change and environmental improvements within their areas of competence.

690 Examples of their efforts include the following: introduction of the Environmental Agency app (GibEnviro), catering for news, location of recycling points etc; a presence on Twitter and Facebook; the upgrading of their website; the introduction of a ship sanitation certificate service as from July; increased monitoring and enforcement on waste storage and disposal sites; increased inspections of trans-frontier shipments of waste; the provision of specialised waste management training; an expansion of the portfolio of courses run by the Agency; agency staff are, for the first time, trained to audit dental clinics, vet clinics and other premises, using X-ray under the Ionising Radiation Regulations 2004 – up to now, these were not monitored and so presented a risk to the public; inspections for the first time of hotels, guesthouses and holiday lets for general hygiene and cleanliness, health and safety, swimming pool quality etc; the encouragement of small business initiatives by the issuing of hawkers’ and pedlars’ licences, which this Government has reactivated; the expansion of anti-dog fouling campaigns to include talks at schools, poster competitions and CCTV cameras.

700 Mr Speaker, works on the improvement of the cemetery continue and a tender for the landscaping and general maintenance of the North Front Cemetery has been published and is in progress. Furthermore, the Cemeteries Board now meets on a monthly basis and I will be meeting with them in the very near future to discuss improvements to their role, advice, areas of concern and general management of all of the Gibraltar cemeteries.

705 Urban renewal is one of the responsibilities that falls within my portfolio, Mr Speaker, and it is proceeding apace. In this, it is often the work of other Ministries and Departments, notably Housing, Technical Services and Education, that through their own activities form the pieces of a jigsaw puzzle that come together to reveal the final picture. And so the works in the estates, like Laguna, Glacis, Moorish Castle, Red Sands and the new Upper Town schools form part of this unprecedented boost to renewing our fair city. And so do other works that you will have seen around the town, including for example Joshua Hassan House and Duke of Kent House. The Upper Town street projects tender has been awarded and will see work commencing soon. These have all generated great interest from the private sector and more and more Upper Town properties are being refurbished, with plans that include a small hotel. Movement in this sphere is absolutely unprecedented in Gibraltar.

715 In addition, I have formed a committee, which involves the Gibraltar Heritage Trust, with the aim of identifying sites within our urban areas that require work and investment, with a view to encouraging refurbishment before demolition becomes inevitable through dereliction.

Mr Speaker, between February 2013 and April 2014, we planted 212 trees and worked extensively on the maintenance and improvement of green areas.

720 What better showcase, Mr Speaker, of the value of green areas and the benefit they bring both environmentally and socially to the community, can we have than the recently inaugurated Commonwealth Park? The Park, yet another success story, is being enjoyed by the community as a whole, both young and old, and it has probably been the most drastic and beneficial change to its urban fabric that Gibraltar has ever seen. (*Banging on desks*) (A Member: hear, hear) Commonwealth Park has added a new dimension to Gibraltar; a dimension that those without vision seem not to even have realised existed. Mr Speaker, the hounding by the Opposition during the construction of the park was epic: ‘When will it be ready? Will it be ready? Why did the trees come from *there*? How many lorries did you use? How much will it cost?’ Cynicism at its worst – which reminds me, Mr Speaker, of Oscar Wilde’s definition of a cynic as being a man who knows the price of everything and the value of nothing.

730 Mr Speaker, Commonwealth Park was an example of collaboration with other entities – in this case, the public-spiritedness of the Kusuma Trust – of effective utilisation of European Union Funds, of the use of local resources – with the soil being manufactured in Gibraltar – recycling, and of the use of environmentally friendly technology. The benefits to health and well-being will be felt by the community in a way that simple statistics will not reveal for many years, but which everyone already realises.

735 Already we have announced a new, albeit smaller, town-square type park in Governor’s Parade, an extension to the landscaping soon to be completed in the area. Gibraltar needs to be green in colour as well as in philosophy. And, Mr Speaker, I can confirm that work on setting up two dog parks in Gibraltar – one in the north and one in the southern districts – is about to commence.

740 I will now move on to the subject of the Gibraltar Nature Reserve. Mr Speaker, the Department is working tirelessly with the Gibraltar Tourist Board, the Department of Education and others, on a whole array of projects which will improve the Upper Rock for tourists, the tour and transport operators who make a living from the area, and residents alike. In doing so, we are conscious of the millions of pounds that the Upper Rock has, through the years, contributed to the Gibraltar economy, the fact that it is a major tourist destination and the fact that many residents are now choosing to stay in Gibraltar rather than crossing into Spain and are looking for more things to do here.

745 Already, this spring, we reopened the Princess Caroline’s Battery area to the community after many years, and we provided picnic tables and seating. That is nothing at all compared to what we have planned. It will be nothing short of a complete transformation and revitalisation of this too-long-forgotten national

gem and tourist product. Visitors to the Upper Rock will feel almost as if they were walking in the sky. We are reopening and improving existing trails, improving way-finding and delivering thematic routes; enhancing recreation areas and facilities, improving safety and accessibility, thereby catering for different interests. We are restoring and preserving historic structures, delivering improved interpretation and re-opening areas to the general public. We are protecting the flora and fauna, improving the habitat for macaques, reintroducing or enhancing the populations of key species, ensuring better definition of public paths and educating visitors and residents on our natural heritage. We are delivering interpretation centres, which will benefit not only local education but the eco-tourism experience as well, better signage, enhanced maps and guides, and of course interactive apps on the Upper Rock. And the Upper Rock Management Plan will ensure continuous maintenance, preventing vandalism and litter and promoting continuous improvements.

Moving on to the area of habitat management, Mr Speaker, I am delighted to report that great strides continue to be taken in the fields of terrestrial and marine habitat management. The Department is working closely with local interest groups, pulling on local expertise and experience in such projects as the Gib-Bats project, fish tagging, removal of invasive species, preservation of existing species through the provision of swift boxes and bat boxes, sea-grass restoration, species relocations, reef surveillance and enhancement, the development of an exciting reintroduction programme which will commence with the Barbary Partridge and will see other species of flora and fauna in coming months.

The existing surveillance monitoring programme will continue to be enhanced this year to ensure greater data capture for species of flora and fauna of local and European interest. Interpretation signs showcasing particular species of flora and fauna have gone up around Gibraltar and more will follow. These have included the cemetery, the Upper Rock, Europa foreshore and Windmill Hill, amongst others. They will serve to educate the public on important species found in Gibraltar.

Mr Speaker, we have been working very hard indeed to reverse the historical effects of lack of proper management of the Barbary Macaques of Gibraltar, which has resulted in our monkeys becoming regarded more as a nuisance than as an asset. Part of the management strategy is to help the public regain their traditional affection for these unique mammals with which we share the Rock, and once again to be proud of their presence and their legendary significance to the status and even sovereignty of our country. The recently launched video clip, explaining some aspects of their behaviour and how we can help, is one example of how we intend to do this. The Department and the Tourist Board is bringing in local expertise in developing a full-blown education campaign, something which I greatly welcome.

The creation of additional foraging areas on the Upper Rock by clearing dense scrub continues to great effect. Work continues too on the Upper Rock on building new ponds and enlarged feeding sites. These works are all aimed at providing as much potential activity as possible on the Upper Rock, where up until now dense scrub greatly reduced the areas they could use. The busier they are on the Rock, the less likely that they will move down into urban areas.

The ground-breaking research carried out last year together with the University of Notre Dame has shown how the macaques move widely, with successive sightings of macaques in different areas in fact being of the same individuals who are moving around. This was most useful in confirming, for example, that the group that was frequenting Laguna was in fact made up of the same individuals that would visit Catalan Bay. This helped inform the decision that it is this group that will be the main component of the animals that will be exported. Preparations are progressing well on this initiative, both in Gibraltar and at the receiving location, and details will be released in the coming months.

The enclosure of refuse facilities in macaque hotspot areas continues. Deployment of additional keen and resourceful personnel to patrol built-up areas has also helped in improving the situation, as has the deterrent of the introduction of fixed penalty fines. There is much still to do, as nature takes its time in responding, but I am confident of huge improvements in the situation this coming year.

Mr Speaker, the politically mischievous, or politically ignorant, or simply those who mean us harm, tried very hard to blame the current Spanish Government's abuse of power at the frontier on the legitimate creation of an artificial reef in our territorial waters. The huffing and puffing over, the north-west artificial reef, despite the tampering, is an example of habitat creation and encouragement of the improvement of marine life in our waters. Already there is evidence of its success, and plans to further enhance the area by the introduction of the sea grasses that once formed an underwater meadow there but that were raked away, are advancing. Other environmental improvements include the new groynes and breakwaters at Sandy Bay, already teeming with life. In this context, and following a wide range of discussion with stakeholders, regulations to govern marine activities in Gibraltar waters, while enhancing our fish stocks by investing in sensible regulation, will be published very soon.

Mr Speaker, much needed improvements to the enforcement of environmental laws are progressing well. There are currently two officers filling a new role of Environmental Enforcement Officer. They have received the necessary training from the RGP and the Attorney General's Chambers to allow them to fulfil their roles. Their areas of competence now include the enforcement of the Nature Protection Act, the Public

810 Health Act, the Litter Act, Animals and Birds Act, and the Seashore Rules, and include the ability to issue litter tickets and fixed penalty tickets for feeding macaques. The section co-ordinates a programme of CCTV cameras in hotspot areas of fly tipping and dog fouling.

In the area of environmental noise, we have met and will continue to meet our EU obligations under this legislative regime, and in January 2014 Gibraltar submitted its updated Noise Action Management Plan after a period of public consultation. The Department of the Environment and Environmental Agency are
815 now reviewing the Plan through the reconvened Noise Core Steering Group, a group that had ceased to function under the previous administration.

The Gibraltar Air Quality Monitoring Programme continues and informs the Government on local air quality and management. Gibraltar achieves compliance with virtually every pollutant measured under the requirements of the Air Quality Directive and work continues to ensure compliance with all pollutants in
820 the coming years. Gibraltar will this year be investing in new equipment for monitoring stations to ensure that the quality of data collection is maintained.

Weather stations have now been set up around Gibraltar. These will provide the Government with detailed meteorological data to support its air quality programme and to assist with plans to develop climate change mitigation and adaptation programmes. Government has also commissioned a road traffic air
825 modelling study to support the Sustainable Traffic, Transport and Parking Plan.

Mr Speaker, the transition from a Gibraltar where it was a struggle to convince the Government of the importance of the environment to one where Government leads is hugely evident and hugely significant, and it can only be good for the community and for Gibraltar's international standing – and it is attracting attention both within Europe and, as is increasingly evident, in the USA.
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The best thing about this, Mr Speaker, is that the new way of doing things is finding its way into all levels of our society, schools, workplaces, businesses large and small, and the public service. This is lasting change of which we are proud; and proud I am of my hugely committed staff in the Department, under our new and dynamic CEO, Dr Liesl Mesilio-Torres, and in the Ministry, of our contractors in the Agency and other entities, including Government Departments and Authorities, for responding so well to the call of the
835 Environment. I honestly, deeply and truly am appreciative of all that you do and I greatly enjoy working with you.

Mr Speaker, I did say that I was dividing this speech into two. I just hesitated, considering the imminent, I assume, arrival of Mr Lidington, but I am told that I can continue. With your permission, I will have another sip of water.
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I now turn my attention to the Ministry of Health and the Gibraltar Health Authority.

Mr Speaker, some people were sceptical about our resolve to improve current services, implement new ones and increase access to treatments; sceptical about our ability to make changes at the top, which would be reflected in improvements at all levels. All can see that, although there is a great deal still to be done, we have made very significant progress and I assure this House that we continue to be determined to complete
845 this process.

Fugit irreparabilis tempus, to use the quote from the Georgics again, Mr Speaker. But just like a newly transplanted tree invests in its first years in developing its roots, fooling the observer on the surface by the limited growth of its branches and leaves, only to burst into a frenzy of new life once the roots are firmly established, so too be aware that, the groundwork done and the teams and processes in place, we are just
850 about ready to go.

Mr Speaker, after two and a half years in office, I continue to have an open approach to improving the Health Service. I continue to meet staff, service users, pressure groups, charities and other organisations, which enables me to be aware of any shortfalls or gaps in the service – be it resources, logistics, space, access to services – like GP appointments or waiting times, like at the Accident and Emergency
855 Department. I encourage those with concerns about our services to come forward and make them known. Knowing about them enables me and the GHA to address them and deliver a Health Service to be proud of and one that meets the needs of our people.

Since my last presentation to this House, a solid foundation continues to be laid for the achievement of our goals and the manifesto commitments that we have set ourselves. Mr Speaker, in previous presentations
860 to the House, I have made numerous references to the need to change the GHA's management structure, which I described as awkward and complex, with little focus on the patient or service user. Over the last 12 months, we have taken huge strides in this with the appointment of hugely experienced Gibraltarian health professional, Freddie Pitto, as the new CEO, as well as a new Medical Director, but also the appointments of the three unit general managers. The new unit managers will provide much needed
865 leadership and unity to the three pillars of our Health Service: primary care, secondary care and mental health. The main benefits of this new management structure will be more effective and efficient management of operations, better integration of services and a seamless journey for patients and service users. The introduction of the unit managers will further assist in strengthening budgetary discipline by creating more controls and greater responsibility and accountability for the GHA's expenditure.

870 Mr Speaker, I would like to take the opportunity here to thank John Langan and Ernest Lima for bidding the organisation over for a year and for the support they are always willing to provide the GHA.

Mr Speaker, parallel to the restructure will be the review and formation of new groups. The GHA senior management team is being formed to replace the old, tired and ineffective GHA executive and will be tasked to deliver on our strategic objectives. The GHA operational group will form the senior management
875 group with regard to operational delivery, the management of performance and management of risk. Together, as a team, they will have collective responsibility to ensure the most effective running of the organisation ever in order to optimise the experience of patients in our care. Additional groups will include the Corporate and Clinical Governance Group, and will address such issues as patient safety, staff training and development, audits, learning from clinical incidents and accountability, just to mention a few areas.

880 Early indication, from feedback collected by the new team from our users, is that they feel our Health Service needs to focus on the following key points: a shifting emphasis from cure to prevention, to include screening programmes; a Health Service planned around the health needs of the population; a Health Service which aims for consistency, safety and high quality; care which is provided by the appropriate professional in the appropriate site; reconfiguration of our services and model of service delivery with a
885 greater shift to day care, outpatients and community services; a wider integrated approach to healthcare, with the GHA operating with other Government Departments and agencies with the aim of improving the health of our community; a Health Service which invests in staff training and development; an organisation which learns and responds to the main themes of audits, complaints and incidents; a wider use of IT to improve patient care; repatriation of services; and finally, a Health Service which is financially cost effective and operates within budget. These are in tune with our manifesto commitments and will form the basis of the GHA strategy for the coming years.

Mr Speaker, all of these key points which will form the framework of our vision, one of which will be to have a healthcare model which improves accessibility to services, focuses on quality of care, and always with strict, responsible financial controls in place to ensure a cost-effective service.

895 Mr Speaker, I would now like to turn my attention to specific areas of our Health Service, what has been achieved and what is in the process of being introduced.

Mr Speaker, Gibraltar's childhood immunisation schedule is one of the most progressive in the world, and the programmes continue to be carried out every year in accordance with the schedule by the primary care practice nurses. Protection against disease is also available to our adult population through
900 comprehensive and established programmes, such as the influenza vaccine. New developments in this area may soon include the introduction of the vaccination programme against shingles. This has recently been introduced in the UK, and the GHA is considering this programme since we shadow the UK's immunisation programmes.

Mr Speaker, the lack of occupational health services has been a major handicap for many years. This
905 has resulted in situations where healthcare workers were not protected against serious infections, like hepatitis B, to which they are at risk of exposure whilst working. Gibraltar and European law is quite clear and specific on the employer's responsibilities toward workplace safety and on health protection for employees, laying particular emphasis on the role of vaccination. The risk of hepatitis B does not only affect GHA workers, but also police officers, prison officers, social workers, sewage workers and a variety
910 of others who are exposed in varying degree to this risk due to their occupations. In order to address this immediate risk, the Government has set up a scheme, in partnership with the GHA, to immunise all Gibraltar Government employees who are at a significant occupational risk of hepatitis B. The programme was launched in March this year and was a hugely significant and well overdue service.

Mr Speaker, Gibraltar already has a screening programme in place against breast cancer, and we have
915 this year, on the advice of our consultants and our referral centre, streamlined and improved the service.

Attention has now turned to the prevention of another major cancer: colorectal cancer. This is Gibraltar's most commonly occurring cancer, as well as the third most frequent cause of cancer deaths. The incidence is also rising compared to a decade ago. It has a high mortality rate if left undetected. Mr Speaker, the Government announced a screening programme targeted at all persons between the ages of
920 60 and 74 years. The Government has invested substantially in the resources and improved facilities necessary to make this a reality and make the Gibraltar programme a state-of-the-art design, superior to that of many countries. The programme was launched in February 2014. Lives will be saved as a result.

Mr Speaker, I am committed to the continued introduction of screening programmes for early detection of disease, which improves survival rates and the quality of life of our people. This is one of our manifesto
925 commitments. The next screening programme which will be introduced is screening for abdominal aortic aneurysms. Having an aneurysm does not produce symptoms unless it starts to bleed. Early diagnosis and treatment will, once again, save lives.

Mr Speaker, priority continues to be given to the area of health promotion and public health education. We will continue to considerably amplify the productivity of the Department in meeting the standards that
930 the public expects. Activities carried out by the Department during this past year include the following

awareness campaigns: breast feeding, immunisation, reducing obesity, colorectal cancer screening, sun awareness and dermatology.

Mr Speaker, we continue to address gaps in this Department which were ignored by the previous administration. The Public Health Department has now taken steps to halt the progressive deterioration of the quality of data of the Cancer Registry, whose fitness for purpose had been questioned in an audit report in 2009. The Department will now carry out its core data and information-based functions.

Mr Speaker, in my last address to this House at Budget time, I mentioned the publication of Gibraltar's first ever health and lifestyle survey. In the words of our Director of Public Health, Dr Vijay Kumar, every nation that desires to understand the health of its population must at some point consider carrying out a health and lifestyle survey. The information and data gathered will allow for informed decision-making and appropriate actions to be taken to improve the health and lifestyle of all of Gibraltar's people. This survey has brought insights into the health of the people in an unprecedented manner. However, the wealth of information gained will only remain useful if it is regularly supplemented and updated. To this end, the Public Health Department is planning for the next health and lifestyle survey to take place in 2014-15. Creation and successful completion of such projects highlights the commitment by this Government and the GHA to ever closer understanding of the health of our people.

Mr Speaker, I am also pleased to announce the introduction of a totally new consultant microbiology service. Medical science has changed vastly in the realm of infectious diseases in the past decade and many bacteria seen in hospital infections nowadays are resistant to antibiotics, creating an impending crisis for the future. Addressing this problem requires specialist clinical expertise in infectious disease management, which the GHA currently does not have. It is, however, planned that a service provider contract with a UK-based Gibraltarian consultant clinical microbiologist will fill this gap. The benefits of this will be more optimised treatment for patients and better management of the scarce antibiotics.

Other initiatives that we are planning include an initiative on men's health awareness and the enhancement of prostate cancer detection in collaboration with the Prostate Cancer Support Group and the Kusuma Trust.

Mr Speaker, the GHA's HR and finance staff were very busy in the latter months of 2013, co-ordinating and undertaking the administrative arrangements necessary to facilitate the transfer to the GHA of approximately 260 Care Agency staff. The most significant change to the transferred staff was that of a pay uplift, bringing their salaries in line with that received by GHA staff under the Agenda for Change (Gibraltar) agreement, which had been a commitment of the parties in Government. This required many hours of hard work, and I am grateful to the staff, both of the GHA and the Care Agency, for making this possible in record time.

Twenty members of staff from a wide cross-section of the organisation successfully completed the Learning in Action management development programme. A key element of the programme involved the completion of a work-related project which would subsequently be of value to the organisation.

Mr Speaker, the Government continues with its commitment to deliver a wide range of levels of education – including university-level education locally, be it at undergraduate or postgraduate level. I say this in relation, of course, to the School of Health Studies. Last year, I was pleased to announce the commencement of the first ever BSc Nursing adult degree programme, with 15 students being selected. We are now in the process of selecting the next group of students, who will be starting in September this year. Additional to this, we have recently introduced a postgraduate Masters programme in Leadership and Management in Health. This will provide a higher level of education for our leaders and managers.

Mr Speaker, this Government and the GHA will continue in its aspiration to respond to the needs of the people of Gibraltar through the provision of high quality, fit-for-purpose and contemporary healthcare education. Most importantly, the provision of education by the GHA is aimed at staff across the organisation, with a strong commitment to opening up professional career paths for all staff.

We have already started enrolled-nurse level training for nursing staff, and a second cohort is soon to start. This has opened avenues for entrants at nursing assistant level to be able, through hard work and commitment, to continue to progress their nursing career. Other future training programmes for our staff will include the possibility of undertaking foundation degree programmes, which will continue to develop and modernise the service provided by the GHA. For the first time ever in the history of Gibraltar, we graduated four students with a foundation degree in Paramedic Science from Kingston University. All four are now registered with the Health Care Professionals Council. The final cohort of 12 diploma nursing students graduated in November 2013 at a colourful graduation ceremony at the John Mackintosh Hall. I am pleased to inform this House that all those nurses who qualified secured employment within the GHA. Additionally, two students returned from Kingston University and St George's University of London with mental health nursing qualifications and one of them secured a first class honours degree.

I take this opportunity to congratulate all the successful students of the GHA School of Health Studies. I am pleased and proud to say that the School is also playing a key role in the ongoing work led by my colleague, the Minister for Education, towards setting up a University of Gibraltar.

In partnership with the Department of Education, we are monitoring the number of local students undertaking healthcare-related programmes in the UK in order to plan for the future workforce of the GHA.

995 But, Mr Speaker, the provision of education does not end here. For healthcare professionals to maintain and improve their skills and knowledge for the benefit of patient care, we have set up a comprehensive programme of continuing professional development. This is multi-disciplinary, offering modules of study for a variety of academic levels reflecting the health and care needs of the people of Gibraltar. The majority of these modules are generic in nature as we continue to encourage staff to accumulate academic credit as they work towards a diploma or degree in healthcare practice. All of this has been achieved as a result of the professionalism and commitment of the staff at the School of Health Studies and with our partners at 1000 Kingston University and St George's University.

Mr Speaker, the development and modernisation of the Gibraltar Ambulance Service continues to be a priority for this Government. We have recently appointed a new Chief Ambulance Officer, who started in his new role on 1st March 2014. As with all other sectors of the GHA, training for the Ambulance Service 1005 continues to be a priority. As previously mentioned, four members of the Ambulance Service completed their paramedic training. We are in the process of making the required changes to our legislation, and once this has been completed the newly qualified paramedics will have at their disposal the whole range of clinical interventions and drug-administration regimes which are available to their UK counterparts. Paramedic care at this level has been shown to not only save lives in seriously ill and injured patients, but 1010 also to improve the general outcomes for a whole range of other patients in the pre-hospital arena, plus they will be able to use their newly acquired knowledge and skills to support their emergency medical technician colleagues.

Mr Speaker, other training programmes have included 16 GHA ambulance staff undertaking training in marine emergencies, and the Ambulance Service now, for the first time ever, has the capability of 1015 responding to maritime emergencies in our coastal waters. Thirteen staff were trained in chemical, biological, radioactive and nuclear equipment and readiness to UK standards.

Mr Speaker, the GHA's vehicle procurement plan is well underway and has already replaced the bulk of the ambulance fleet. In total, five new vehicles have arrived, which have included patient transport ambulances and High Dependency Unit ambulances. Prior to this plan, the fleet had been in a poor and 1020 dangerous condition and largely not fit for purpose, placing patients and staff at risk. I am committed to never again allowing the fleet to age to the point where almost total replacement was urgently required within a short timeframe.

Mr Speaker, the pharmacy department now has a community pharmacist who replaced many of the functions of Mr William Mito Guillem, who retired earlier this year and whom I would like to thank for his 1025 many years of service in setting up and running the Prescription Pricing and Advisory Unit (PPAU). The pharmacy department continually strives to improve the service it provides. As new initiatives, it has introduced double checks for all dispensing, with drug labels carrying two signatures; wards have greater input from pharmacists on a daily basis; and this year has seen the introduction of an emergency drugs cupboard for out of hours, which is proving very effective and allows patients to receive medication in a 1030 timely manner. Another initiative which is being explored is the introduction of patients' own drugs cabinets.

Mr Speaker, another major achievement has been the transposition of all handwritten prescriptions into the electronic prescribing record system. Huge piles of unrecorded prescriptions had been the norm in the past, a real danger to patients. I can now confirm that, for the first time ever since its inception 1035 approximately eight years ago, all handwritten prescriptions generated and presented to the PPAU are now in the system. This translates to up-to-date patient medication records and therefore increases patient safety issues. This is just one of the hidden issues that I have been discovering since coming into office. Fortunately, it has now been dealt with.

Mr Speaker, this year has seen significant improvements and updates to the pathology equipment base and laboratory information system. The majority of the biochemistry, haematology and coagulation 1040 analysers have been replaced. This will ensure that all equipment is reliable, robust and current.

Mr Speaker, we are also in the process of introducing new tests. In 2003, a NICE guideline recommended that pregnant women should be offered screening for Downs Syndrome. At present, the GHA offers all mothers-to-be a blood test at 12 weeks to screen for Downs Syndrome, but this only gives a 1045 67% detection rate. In 2007, the NICE guidelines recommended that all women should be offered screening tests, with detection rates above 75%. The non-invasive prenatal test (NIPT) will soon become available to Gibraltar mothers. The advantage of this test – a blood sample taken at eight weeks – is that it is 99.9% accurate for detection of Downs Syndrome and will save many families from the stress and anxiety of having a stressful test – amniocentesis – which is done by inserting a needle and taking a sample of fluid 1050 around the baby and carries a higher risk of miscarriage. At present, this test is only offered in the private sector and Gibraltar will be the first ever national programme of that type anywhere in the world, and it will

be available as from 14th July to women of Gibraltar, who will have the latest and most advanced test with the least disturbance and anxiety.

1055 Mr Speaker, our aim to computerise patient notes remains as strong as ever. We are very aware of the benefits that this will bring to the service, including increased patient safety by reducing or correcting errors; improved shared decision making; more accurate and efficient transferability of records; and clinical and administrative time savings. Since 2007, the GHA identified electronic patient records (EPR) as the way forward in modernising and improving our Health Service, but the previous administration stood idle and took no notice or action on this, to the detriment of progress and of the service. This Government has
1060 seen and witnessed the importance of this project and has committed itself fully to this initiative. I can inform this House that the GHA issued an OJEU advert on 27th November 2013, and the Electronic Health Record Programme Board, which I chair, has been set up to oversee this project and ensure it is delivered on time.

1065 Mr Speaker, in the periphery of the work being undertaken with the EPR project, other initiatives and improvements are taking place. The Information Systems Team have developed in-house clinical applications to manage various requirements for monitoring and managing patients or specific clinical initiatives. Other new initiatives are being worked on, including a new look to the existing system and a diabetic clinic system. These new systems will be integrated once the full EPR system is in place.

1070 Mr Speaker, the Information Technology Team continue to manage the GHA's computer and network infrastructure and are involved in various development programmes, such as the design and build of the new data centre, and the installation of a histopathology system, which will enable the computerisation of all results in this area of pathology services and to fully integrate with existing systems, also involved in the installation of a hospital Wi-Fi network; improvements to the virtual clustered server environment; new backup and disaster recovery systems for business continuity; and supporting other GHA projects, such as
1075 the new mental health facility.

1080 Mr Speaker, the GHA launched its new website and social media presence on 17th July 2013. The website was designed and developed completely in house. Since its launch in July last year, the website has received 48,506 unique visits, 158,986 page views, and the average site visit lasted for approximately five minutes. The website has also received 409 e-mail enquiries, and 164 service users cancelled their appointments online. Prior to the launch, the previous website had received a total of 384 unique visitors, 1,983 page views, and the average visit had lasted three seconds. They can't have been very impressed with what they saw!

1085 Mr Speaker, in keeping with our manifesto commitment of making alternative arrangements to improve the delivery of meals and consequently their quality, I can inform this House that the feasibility study commissioned for the relocation of the catering facility to St Bernard's Hospital has been completed and the project is now in the construction phase. The new facility has been designed to cater for a bulk meal service; however, discussions are already underway to phase in this service as a pilot prior to the completion and relocation of the facility. Works to accumulate the bulk meals service within the wards are proceeding.

1090 On medical records, Mr Speaker, I am pleased to inform this House that the exercise to relocate all active patient medical files to the new Medical Records Library was successfully completed in December last year. This new facility will provide spacious and functional accommodation for the safe storage and retrieval of medical records and improve the working environment for staff.

1095 Mr Speaker, the sponsored patients department continues to see an increased trend in the number of patients being referred to various UK and Spanish centres for tertiary treatments, due to the fact that healthcare continues to become even more specialised and more options become available for patients. The Government will continue to support this programme, but is always mindful of exploring options for repatriation of both diagnostic and treatment services and of keeping services as close to home as possible to ensure patient and family comfort and to offer a wider choice to our people. Following on these lines, we
1100 have formally established a service level agreement with Xanit International Hospital, which has fixed prices and provides the opportunity for tertiary referrals close to home for a wide variety of medical conditions. Discussions with other centres are also in progress.

1105 Mr Speaker, the number of referrals processed by the GHA's sponsored patients department will continue to increase. In order to ensure that the department continues to provide an excellent service, an internal review of the department and its services is currently being conducted in keeping with the Government's manifesto commitment to this effect. Changes to the conditions and allowances are being considered and will be concluded within this financial year. As an interim measure, and as from 1st August this year, the maximum allowance payable to patients and escorts staying with friends and relatives will be increased by approximately £75 a week each to equal half of the amount given for staying in rented
1110 accommodation. This will assist these patients and their relatives, who often receive very meagre allowances.

Mr Speaker, the radiology department has been a pioneer within the GHA as regards information systems and electronic requesting. There have been ongoing developments within the field of teleradiology and patient images and reports can now be sent abroad directly through secure log-in accounts to users anywhere, anytime.

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The tender for the procurement of the new CT scanner is going through due process via the Government's central procurement office and I expect it will be in place during this financial year.

Mr Speaker, not surprisingly, I continue to support initiatives by GHA management and those by the GHA's very active Environmental Task Group. The GHA continues to be proactive in reducing the environmental impact brought about by the use of its facilities and services. There are various environmentally friendly initiatives aimed at reducing energy consumption, enhancing energy conservation, recovery and the reduction of operational costs. Some of these initiatives include an LED lighting scheme, with the aim of replacing conventional lighting throughout the GHA; a smart metering solution has been recently commissioned to ensure we are able to monitor power usage throughout St Bernard's Hospital; the installation of heat recovery systems, which ensures the recovery of heat load generated from the air-conditioning system in order to provide hot water, already installed at the new mental health facility; a new solar thermal plant will be installed at St Bernard's Hospital – it is expected this plant will provide up to 60% of the Hospital's hot water, with considerable savings in fuel costs. Other projects include the introduction of recycling bins for paper and cardboard and electronic equipment.

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Mr Speaker, improving mental health services remains one of our top priorities. A large proportion of the work done over the past year in mental health relates primarily to the new facility due to open this year. Through a process of discussions with a number of groups – including staff, service users, carers, support groups and relatives – major changes will be seen in the way Mental Health operates.

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Among some of the improvements will be the ability to offer more appropriate placements for patients during their journey through the reconfigured facility. The new facility will also see the introduction of a variety of new services and programmes, including a sheltered employment programme in partnership with the Club House Project; an activity and recreational centre offering structured programmes; and the introduction of open-air exercise equipment in the garden to promote a healthy living initiative, linked with the Well Man and Well Woman groups. All these programmes are being developed to assist full integration into society and giving patients the opportunity for a better future.

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Mr Speaker, another area which required great attention was the Community Mental Health Unit. This facility is currently undergoing a major refurbishment programme to all existing areas, which will include an extension to the existing building, which will house two extra consultation rooms and a secure area to house all the clinical notes.

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Mr Speaker, when I came into office I made a promise of never again allowing the Mental Health Service to deteriorate to the level that I found it. (*Banging on desks*) I maintain this commitment, and I am pleased to inform this House that we are well on the way to having a mental health facility and service of which Gibraltar can be proud.

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Mr Speaker, due to the increasing demand of services for dementia patients, resources have been reconfigured and staff have successfully completed further training in this field in order to offer more support to this client group and their families. Keeping to the subject of improving services and facilities for dementia patients and support for relatives and carers, the Dementia Day Facility Steering Group continues to work on this project with a target date for completion late this year. This group is also developing the Dementia Strategy for Gibraltar.

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Mr Speaker – (*Interjection*) There is a lot more to go: we have been very busy this year, Mr Speaker! (*Interjections*)

Perhaps the biggest success story of this past year has been the opening of the new day surgery unit, with its extended opening hours and specialised staff. This unit has the ability to do more procedures as day surgery, reducing the need for overnight stay and the use of much needed in-patient beds. Most healthcare providers worldwide are working hard to implement this model of surgery as the norm for the vast majority of surgical procedures, as there are multiple benefits for the patient and healthcare provider. In the UK, around 70% of all surgery is carried out in this way and the NHS is trying hard to improve on this number. I am proud to say that the GHA's day surgery programme has revolutionised surgery at the GHA and now accounts for nearly 85%, in April, of all surgery, compared to just 33% in January 2013. I have to thank all the staff concerned, who have spearheaded the project themselves and responded to this change admirably.

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Mr Speaker, the aim of the GHA's day surgery programme is not just about numbers, but about a service which follows international best practice, contributes towards a safer service and aims at improving patient and staff satisfaction and outcomes. The success of this is evidenced by the numerous letters and positive patient feedback received, highlighting its excellence.

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The opening of the new Day Surgery Unit, together with the introduction also this year of the third operating theatre suite, which had practically remained inactive since the opening of the new Hospital, have been major factors in addressing some of the challenges which were being faced by the Health Service:

1175 long surgical waiting lists in every speciality and the unavailability of hospital beds. The number of cancelled operations due to bed shortages has dropped massively since last summer, with only two cancellations during the usual difficult winter season between October and March. (*Banging on desks and interjection*) This compares to a peak of 70 cancellations in 2011-12, when the former management was in place and the policies of the previous administration lingered. The average cancellations in these months during the last winter were 0.4 per month, compared with averages of nine, fourteen and seven per month in the previous three winters. Mr Speaker, the scourge of the GHA – cancellation of operations at short notice due to lack of beds – is a thing of the past and banished to the memory of the dark days of the GSD. (1180 *Banging on desks*)

Also significant is a drop in the number of patients waiting for surgery. (*Interjection*) Comparing April 2012 with March 2013 and March 2014, the total numbers of patients waiting were 986, 1,030 and 626 respectively. This is equivalent to a reduction by about a third in the past year. If those patients already booked for surgery are removed from the list, the total drops even further to 467, or half the figure. (1185

Mr Speaker, even though there are still surgical specialities which continue to present a challenge, through a number of initiatives – such as increasing the visits by visiting surgeons and undertaking weekend initiatives – with the ability to use three theatres and day surgery, we will continue to improve on these figures.

1190 Progress in other waiting lists can also be seen: for example, in urodynamics there has been a drop from 30 to 13 weeks. Even in orthopaedics – which remains the biggest challenge, due to a longstanding waiting list – the outpatient wait has dropped from an unacceptable 10 months to six months. This is still not acceptable and we are on track to resolving this in the coming year, but it shows a clear improvement over the past year.

1195 Mr Speaker, I am proud to say that waiting lists are falling and waiting times reducing. Put another way, we have slashed waiting lists and waiting times unrecognisably. Other factors which have contributed to achieving these successes have been a more proactive management of lists and beds, and more engagement by clinicians in the direction and development of theatre activity. This is hugely significant. The clinicians, nurses, doctors and allied professionals are all actively involved in taking and actioning decisions, working with technical, administrative and support staff, from attendants and labourers to craftsmen and domestics who, as we know, keep the GHA in sparkling condition. And it works: the GHA is once again becoming a team. (1200

Mr Speaker, I would be falling short of my duty if I did not here mention the work being done in partnership with the Care Agency in providing care packages and support in order to facilitate discharges of patients from St Bernard's Hospital. (**A Member:** Hear, hear.) (*Banging on desks*) This is in addition to the work that has been carried out by the Care Agency again in opening the John Mackintosh Wing at the old St Bernard's site. This facility, temporarily accommodating residents of the Jewish Home, will cater for frail, elderly patients and will allow the GHA to free up much needed hospital beds, allowing it to continue its elective programme and maintain its emergency capacity with no disruptions or safety issues. (1205

1210 Mr Speaker, allied health professionals are an integral part of our healthcare system and have been involved in the past year in the introduction of new services, and are working to implement even more.

Keeping in line with improvements done to the GHA's waiting list and waiting times, another success story is the physiotherapy out-patient waiting list, which reached an unacceptable 400 in October 2013, following loss of staff, with a waiting time of 20 weeks. Since January 2014, I am glad to say that this initiative has yielded very positive results, with the waiting time now standing at only three weeks. The physiotherapy department, together with other healthcare professionals, have worked towards the implementation of NICE guidelines for the management of non-specific lower back pain. (1215

The audiology department is working with the Nuffield Centre in the UK to set up a comprehensive neonatal screening programme.

1220 The waiting list for hearing aids is in the process of being reduced.

Waiting times for orthotics and optometry are just two weeks. During 2013, the optometry department introduced a contact lens service. Apart from a few patients who need to be referred to Moorfields Eye Hospital in the UK due to the need for more specialised treatment, the majority of patients are now seen locally; this being in line with the Government's commitment to repatriate services. (1225

The occupational therapy staff continue to work tirelessly on the backlog of environmental works which stretched back to 2007. By prioritising these works, for the first time in years this backlog has now been eliminated.

1230 The 'Early Birds' training programme started in March 2014. This programme is jointly run by the paediatric occupational therapist and speech language therapist, and is designed specifically for parents, to help them with understanding and giving them practical coping strategies to implement at home and in school for their child with a recent diagnosis of autism. In line with our policy on autism, staff also attended the National Autism Conference held in the UK and gained excellent knowledge and skills from the workshops to ensure best practice is followed for this service. I am particularly satisfied at the progress

1235 being made in providing support for families where autistic spectrum disorder has been diagnosed. I will continue to actively support this work and I have encouraged parents of children with autism to form a support group, with which I will continue to work.

1240 Indeed, Mr Speaker, I continue to meet regularly with too many groups to mention separately, and will continue to work together with them to achieve greater improvements. Some of the initiatives resulting from working with these groups have included and will include the introduction of free diabetic-specific medicines for all type-1 diabetics; the introduction, for the first time, of guaranteed annual reviews of type-1 diabetics by a consultant; prostate cancer screening service; improved lymphoedema service; plans to work on sexual health initiatives; talking lifts in St Bernard's Hospital to assist the visually impaired.

1245 Mr Speaker, I am pleased to report that after lengthy negotiations with Unite the Union, a firm proposal to resolve the issue of the consultant contract has now been put to Unite the Union, which represents the consultants. These negotiations threw up new claims, not anticipated when I reported to this House last year, which resulted in the discussions being extended. We remain committed to also review the contracts of our non-consultant hospital doctors.

1250 Mr Speaker, in line with our manifesto commitment of making the General Medical Council (GMC) the regulatory body in Gibraltar for the medical profession, after meeting with the Department of Health and the GMC in London, we have made huge progress on this and expect soon to be in the position to implement. We have already identified the responsible officer for Gibraltar and we are in the process of drafting the necessary legislation. Further progress has been a service level agreement with Health Education England to deliver the mandatory appraisal programme for all our medical staff, which is a crucial part of the revalidation process. This will represent a massive step forward for the GHA in maintaining the skills, competency and quality of our medical staff and one which will have a lasting and positive impact on the standard of healthcare in Gibraltar. The GHA has supported its doctors in dealing with this change in practice, which has included the GMC's own moves towards a stricter licensing regime. There has been and will continue to be full consultation with doctors in both the public and the private sectors as the process is rolled out in the coming year.

1260 Mr Speaker, an associate specialist in accident and emergency will shortly be appointed, which will improve the management and leadership of the medical team in this department, improve medical cover and hopefully reduce waiting times for patients. Together with the plan to have a 24-hour receptionist presence at A&E, improvements in this area are envisaged.

1265 Mr Speaker, at the beginning of my presentation this afternoon, I identified that one of the problems that we continue to have is access to GP appointments. The system for the provision of advanced appointments changed in August 2013. The appointment system changed from a three-months cycle to a monthly cycle. This seems a better solution than the previous system, but I acknowledge that no system is perfect and this one is not without its problems. Notwithstanding the improvements that the new system represents, it is clear that more work is still required. Analysis of available data on patient numbers reveals an increase in the number of users eligible for the service. This increase in demand is a challenge that is being discussed with both service users and service providers.

1275 I acknowledge, Mr Speaker, that there are complaints with regard to lack of access to services by telephone, especially at peak times of the morning. I take these concerns very seriously and attempts continue to be made to improve access to services. The problem is largely due to the large number of persons who phone in over a short period. Even though there are lines in use and 60 callers get a recorded message, the system as it stands gives the impression that from the 61st caller that the phones are either off the hook or not attended. I assure you that this is not so, and I pay tribute to the staff at the Primary Care Centre for their commitment and hard work in challenging circumstances. We continue to work on these issues.

1280 Ongoing developments to help improve the service include extra phone lines; booking appointments through the internet; further improvements to the repeat prescription system; texted appointments now introduced for those with sensory impairment; analysing further the GP workload; exploring different models which may change the way appointments are offered with the aim of improving the quality of the GP-patient interaction and increasing the availability of GP appointments.

1285 Other developments which will improve the current services include the following: Extra clinics are currently being constructed, which will ease the pressure of clinic space felt by all clinicians. Specific children's clinics will very shortly be introduced, and nurse practitioners who are now able to prescribe from the full formulary. All of these developments will result in the problems experienced by the public in accessing primary care becoming a thing of the past.

1290 Mr Speaker, the GHA's hard facilities management services are provided through the Estates and Clinical Engineering section, which is staffed by staff seconded from the Gibraltar Electricity Authority. This covers the GHA's substantial estate across multiple sites. The team is responsible for planning and co-ordinating major works, many of which I have already mentioned. Engineering and maintenance support is

1295 provided for the estates' engineering infrastructure as well as the maintenance, repair and calibration of medical plant, clinical equipment and medical gases.

Mr Speaker, the Estates and Clinical Engineering team attended to a total of 1,892 breakdown and repair requisitions and 459 after-hours call outs. This represents a fall of 7% over the previous year. Their hard work and commitment sees the GHA's premises function with a high degree of excellence and has reduced the backlog of servicing and commissioning to zero.

1300 Last year, the Government maintained the GHA's substantially increased capital expenditure funding. This has allowed the GHA to develop important projects necessary to improve facilities and continue to make progress with its medical equipment life cycle replacement programme, which ensures that our clinicians are supported with modern technology that is now an integral part of healthcare delivery. This investment in capital for the Health Service will continue this year.

1305 Mr Speaker, I will now wrap up by mentioning a few ongoing initiatives which have seen recent progress or which you will see during the coming year.

Mr Speaker, building an extension into the surrounding grounds will expand the area available for patients in cardiac rehabilitation, physiotherapy and occupational therapy.

1310 For the first time in over 20 years, a Medical Advisory Committee has been set up, made up of the doctors and dentists in the GHA. This is a manifesto commitment and essential in enhancing clinical involvement.

1315 The pathway for stroke care is at present being developed by a steering group of healthcare professionals under the direction of a specialist stroke consultant from the UK. This pathway will introduce the use of new technology, which will transform the way healthcare is provided in Gibraltar. Telemedicine, which we are developing, will enable the A&E team to receive prompt advice from a skilled stroke consultant in the UK when a patient presents with a stroke to the A&E department. It will give medical and nursing staff in A&E support and advice on how to manage individual care. This will be by confirming diagnosis or making a differential diagnosis based on an expert assessment using a remote video-based consultation, a service which will be available 24 hours a day, seven days a week, thus improving the outcome for the patients. The use of this technology will start with stroke care, but will then continue to cover other specialities such as neurology, general medicine, general surgery, orthopaedics and others.

1320 Mr Speaker, there have been an additional five defibrillators placed in public areas around Gibraltar, with a further one due to be installed when some refurbishment works are completed. The first ones ever, 10 in total, were placed by the Government last year.

1325 Mr Speaker, 10 new Gibraltarians have been born as a result of this Government's introduction of IVF, and there are further pregnancies at the moment. (*Banging on desks*)

Mr Speaker, online access to British sign language interpretation for assisting access to healthcare by the profoundly deaf will allow such service users a dignified and informed access to this healthcare.

1330 For the first time since moving to St Bernard's new site, comprehensive fire planning and fire training has been provided to key workers in GHA sites.

The GHA is working with staff from the office of the ombudsman to redraft how complaints will be managed in the future, with the aim of addressing complaints more efficiently and to have more transparency and independence in the process. The final draft of the new complaints process with the accompanying changes to the legislation are expected to be completed by the end of the year.

1335 Mr Speaker, in keeping in line with being up to date on EU directives, the Ministry set up a steering group to review the EU directive on cross-border healthcare and facilitate its implementation. Member states were given until October last year to implement the directive and the Commission will be monitoring the process to ensure that this is implemented fully across the EU. I am pleased to announce that after introducing new legislation – the Cross Border Healthcare Regulation 2013 – setting up a national contact point and the GHA Prior Authorisation Committee, all transposition was completed on time, by 25th October 2013.

1345 Mr Speaker, the International Health Regulations (IHR), these regulations, which govern the processing of medical issues at our entry points, are due to come into force very shortly. The last administration had not given this priority, which would have left Gibraltar exposed at having inferior facilities at its entry points, especially its port, with the consequent effects on our reputation and success as a destination. I am pleased to say that once more this administration has worked with tremendous interdepartmental collaboration and efficiency and the Regulations will be published within weeks. This has not just meant the publishing of the Regulations, but ensuring that the processes are agreed and in place.

1350 Mr Speaker, I would like to finish by sharing some examples of success and positive feedback, which is a reflection of the excellent work being carried out throughout the GHA.

Mr Speaker, from humble beginnings, dermatology in Gibraltar has grown over the years into a great service, to the full credit of the dermatology team. Evidence of this excellent service is the fact that one of the nurses leading this service, Ms Linda Castro, was placed in second place in the category of Dermatology Nurse of the Year in the UK. This is testimony to the professionalism and excellence of Linda

1355 in particular, but also of the other employees and the service in general. The unit is shortly to have improved facilities at the reconfigured Primary Care Centre, and recently held an extremely successful skin cancer awareness day and walk-in service with the collaboration of Unite, which received hundreds of visitors. This is a good point to mention the importance the Government gives to protecting the health of the community. To this end, future Government-organised or sponsored events will have available free
1360 sunscreen and ear protection.

Mr Speaker, please allow me to quote just a few of the feedback that has recently been received.
From a CCU patient:

‘Having been admitted to CCU suffering from a Pulmonary Embolism the quality of the doctors and nursing staff was off the chart. These guys are on the go for the whole shift yet their bedside manners and care was tremendous.’

And just one other:

1365 ‘It is most often the case that people will only write to you to complain about the service received from your organisation or take issue with a particular instance, action or aspect of the service. On this occasion, however, my wife and I would like to congratulate you on the thoroughly professional yet deeply caring manner which we were dealt with during our time at the Maternity Unit.’

There are many more.

Mr Speaker, as I conclude, I must thank all the nearly 1,000 staff of the Ministry and the Authority for their commitment, hard work, professionalism and the support they give me in performing my duties. All
1370 our healthcare workers and support staff will forever remain our heroes. I wish to thank them all for their sterling work and performance, at times undertaken in very difficult and challenging circumstances.

I also want to thank the members of the various committees and boards in relation to both my Ministries, for their work and sense of public duty, and extend these thanks to associations and others in the voluntary sector who pay a tremendous role in improving and sustaining the health of our community.

1375 Mr Speaker, I am conscious of the responsibility that I and my team carry on our shoulders as we are entrusted with a budget of about £100 million. I can assure you, Mr Speaker, that never before will such money have been better spent, for we will see *real* improvements in the service that we provide.

Mr Speaker, there have been huge improvements in the Health Service provided in Gibraltar – I would say unprecedented in any similar period – but I am not satisfied: it is not enough. I have already said that my main areas of concern are access to primary care and A&E. There are a few other areas where improvements have lagged. Some of these include some of the services provided by visiting consultants. I am pleased to report that I am undertaking an incisive review of these services, in discussion with major UK providers, which will show marked improvements in the coming months. I am also committed to exploring new, alternative pathways and avenues of treatment as a way of increasing the range of services
1380 available to our community.

Mr Speaker, among the difficulties we face is the need for space, both in the Primary Care Centre and at St Bernard’s, particularly as we consider the possibility of repatriating diagnostic services, such as MRI scans, to Gibraltar. I am therefore hugely pleased and proud to announce that the Government will shortly embark on the construction of a new wing at St Bernard’s Hospital, which will allow the GHA to relocate many of those services which are short of space and facilitate the repatriation of services. This will be a separate building located in the central courtyard and is already being designed.
1390

Mr Speaker, we will continue to develop this service. Our ambition is for Gibraltar to have a Health Service second to none – a service in which we can all take pride, services which will reach beyond our hospitals and provide care where it is needed most: at home and in our community. A commitment to learn and improve and a focus on partnership will allow the GHA to succeed. This commitment is what defines *this* Government and *this* Gibraltar Health Authority. The coming year will be a memorable one for our Health Service.
1395

Mr Speaker, this Government of the GSLP and Liberals came into office with a promise of change. As I have clearly demonstrated with reference to both my portfolios, it is not change that has been delivered: it has been a veritable transformation. Thank you. (*Applause and banging on desks*) (A Member: Hear, hear.)
1400

ADJOURNMENT

1405 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is informed that the Minister for Europe will be landing in about 10 minutes, and therefore I think this is an appropriate moment to adjourn the House now to 9.00 a.m. tomorrow morning.

1410 **Mr Speaker:** I now propose the question which is that this House do now adjourn until tomorrow morning at 9.00 a.m when I will call upon the Hon. Jaime Netto to take the floor.

I now put the question which is that this House do now adjourn until Tuesday 1st July at 9.00a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn until Tuesday at 9.00 a.m.

1415

The House adjourned at 7.33 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.06 a.m. – 11.40 a.m.

Gibraltar, Tuesday, 1st July 2014

Business transacted

Order of the Day.....	2
Appropriation Bill 2014 – For Second Reading – Debate continued.....	2
<i>The House recessed at 11.40 a.m. and resumed its sitting at 2.03 p.m.</i>	27

The Gibraltar Parliament

The Parliament met at 9.06 a.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

Appropriation Bill 2014 – For Second Reading – Debate continued

Clerk: Mr Speaker, sitting of Parliament, Tuesday, 1st July. Second reading of the Appropriation Bill 2014. Budget speeches continue.

5 **Mr Speaker:** The Hon. Mr James Netto.

Hon. J J Netto: Mr Speaker, it is with great pleasure that I stand to deliver my 19th Budget address.

I will commence with matters to do with utilities first, followed by the environment, and lastly health and safety.

10 Mr Speaker, in relation to the power station, this is an area of concern due to the Government's inability to prioritise Gibraltar's important project, which is the new power station. As we have stated a number of times, the new incoming Government had the right not to proceed with the previous GSD Government project in relation to the power station, even when initial clearance work had already started. But to be in a position, almost three years after being elected, without a clear position with regard to Gibraltar's future needs with regard to power supply *in a safe manner*, given the site chosen, is incredible.

15 The Hon. Chief Minister's smokescreen for not pursuing the GSD Government's scheme for a new permanent power station is down to 'Had we continued with the GSD scheme we would have been saddled with a £120 million project,' or 'It was in the wrong location,' or 'Not the best available technology in environmentally friendly options,' or 'The consumer would have had massive increases per year for diesel consumption.'

20 The reality, Mr Speaker, is that when the Chief Minister quotes the £120 million, he is deliberately obfuscating the fact that such an amount was for a complete package inclusive of £20 million for associated infrastructural works, as opposed to the plant itself. The price also included a new office block for Gibelec. The location surely would not have been as bad as placing say a new football stadium at Europa Point, which the Chief Minister is adamant in doing, come hell or high water.

As far as technology is concerned, within the diesel types of engines, they were the best available technology at the time as advised by the experts. Or is the Chief Minister going to contradict the advice given to us by officials and experts in this field then? In addition to this, the IPPC Committee, which deals with such matters pursuant to European legislation, approved the scheme.

30 We do not make an apology for the fact that, based on grounds of safety, we ruled out having a dual fire plant run by diesel and gas. We do believe – then and now – that placing liquefied natural gas storage tanks so near to an area which is densely populated is a mistake and we are prepared to say it. Frankly, even if we need to pay more money in order to have higher standards of health and safety to avoid an accident ever happening in the proximity of a residential estate within the west side of Gibraltar, which would have colossal consequences if ever it were to happen, we would do it.

35 On the other hand, the Chief Minister is not in a position to preach to anyone about value for money, given that he has lost control of recurrent expenditure under his watch as Chancellor. This is a typical example of the pot calling the kettle black.

40 The Government also needs to be transparent in the way the Government handles projects of this kind. Throughout the period of this Government, I have been asking in Parliament on numerous occasions for all relevant copies of technical, environmental and health and safety reports, only to be stonewalled with

evasive answers in order to deny a Member of the Opposition from being able to scrutinise the Government on such an important project for Gibraltar.

45 Mr Speaker, it is inconceivable that such an attitude would prevail in the House of Commons, the Scottish Parliament or the Welsh Assembly, or indeed in any municipality across the United Kingdom. Any project of this kind in any part of the UK would allow automatically the Members of the Opposition with instant access to all relevant information in order to allow proper scrutiny of the executive. However, here in Gibraltar the view that prevails by the Government is that accountability and transparency lie in the number of occasions that Parliament meets, as opposed to being transparent on its action in Parliament by providing the Opposition with information it seeks in order to have a debate on equal terms.

50 Mr Speaker, moving on: lack of a holistic plan. Another issue of concern that needs to be highlighted is the whole approach by Government in relation to projects that either are of the Government or private ones which are to be developed in close proximity to each other in the west side of Gibraltar and the port area.

55 In order to illustrate this point, we have a sullage tank to be operated again at the North Mole in close proximity of the cruise liners; liquefied natural gas storage tanks to be placed on the Detached Mole; ship-to-ship bunkering from the Detached Mole; laying of pipes on the sea floor connecting the liquefied natural gas storage tanks to the new power station; a new power station; and a new boats marina. And along the perimeter of all these projects we have an airport on one side, housing estates – including the new one to be built in the former coach park – and on the other side, a nuclear berth for submarines, not to mention the movement of cruise liners either inside the port or outside. Yet the Government approach to this matter is cavalier, *ad hoc*, covered in secrecy and dangerous.

60 On a number of occasions I have asked the Government in Parliament if they have undertaken a specialist holistic analysis of all the development within this area in order to protect the public, only to be informed by the Deputy Chief Minister that such a study is not necessary and each individual project is considered on its own merit at the Development and Planning Commission. In truth, we in the Opposition are not the only ones calling for this approach to developments in this whole area. The Environmental Safety Group is also advocating the same. Yet, whilst the argument is compelling to do so for the good of the environment and for health and safety matters, the Government refuses to do so. It beggars belief that the Government is so intransigent on such an important matter that has the potential to put people's lives at risk through their stubbornness.

70 Mr Speaker, moving to the environment, and on expenditure I notice that the sums estimated and required in the year ending 31st March 2015 for salaries, wages and expenses of the Environment, as reflected in head 14 Environment, is £12,862,000. This is £1,453,000 less than the estimate for the financial year 2013-14. This is in large measure due to the fact that subhead 2(6) Relief Cover, as shown on page 55 of the draft Estimate Book, amounting to a total of £1,938,000, has been transferred to a private company called Gibraltar Cleansing Services Ltd, under the control of the Employment Ministry, as shown on page 86 of the draft Estimate Book. Therefore, given this significant reorganisation of funds away from the management of the Environment Department, it requires a proper explanation by the Government as to why this has been deemed necessary. I certainly look forward to listening to why there has been a need for this and how such a decision will improve or hinder the services that the Department of the Environment needs to provide, although I notice that the Minister, from his very brief speech yesterday, he did not mention anything about this.

75 The other point I would like to make about expenditure, Mr Speaker, is that even if we add the total amount for the Department as shown in the draft of £12,862,000, plus the £1,938,000 transferred to this private company under the control of the Employment Department, this brings a grand total of £14,800,000. This is £710,970 more than the actual expenditure under the last full financial year of the GSD Government during 2010-11. So, even after adjusting for inflation during this intervening period, this lifts the sum requested by the Minister for his Department in comparable amounts to that under the GSD Government. An amazing fact, given that what one gets from the Minister of the Environment is constant rubbishing of the GSD's period in Government. For the Hon. Minister, it is all down to either the GSD did not do anything for the environment, or if we did it was all wrong and bad. This, despite the fact that he was the GSD Government adviser at the time and never felt it necessary to resign on principle from those duties then from the horrendous things he says now.

90 This also gives me the opportunity, on behalf of the Opposition, to congratulate Dr Liesl Mesilio-Torres for now holding the position of Chief Executive of the Department. I know Liesl well, and I am aware of how capable she is. We in the GSD are extremely proud that Liesl was the first individual employed in order to create a new Department of Environment, given that the GSLP before us did not believe in having such a Department nor in employing 90% of the current staff that the existing Minister now has at his disposal. But of course we would not expect recognition of this by the Minister.

100 Mr Speaker, moving on to renewable energy, as I did last year, I would like to start by giving credit where credit is due, then moving on to things that have not been that great, and finalising with things that have gone badly.

One of the most exciting things that has materialised in the last 12 months, at least for me, is the Government agreement with the company, Eco Wave Ocean Power Plant for the provision of an initial 0.5 megawatt energy device on the east side, with a view to further expansion to a full 5 megawatt plant if the project is successful, this being a technology based on harnessing surface wave energy by the use of specific buoys to capture and convert such energy. I noticed the words in the Government press statement, quote:

‘if the project is successful’

and I can understand why this is so. The reality is that we are talking, by and large, of new technologies that need to be tried and tested *in situ*, and I think this the right approach. Needless to say, all of us in this Chamber would like this project to succeed for the benefit of our community. These and other technologies were followed with great interest in my days while I was the Environment Minister, but unfortunately the technology had not developed sufficiently enough to warrant being introduced in Gibraltar back then in those days.

Clearly, with the passage of time more and more technologies are becoming available and whilst I notice the Minister’s response to my question about underwater current technology not being available for another 10 years or so, we should never stop from being kept abreast of development in this field, as I believe this to have the potential of giving a tremendous boost to a constant source of clean renewable energy for the future.

Mr Speaker, on netting for the Municipal Waste Station and fiscal incentive for the environment, credit too should be given for the placing of a net over the Municipal Waste Transfer Station at Europa Advance Road; thereby, according to the Minister, no longer having an issue of rubbish flying out from the site onto the surrounding cliffs or sea. I am pleased that the Minister paid notice to my question on this matter some time ago and that he has actioned a solution to this historical problem.

Also to be welcomed is a continuation of the GSD policy to use fiscal incentive measures as a means to make more environmentally friendly products more accessible to the public.

Mr Speaker, moving on to beaches, another project that seems to have gone well and which is almost complete is the work in Sandy Bay, both in relation to the construction of the two groynes and the submerged breakwater one, along with the regeneration of the beach itself. This no doubt will be enjoyed by many members of the public, hopefully for many years to come. Additionally, any extra biodiversity of marine life that prospers in the surrounding area is to be welcomed too.

Another area to be welcomed is the continued attendance by staff members of the Department of Environment in European seminars, the latest of which was in Greece in relation to matters to do with loss of biodiversity under the Natura 2000 programme. Such participation is important for a delegate in order to make aware other delegates of the particulars of our environment within the much wider picture of the Mediterranean and Europe. It is also an opportunity to extend our networking with other professionals in the field, thereby complementing the overall objectives.

Yet, Mr Speaker, whilst we have progress on one beach, we have stalemate on another, which is Western Beach. Clearly, to have progress in resolving the problems in Western Beach could only have been by pursuing two different avenues – the political, the legal, or both simultaneously.

The political has remained a non-starter as far as the La Linea Municipality is concerned, given that they do not have the necessary funds to do the infrastructural works needed; nor, it seems, from a regional basis as regards the Junta de Andalucía. The Junta, just like all other regional Governments in Spain, have been subjected to substantial cutbacks on their budget from Madrid as a result of the economic crisis, thereby being unable to provide such funding. Finally, on the political front, it seems that engaging Madrid is also a non-starter, given that the relations between the Madrid Government and Gibraltar are toxic and will remain so for some considerable time to come.

On the legal side, the Hon. Minister for the Environment has kept me informed confidentially of developments on the legal front. Unfortunately, this is a long and convoluted process, but the only one available to us right now.

I certainly am grateful to him for keeping me abreast of developments and the GSD Opposition will continue to conduct itself responsibly on this matter, placing the interests of the community first, which is the contrary to when the current Government were in Opposition and conducted orchestrated campaigns against the then GSD Government along with their friendly media press for not pursuing the matter with speed and vigour, something which is exactly what is happening today.

Mr Speaker, moving on to waste and waste water treatment plants, these are also important and essential projects for Gibraltar – namely the waste treatment plant and the waste water treatment plant – but the picture emanating is one of delays between the Government informing the public of such projects and the commencement of such; again something that, from the very brief speech of the Minister, he had nothing to say yesterday.

Take the case of the waste treatment plant. The Government informed the press way back in February 2013 – you can see the *Gibraltar Chronicle* of 16th February 2013 – of its decision to provide a new plant at the site of the old incinerator at the Europa Advance Road in order to treat the solid municipal waste with environmentally friendly technology. The Hon. Minister himself has had the consultant’s report on his desk since January 2013; and only last month, some 18 months later, the Minister responded to a Written Question to inform me that the tender is still under assessment.

The Hon. Minister knows that we have been taking our municipal waste in the past and in the present to the recycling plant in Los Barrios. This is a procedure which is fraught with problems, not least because of the impending compliance with the EU Landfill Directive for the amount of biodegradable waste that shall be allowed into the landfill. Yet, Mr Speaker, when I look at the draft Estimate Book, I do not see any entry for the commencement of this important project. The Government needs to inform Parliament whether this project will commence in this financial year or whether it is going to be paid from the Consolidated Fund or from Credit Finance Ltd, or indeed from any other source.

The same applies, Mr Speaker, to how the Government decide to proceed with the disposal of sewage. As we are aware, Gibraltar continues to discharge its raw sewage into the sea in contravention of EU Directives on this matter. The Government needs to make clear by when it will decide to award the tender for the proper treatment of raw sewage prior to discharging into the sea. Quite apart from doing so for good environmental reasons, we risk giving those who want to harm Gibraltar with a perfect opportunity to tarnish our reputation abroad.

The Government needs to inform Parliament whether, as a delay of implementation of this project, the British Government is incurring fines from the European Union or likely to happen any time soon; also whether the Government intends to proceed with this project, given that there is no provision within the draft Estimate Book – or perhaps it will, but by using money indirectly from the proceeds of the Savings Bank via Credit Finance Ltd. Either way, the Government needs to state what is happening in this important area of the environment.

Mr Speaker, fishing in British Gibraltar Territorial Waters: it has been over two years since the now infamous episode of Government policy being placed on Facebook – the statement by the Hon. the Minister for the Environment announcing that the laws of Gibraltar were to be enforced forthwith and that illegal fishing in British Gibraltar Territorial Waters would be stopped as per the Government manifesto commitment; an announcement since referred to, by the no less a body than the Chamber of Commerce, as a ‘rookie error’; an announcement which plunged Gibraltar into a dispute which still has no signs of resolution.

We have the unprecedented case of an unnecessary crisis that erupted in March 2012, which has seen the unabated fishing in our waters by the Spanish fishing fraternity and a crescendo of hostility as a result of the Government incompetence in handling such delicate matters. The Government position in this case has been that our laws need to be respected by the Spanish fishermen; yet it is amazing that when our Chief Minister was asked in the recently released programme *Viajando con Chester* as to why the Spanish fishermen were denied the opportunity of fishing our waters, the Chief Minister responded by saying that the fishermen were fishing without any hindrance. Given the Chief Minister’s response, one is entitled to ask why then the 1999 agreement was broken without notice, only to provide the fishermen with a licence to do whatever the fishermen decide to do, regardless of the laws passed by this Government. Why then plunge Gibraltar into a crisis of their own making with the consequences being paid by ordinary people on both sides of the frontier? The public is entitled to know until when is this crisis going to be prolonged, and when is the Government going to resolve the crisis it started?

Mr Speaker, moving on to Barbary Macaques, an important area where the Minister for the Environment is simply plodding along is with the problems with the Barbary Macaques. Within the figures provided by the Minister in terms of the population of the macaques, we see that the high-level rate of population was in 2006 with 242 macaques, followed by 241 in 2007 and in 2008. Following on from these figures, the population starts to drop to 212 in 2009; 182 in 2010; and in the last year of the GSD Government, 175 in 2011.

So what then, Mr Speaker, do we observe under the watch of the current Minister? I should add here that the watch of the Minister has existed for the last 20 years or so in which the Hon. Minister used to be the previous adviser on this matter. Well, in 2012, the population started to increase again to 183, from 175. Then, in 2013, it grows to 206; and in 2014, the figure is 225, although this figure needs to be adjusted for possible further births and deaths for the remainder of the year. So tentatively, under the watch of the current Minister, the population has increased by a further 50, taking the situation back to the levels that existed in 2004. So whilst the population of macaques decreased under the last years of the GSD Government, now it is increasing again under the GSLP Liberal Government.

So why then did the population drop by 67 in the last few years of the GSD Government, and why has the population increased by 50 in the two and a half years of the present Government? The answer lies in the fact that, in the last years of the GSD Government, a programme of culling was implemented due to the

difficulties in exporting the macaques, which would have otherwise been the preferred option. Yet culling has been ruled out by the present Government due to the virulent campaign waged by the GSLP Liberal Opposition in tandem with animal rights organisations in the UK in order to tarnish the good name of Gibraltar abroad for their own selfish partisan interest over the interests of this community.

The irony of the situation, Mr Speaker, is that we have a Minister who has studied and written about Barbary Macaques for the last 20 to 30 years, yet today he has not released the Gibraltar Macaques Management Plan in order for the public to know what the Minister's objectives in this area are.

On 1st March 2013, *The Times* newspaper carried an article in which the Minister informed them that the Gibraltar Government would be exporting macaques to Morocco, Tunisia, safari parks in the UK and in Europe in order to alleviate the overpopulation problem in Gibraltar. Nonetheless, when I asked the Minister recently whether there had been any exportation of macaques, the answer was that no export has taken place.

So, some 15 months later, the Minister has not exported *any* macaques. We have a population on the rise, despite the new contraceptive scheme introduced under the current Government. We have more packs of macaques splitting than ever before, all conducting themselves into new groups or subgroups, searching for other areas closer to urban ones in order to settle – and all the Minister does is talk and more talk and more experts and the creation of more and more management committees.

At this rate, soon we will have a new inter-ministerial committee with participation with macaques for the study to resolve the problems of overpopulation, with meetings to be arranged perhaps at the Sunborn Hotel, with expenses paid by No. 6 Convent Place. The findings of all these meetings can then be submitted for consideration to the never-to-be-published Gibraltar Macaques Management Plan for the eventual reduction of the macaques overpopulation. Oh boy, talk about kicking the problem into the long grass!

Another failure within the policy of the Minister with regard to macaques is the enforcement of the new legislation for eradicating the illegal feeding of macaques either in the nature reserve or outside. Despite much publicity with regard to the illegality of feeding the monkeys, with press statements and literature about how the macaques' behaviour has been changed since feeding the monkeys the wrong food or overfeeding them, the only person cautioned for feeding the macaques has been *one tourist*. Is this how the Minister expects to end this unacceptable practice? What is the point of new laws when there is a huge gap between the law and enforcement? What is the point of surreptitiously bringing through the back door two new environmental protection officers with powers to enforce the provisions of wildlife wardens under the Nature Protection Act when the illegality of feeding the macaques goes on unabated?

And if all of this is not enough, the Minister commenced a strategy to get the monkeys back to the nature reserve, which imported into Gibraltar illegal noise pyrotechnics from Spain that do not comply with European legislation. The Minister, when informed about this in Parliament, adopted the attitude of seeking advice on the matter as a form of kicking another ball into the long grass. Quite frankly, why doesn't the Minister simply plead guilty to the charge and plead clemency on the grounds that his actions were motivated to placate the public outcry over the macaques' occupation of urban human areas? The fact that the Minister has a doctorate in natural sciences does not mean that he is omniscient.

Yet I have no doubt that when the Chief Minister's right of reply comes, he will continue to say that all of this is the GSD's fault and that they will, in due course, put things right. At least they can make a start by publishing the Gibraltar Macaques Management Plan, so that the public can be the judge of their policies in this important matter. But transparency and accountability is not one of the Governments fortes: why bother with transparency and accountability when we have more meetings of Parliament, Mr Speaker?

Moving to enforcement of litter regulations, back in 2013, the Minister for the Environment announced, to much fanfare, a new impetus in the fight to clamp down on people littering the streets by revamping the Litter Committee and by introducing much heavier fines to ensure that this practice would get eradicated. At the time, I remember thinking, 'Well, perhaps the Minister is serious about stamping out this practice by penalising such offenders with heavy fines.' I did therefore allow some time to monitor progress, but recently I asked for the number of litter tickets issued by either the RGP, the Environmental Agency or the Highways Enforcement Officers, and the response was that to date only six such tickets have been issued between 2013 and 2014. Again, we find ourselves in the same predicament as is the situation with the macaques. The Minister talks tough, makes many promises, but when it comes to action he is found wanting and certainly not making any difference to the state of our pavements on which many members of the public need to tread very carefully in order not to get stuck in dog foul. This is a fact that the hon. Minister does not need to go far to find the evidence, as he has it straight in front of St. Bernard's Hospital, amongst other places.

Mr Speaker, culling of seagulls, another subject not mentioned by the Minister in his very brief speech. Here again, the Minister has lost control of events. Looking at the figures provided by the Minister in Parliament, we have the following facts. In 2009, GONHS culled 4,562 seagulls and the then FERA company 3,812, making a total for the year of 8,374. In 2010, GONHS culled 4,075 and FERA 5,508,

making a total for the year of 9,583. In 2011, GONHS culled 3,491 and FERA 5,708, making a total for the year of 9,199. In 2012, GONHS culled 3,391 and FERA 2,694, making it a total for the year of 6,085.

280 It should be said that the reason why FERA only culled 2,694 in that year was because the Minister decided to terminate the contract with FERA on the grounds that the work involved could be easily be done by GONHS. Therefore, the amount of money voted in Parliament for the work carried out by FERA – of £110,000 in the financial year 2012-2013 – moved practically in its totality to GONHS in the financial year 2013-14, making a total of £207,000 for the purpose of culling seagulls. Yet when we look at the figures of
285 seagulls culled in 2013 by GONHS alone, it amounts to 2,649 for the year; this being less than the seagulls culled by GONHS in 2012, which amounted to 3,391 yet with a combined budget of what GONHS and FERA had in the previous years. Worse still, the forecast outturn for the financial year 2013-14 is expected to be £131,000. This means that, for more money being placed with GONHS, the public gets less seagulls culled; and if the figures for the end of April 2014 get extrapolated for the end of the year, 2014 will be
290 worse than 2013.

Mr Speaker, what could have happened in this period for the Minister for the Environment to have lost his eye on the ball? It must have been the time spent on his vanity garden project in Queensway. What excuses will the Hon. Minister come up with? Blame the GSD again for things happening under his watch? Come up with another committee of experts to provide the Minister with a management plan for the culling
295 of seagulls? Or will he counterattack by spinning some scientific rhetoric to cover his inaction on this matter? Clearly, the Minister does not have a clue on achieving value for money for the taxpayer, not to mention the members of the public whose lives are blighted by the massive overpopulation of seagulls.

Mr Speaker, moving to the state of the Botanical Gardens, again, another subject not mentioned by the Minister in his very brief speech. The consequences of the Minister losing sight of his environmental responsibility does not just remain on the issue of seagulls and macaques; it extends to the dilapidated state of the Botanic Gardens. Despite the constant grandiosity of comments, to which everyone is subjected, on his alleged single-handedness in restoring the Alameda Gardens – with graphic illustration of him sitting in despair by the flower bed kerbstone, making everyone listening start to cry – the Minister leaves out of the story that what was inherited then was the privatisation of the maintenance of the Gardens by a so-called
305 Socialist Chief Minister, who had not invested in the Alameda Gardens for eight years; nor that the last Budget passed by the GSD Government was an amount of £854,000 from the pittance that was provided by the GSLP Government; nor does the Minister give recognition to the hard work done by the staff who have worked there for years. According to the Minister, *all* the merit is to be reflected by the action of one person: the Minister himself. For him, this is a story about ‘I’ and not ‘we’. Yet what is the story today in the Botanic Garden? It is the deplorable conditions of the pathways, and in particular of Grand Parade Walk. It is also the deplorable state of the street furniture within the Gardens. No doubt the Minister – I can see the Hon. Minister, Mr Linares, laughing in nervousness (*Interjection*) about what I am telling him. Perhaps he will have something to say about... but at least he could have the courtesy of allowing me to finish. (*Interjections*)

315 No doubt the Minister will now insist that this too is the GSD’s fault, based on some fanciful argument about measuring the growth of the roots of trees during the 16 years in which the GSD was in Government! Never mind that the person in charge of the maintenance of the gardens then, who today is the Minister, never bothered to do anything about it; never mind that, in almost three years as the Minister for the Environment, he has abandoned responsibility for the condition of the Botanic Gardens; and never mind
320 that in the draft Estimate Book there is no provision for the necessary work to be done in this financial year. But of course, Mr Speaker, the Hon. Minister has been too busy in his vanity park in Queensway to have time to provide the public who go to the Alameda Gardens with reasonable standards of facilities.

So how can the Minister rescue himself from this position? Create another committee, to be called the ‘Botanic Gardens Management Plan’, and two months before the next election he can then have the works done and even get the pretty picture for the next manifesto? I can even see what the heading of the story in the manifesto will be: ‘Botanic Gardens rescued from the wretched GSD legacy!’

Mr Speaker, moving on to landscaping and planting of trees... Moving on to the subject of planting trees, which in some ways overlaps with the Botanic Gardens but obviously it is much broader. Here again, the Minister is keen to blow his trumpet as to the amount of trees planted during the period of the present
330 Government; yet what the Minister will not do is to provide Parliament with true figures of trees cut throughout Gibraltar, with the spurious argument that one cannot differentiate a tree from a shrub.

But what is more worrying is that there is no coherent plan for landscaping throughout Gibraltar, particularly when it comes to the planting of trees. What we have is a situation in which trees are being placed in an *ad hoc* manner, with some already dying and some already dead due to the fact that no proper
335 forward planning has been done for ground preparation, use of organic materials, soil, manure, and of course irrigation; all important components for the successful life of a tree.

If we look at some of the trees planted in the Jewish Boulevard and in the Alameda Estate, they are already in a dreadful condition. Clearly, the Minister’s much-trumpeted environmental filter has not worked

again and remains useless. What Gibraltar needs – and one would have expected the current Minister to lead on this subject – is a ‘Landscaping Management Plan’ in order to plan and implement proper procedures when planting new trees and safeguarding existing ones throughout Gibraltar.

As an aside, Mr Speaker, the Hon. Minister for the Environment is all too keen to repeat the statement that this is a new Government, leading by example. However, once again we notice that in the Minister’s third Budget speech he continues to read his speech from single-sided printed paper; this, when we have a situation (*Laughter*) when in the Minister’s first Budget address, he informed Parliament of how the new green filter for procurement had established a policy of purchasing printers to print double-sided text in all Government Departments, something that was pointed out to the Minister by my Hon. Learned Friend, Mr Figueras, for reading his speech on single-sided paper.

Mr Speaker, moving to Barbary Partridges – (*Interjections*) I take satisfaction that the hon. Members of the Government are enjoying my speech, Mr Speaker! (*Interjection*)

A Member: You’re welcome!

Hon. J J Netto: I think they need to calm down; they are getting too nervous.

The Hon. Minister for the Environment is keen to be seen as someone who is passionate in the conservation of the Barbary Partridges, given the picture in his Twitter account. Yet, as the Minister for the Environment, his inaction to protect them will mean that the indigenous Barbary Partridge of Gibraltar is critically endangered and on its way to face the same outcome as the dodo in Mauritius. (*Interjection*) Of course, blame the GSD! Always blame the GSD!

Much as the Minister would like to blame the GSD Government for all of Gibraltar’s ills, the fact remains that under his watch we have arrived at a situation where the number of indigenous Barbary Partridges is the lowest ever. Not only that, but knowing, as he knows better than anyone in this Chamber, what the natural predators of the partridges are, he has done nothing to deal with this serious problem. The Minister seems to be caught like a rabbit on a road by the headlights of an incoming car... with ensuring the population of seagulls does not continue to eat the eggs or chicks of partridges, as stated by me in my earlier speech, or the feral cats that pose such a threat to the partridges. Given that the current party in Government can be termed as a party of all things to all men, it is clear that the Minister has taken the decision of not culling feral cats for any possible loss of votes from those who would be against such policy. So, through his indecisions we face extermination of the indigenous Barbary Partridges.

For over a year now, Mr Speaker, the Hon. Minister has been trying to wash off his inaction on the partridges on the basis that partridges of the same genetic lineage will be brought from Morocco; yet, from the answer given both last month and in this one, we can conclude that on the issue of safeguarding the partridges, as in the culling of macaques or the culling of seagulls or feral cats, the Minister is all talk and more talk and no action.

Mr Speaker, moving to transparency and accountability, lack of transparency abounds from the manner in which this Government operates. Take, for instance, the various companies providing a service to the Department of the Environment. Back in May 2013, I asked the Hon. Minister if he could provide me with copies of the contract providing services to the Department; something he refused to do, on the basis that such contracts remain exactly as they were when they came into Government. However, in answer to a supplementary question from my Hon. and Learned Friend, the Leader of the Opposition, the Minister would not accept informing me of any variation of any of the existing contracts providing services to the Department of the Environment because it would have to be a collegiate response from the Government as to whether to inform the Opposition. Yet in May of this year, once again I asked the Hon. Minister if there had been any changes to existing contracts, only to be responded to, in a terse tone, that his role is not watching observance to the contracts.

Yet today, the Opposition is aware of at least one variation to one contract – in Wildlife Gibraltar Ltd, in which, until very recently, the Hon. Minister had shares in that company and has now sold them to someone else; a contract, I should add, that has been awarded the maintenance of the Commonwealth Park. However, the changes to the ownership of Wildlife Gibraltar Ltd were only found by the Opposition as a result of my Question to the Minister last week. The Minister had to tell us only last week that he had just written to the Clerk of Parliament, notifying him of the changes in the ownership composition of the company in which the Hon. Minister had an interest before and his wife continues to be a shareholder. No-one is saying that there is anything improper, but to say we are not entitled to quiz the Government on this is nonsense.

Mr Speaker, moving on to health and safety, to talk about health and safety with regard to the initiatives or actions by the current Minister for Health and Safety is simply to say that *nothing* has happened or is likely to happen while the current incumbent is holding such responsibility.

In 19 years of listening to Budget speeches in this Chamber, last year was the first time ever that a Minister holding a responsibility for a particular subject did not utter a single word on the responsibility the

Minister holds: quite a dereliction of duties and an attitude of not being willing to promote and develop health and safety policies, which is his duty as a Minister.

Since last year's Budget address I have asked the Hon. Mr Bossano whether the Government has conducted any reviews on the Health and Safety Inspectorate team, the current legislation, its policies and procedures since December 2011 insofar as it applies to the private sector and Government organisations; and if so, to provide Parliament with a date of the reviews, the name of the person or entity, details of the items examined and any implementation emanating from such a review – only to be answered by the Minister saying, 'No, Mr Speaker.' The answer is quite incredible, as it seems to imply that the Minister for Health and Safety is not aware that a review is indeed taking place behind the Minister's back without him knowing anything about it. The review is being conducted between the Chief Minister and the union, not to mention the various reports submitted by various specialists on health and safety on how to review the current legislation and the Inspectorate role within the Factories Act.

Mr Speaker, the Minister's response is symptomatic of the malaise that prevails with this Government's attitude towards health and safety. Consider my Question to the Minister in relation to how many codes of practice have been issued, or how many health and safety committees have now emerged within the public sector; and the answer provided is, remarkably, in Bossano-esque style: 'There have been no new codes of practice and there are no new health and safety committees.' In other words, not only is the Minister not prepared to do anything to develop health and safety, but he is quite proud of the fact that he does not care about the responsibility he has.

Given the circumstances that prevail, it is quite understandable that the Chief Minister is doing the review on health and safety, but you will forgive me for saying that in normal circumstances, when a Minister refuses to do his responsibility, the normal thing to do is to get rid of the Minister and place someone who is willing and capable of discharging his responsibilities. Yet here we have the curious situation of a Chief Minister tip-toeing around the Minister's dereliction of duties in order not to upset the Minister for his dereliction. What this shows is a weak Chief Minister within a fractured Government.

(Interjection)
As if all this was not enough, the recurrent issue of opaqueness has also had a role to play with regard to the manner in which different Ministers operate a negative policy on health and safety. Take into consideration the response of the Education Minister when he refused to provide Parliament with copies of the health and safety audit report in some schools; or the response of the Health Minister, who also refuses to provide Parliament with copies of the health and safety report by the Health Authority Health and Safety Committee; or the fact that the Government will not provide Parliament with the name of the companies that infringe the law in health and safety, as is the practice in the UK; or the fact that this Government is not willing to provide annual reports on health and safety for the benefit of trade unions, employers, health and safety specialists and Parliament in order to assess either the Government's lack of aims and objectives or statistical facts emanating from the various industry groups in Gibraltar. It is a scandal that goes to the heart of how this Government dishonestly operates.

It is obvious, Mr Speaker, that if we are going to have progress in health and safety or the environment, or in a safer new power station, or in not mortgaging our children's livelihood with debt arising from uncontrolled and unaccountable spending from this Government, then the sooner we have a GSD Government, the better for this community. **(Several Members: Hear, hear.)** If we, as a community, want to restore the sense of security and prosperity we enjoyed under the previous GSD Government, then the sooner we elect a new GSD Government the better. And if we want to restore the sense of normalisation that existed between the communities on both sides of the frontier, the sooner we elect a GSD Government the better.

To conclude Mr Speaker, from the Opposition benches, there is only one word left to say, and that is 'palante'.

Finally, my thanks to the staff of Parliament for their continued help and advice.

A Member: Hear, hear. *(Banging on desks)*

Mr Speaker: The Hon. Miss Samantha Sacramento. *(Banging on desks)*

A Member: Happy hour this morning. *(Laughter and interjections)*

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, we have now been in office over two and a half years and I can reflect proudly on the differences that have been undertaken by my Ministry and the Departments I am responsible for.

This year has been an extremely positive one in terms of numerous developments coming to fruition as well as how our services have been extended to assist the more vulnerable in our community. We are now

460 at a stage where progress is real and is tangible and, Mr Speaker, there are still more good things to come as other projects become a reality during the course of this coming year.

I will commence with the progress in my Equality portfolio, as this has been so marked this year and symbolic of this Government's overall commitment to a fair and just society.

465 As I have said previously, equality is at the heart of this Government, and our commitment to equality shows a natural progression towards an inclusive society and it is a recognition of a modern Gibraltar. We are committed to setting up an Equal Opportunities Commission, which will be responsible for promoting equal treatment for all without discrimination, as provided for in the Equal Opportunities Act. This coming financial year will see an advancement in developing this, and in the meantime the statutory function will continue to be discharged by the Citizens' Advice Bureau and we continue to work closely with them and support their initiatives.

470 I am immensely proud of having been appointed by the Chief Minister as the first Minister for Equality; and in that capacity, having passed the Civil Partnership Act earlier this year. It truly is a landmark piece of legislation, Mr Speaker; one which enables the formal recognition of relationships between couples of the same sex. It is important because this Government recognises that there are gay men and gay women in Gibraltar and they live in loving and committed relationships. They are entitled to a formal recognition of that commitment in the eyes of the law and that is progress and that is equality. To have been invited to the first civil partnership ceremony was truly special, and particularly since it was the celebration by a couple who have been pioneers in standing up for gay rights and challenging the establishment. They won their David and Goliath battle against the former administration, who refused to give them the right to a joint tenancy in a Government flat and that case was fought all the way to the Privy Council at taxpayers' expense. How times have changed. Our Government recognises the fundamental human rights of gay people, quite unlike the way that they were treated when the GSD were in office.

480 Furthermore, Mr Speaker, this past year we have outlawed homophobic hate crime and hate speech and made these aggravated criminal offences. It is therefore no surprise that community groups now feel the freedom and confidence to organise days such as International Day against Homophobia and Pride. Such groups no longer live in fear of expressing themselves and they know that they have the full support of this Government in these endeavours.

490 Turning to disability, it is clear that Gibraltar's landscape is changing to make it more accessible, and our progress is not limited to those with physical limitations but also those with learning disabilities. Our aim is to improve the lives of people with disabilities and this is being achieved by having, for the first time in Gibraltar's history, a Ministry for Equality and within that established a Department that is dedicated to disability. Since last year, we now have additional staff. We have a head of department to deal with matters at a strategic and policy level and a truly dedicated and motivated disability awareness officer, and I have to say at this point that that does not represent any increase in our complement but more a readjustment of existing posts.

495 Equality is an issue that transcends all Government Departments, as indeed it does our community. My Department is able to co-ordinate and oversee matters relating to disability in all other Government Departments and is involved in all Government projects. It is the policy of this Government to ensure that all new projects going forward are fully accessible and my Department offers advice and guidance on this. We have undertaken a robust review of all matters to do with disabilities and in the past year have made significant developments in an area that has generally been quite dormant. As we work on achieving a disability action plan, all these things fall neatly into line.

500 Mr Speaker, the fruit of our work, and in particular inter-agency working together, has not gone unnoticed and recently we were recognised, by a tour operator specialising in holidays to meet the requirements of people with disabilities, as an accessible holiday destination – an achievement indeed for our initiatives and those of the Minister for Tourism to be recognised internationally.

505 One of the most significant aspects of the work we have undertaken so far is to review current legislation and provide laws modelled on the UN Convention on the Rights of the Disabled. A lot of work has been undertaken on the drafting of this important piece of legislation and I am delighted to report that we will be in a position to present the new laws by the end of this year.

510 The most fundamental change that the new legislation will bring is the statutory obligation to make premises accessible to people with disabilities. At the moment, we are giving careful consideration to how this will be achieved in a responsible manner, as we are learning from the experience in the UK.

515 Notwithstanding and in advance of the legislation being in place, we already have a programme of auditing and reforming Government premises and public areas, and of course all new Government projects will be fully accessible. The Government Technical Services Department, in consultation with the Ministry for Equality and the GHA Occupational Therapy Department, have already been busy identifying and making improvements to our community. Mr Speaker, I am sure you will have noticed all the progress and significant improvements we have already made.

520 In order to ensure that we are fully equipped to do this properly, my Department arranged for specialist training to be delivered on access audits earlier this year. The course trained participants to be able to identify barriers to access and solve these, including access audits to historical buildings. The course was aimed at the Government's Technical Services Department, occupational therapists and anyone involved with the responsibility of access to public buildings and services.

525 The accessible beaches project is a prime example of the huge progress we have made. This year, we took stock of the flagship projects we undertook at the beaches last year and the service has been expanded and further improved by the Gibraltar Tourist Board. An announcement on the new bathing pavilion at the old GASA site will be made very shortly and the whole community will be able to fully benefit from it this summer. I say 'fully' because this exciting new project is completely accessible throughout.

530 Works have been undertaken to St Michael's Cave, the Gibraltar International Airport Terminal, and Parliament will be fully accessible for wheelchair users once the refurbishment works are complete.

Works have also been undertaken at St Bernard's Hospital.

We have worked with the Gibraltar Bus Company, making all bus stops accessible to wheelchair users as the ones we inherited were not, and the new buses purchased will be fully accessible too.

535 Voice synthesisers will be installed in all lifts in Government rental estates in order to assist those with visual impairment and these will be ready shortly.

We have been working very closely with GHITA on issues relating to our deaf community and Government has funded staff from the Care Agency, the GHA and the Department of Education to undertake British Sign Language training in levels 1 and 2, and we supported the first Deaf Awareness Conference in October last year.

540 We have been working to ensure that there are no barriers when we organise public events. You will have seen a British sign language interpreter on stage during the National Day Rally over the past two years and he has already been engaged for this year. At present we are working on a text relay service, so as to make services more accessible to the deaf.

545 Government has now purchased a wheelchair viewing platform and this will be used at all public gatherings and concerts, whether or not organised by Government, to enable participation by wheelchair users.

I will expand further on services related to people with learning disabilities when I refer to the Care Agency.

550 We have invested greatly in the fabric of Gibraltar already as part of this Government's task of achieving access for all and enabling the disabled in our community. I feel that we have come a long way in dealing with issues related to disabilities. I am not suggesting that everything that needs to be done has been done, but a lot has been done so far and certainly this is a work in progress and we can be proud of our achievements so far. We continue to work closely with related groups and societies and this is one of the benefits of the Government's open-door policy. Interdepartmental working is proving to be very effective and the success of my centralised Department is obvious.

555 Turning to women, Mr Speaker, I always wonder whether there is such a thing as 'women's issues', as any issue that affects women affects us all.

560 So what does equality for women really mean? It means identifying circumstances in which women are particularly vulnerable or placed at a disadvantage. It is about ensuring a level playing field in opportunities, and what it does not mean is that women should be favoured over men, whether it is for jobs or posts or for places on boards.

I have mentioned in the past that Government is in the process of collecting and collating statistics of women in the workplace. Once that data is ready, we will evaluate the situation and decide what action needs to be taken and we will consider what initiatives may need to be introduced.

565 The recent change to the public sector working hours will undoubtedly benefit many working women, and the flexibility of the working hours will help them balance home and work commitments.

We are also looking at projects to empower girls and young women. We have an excellent education system, Mr Speaker, in Gibraltar, and I want to ensure that young women have the confidence to pursue whatever path they wish to choose in life.

570 Furthermore, in the context of women's issues, last year Government formally requested the extension to Gibraltar of the Convention on the elimination of all forms of discrimination against women. Such a step forms part of the Government's continuing policy on the principles of equality and fairness.

575 Mr Speaker, I am fortunate to represent the Gibraltar Parliament on a Steering Committee of Commonwealth Women Parliamentarians. Through this forum, I hold regular meetings with like-minded colleagues and have been invited to speak at conferences that I have attended. I would like to announce today that, as a member of the Commonwealth Women Parliamentarians Steering Group, I have agreed to host a conference for women parliamentarians early in 2015. Personally I am very excited about this and it will be the first time that there will have been a conference dedicated to meaningful discussion on the advancement of women's issues in Gibraltar.

580 We know that another issue that affects women, predominantly though not exclusively, is domestic
abuse. Apart from the provision of two buildings to be used as a shelter for women, the previous
administration did very little in terms of support for victims of domestic abuse. Women in Need, the charity
that runs the shelter, had very little practical input or support from Government, aside from a grant, and Mr
585 Speaker, joined-up strategic thinking simply did not exist in the past. Indeed, we have worked with them to
redress this. We are in the process of regularising their position in connection to Government, but more
importantly, working closely with them to offer real and practical support and offer them training and
guidance. The staff at Women in Need undertake exemplary work to help victims of domestic abuse and the
service is an essential component of the whole domestic abuse matrix. Importantly, there is now
590 communication between them and Social Services so that they can work together seamlessly in relevant
cases. Social Services is a pivotal player in this and I will expand on the changes made to the service to
make it more effective later on.

At present, we are involved in a process of collecting empirical data to analyse the extent and the impact
of domestic abuse in Gibraltar. We are also working on establishing a forum where all the key players in
relation to domestic abuse will meet and discuss working practices at a strategic level; and as soon as the
595 work necessary in the individual departments is complete, we will meet together to develop the strategy.
That is not to say, Mr Speaker, that because the forum has not formally met, that no work has been done at
a strategic level or individually in developing these departments.

Finally on this front, through my contacts with other Commonwealth parliamentarians, we will be
twinning with colleagues in Wales who have developed a very successful domestic abuse strategy.

600 Turning to the Care Agency, Mr Speaker, I continue to try and improve the way in which the Care
Agency develops and delivers a more efficient and effective service than that which I found when I took on
ministerial responsibility for it. Like any progressive organisation, there is now a continual process of
revision that takes place as we encounter daily issues.

As an organisation that was in complete chaos when I inherited it, it is now beginning to take shape.
605 One of the major problems was that the human resources department operated in a way that was completely
ad hoc and unco-ordinated. Last year we introduced a database for human resources which is now fully
functional, and with improvements being made continuously we are now investing in the human resources
department so that staff have a clear understanding of employment issues within the Agency.

Although the Care Agency is the fruit of the merger of the previous Social Services and Elderly Care
610 Agencies, aspects of the Agency had never merged, particularly in the way that the human resources
department operated. A case in point is the staff handbook, and this year will see the consolidation of both
previous handbooks and the creation of one single handbook.

In terms of investment in management, Mr Speaker, in December 2013, 12 junior and middle managers
embarked on a five-day course in management training, spread over three months, allowing time to
615 complete specific tasks on managing people, communicating effectively and building effective teams.

Employees are the backbone to any organisation and its service users and the people that we need to
ensure receive the best possible care. Therefore, the development and implementation of an effective
framework for learning in all forms – academic, professional and vocational – is imperative to enable staff
to be fully prepared and provide the appropriate care to the people we are responsible for. With stronger
620 training, support staff are now able to feel professional in their roles and have a clearer understanding, as
well as knowing the purpose for which their job is being delivered. It is very satisfying to see that there are
still a vast majority of workers who show vocational qualities that can be enhanced with appropriate
training. The Care Agency continues with its approach of investing in people and we continue to strive
towards ensuring that its workforce comprises appropriately skilled people in the right places, working to
625 deliver high quality care.

The Care Agency's new dedicated training team is exemplary and provides a better service year on year.
During this year, the Care Agency training team has been extremely busy and proactive; they have not only
continued to research, facilitate, deliver and review training to ensure evidence-based practice is taught to
enhance skills, but they continue to develop their own skills and develop in-house training programmes.
630 They have also expanded their remit by collaborating and delivering training for other Government
Departments. The elements of the training are split into numerous sections. I will obviously not refer to all
the training that we undertake, Mr Speaker, but I will concentrate on the most important ones.

Principally, Mr Speaker, the introduction to the Care Agency will involve the Care Agency Generic
Core Training, and this has continued to be provided throughout 2013 and 2014 for existing staff and ETCL
635 trainees.

I want to mention a new, resourceful piece of equipment we have bought which is an age stimulation
and empathy suit, and it has been incorporated into the training. This equipment helps staff to walk in the
shoes of the elderly and thereby make them more in tune with the needs of their job.

640 Trainers and instructors in the Care Agency have been trained, qualified and updated in various subjects
to enable mandatory training programmes to be continued and developed in house in the individual

services. It is important that the Care Agency training team also maintain their professional development and enhance their skills. Therefore, provision was made for them to gain further qualifications as recognised in Gibraltar and the UK by completing the Level 3 Award in Preparing to Teach in the Lifelong Learning Sector.

645 In November 2013, the Care Agency training team procured the British Institute of Learning Disabilities to visit Gibraltar and provide training on learning disability awareness. This training consisted of five one-day sessions. Over the period of the five days, a total of 127 people attended from the Care Agency, Department of Education, Royal Gibraltar Police, Gibraltar Health Authority and the Gibraltar Sports and Leisure Authority. The aim of the training was to develop an understanding and look at positive approaches
650 to working with people with learning disabilities, autism and mental health problems. The training had excellent reviews and such training will be expanded upon in future.

Not only have the dedicated in-house training team provided a service to the Care Agency; they have also shared their expertise and trained other Government Departments and bodies. Our team have provided training to the lifeguards employed by the Tourist Board in moving and manual handling procedures, so
655 that they are fully equipped to assist people with disabilities who use the Beach Accessibility Service.

Relationships between the Care Agency and the Gibraltar Health Authority are thriving. The School of Health Studies has made places available for nurses working in Elderly Residential Services to attend courses in mentorship, fall prevention, dignity awareness and diabetes, to name a few. These courses allow staff to maintain continued professional development through Kingston University in the UK.

660 Moreover, two Care Agency employees have been given the opportunity to undertake the enrolled nurse course, due to complete this coming month, and they will then return to the Elderly Residential Services with qualifications, knowledge and skills that they can put into practice as nurses. It is expected that this opportunity will be repeated regularly, every couple of years, thereby increasing the local availability of people with the skills and qualifications required for such job vacancies when they arise.

665 Perhaps the most significant initiative that was commenced last year is a training programme that has been devised and is co-ordinated and delivered by Care Agency staff through the Ministry of Employment. In December 2013, the Care Agency developed a course – An Introduction to Elderly and Dementia Care – and has facilitated the delivery of this course to just over 100 registered unemployed people with the Employment and Training Board through this financial year. This course, Mr Speaker, has been *incredibly*,
670 *incredibly* successful. These people receive fundamental theoretical information and are taught practical skills over a three-week period, attending a full five days a week. All the subjects follow the Skills for Care Common Induction Standards for care workers in the UK, and on completion of the course the attendees are provided with certificates of attendance. In addition, a two-week work-experience placement is offered in the Elderly Residential Services of the Care Agency or the long-stay wards at St Bernard's Hospital. The
675 training will enable these people to build up a portfolio to support them in their applications for employment in the care sector in the future, if they decide that this is their chosen profession. As you know, Mr Speaker, it is anticipated that the Care Agency will continue to deliver this course for up to a further 100 people in the coming year.

As you will be aware, Government will be operating two new elderly residential facilities by the end of
680 the year. In order to operate these services we will need staff, and we are therefore pre-empting the need for staff by commencing to offer training in this field as well as hands-on work experience, and this will avoid having to do what the GSD had to do where they had to import labour in the care sector because of apparent lack of skill in our workforce. So, unlike the GSD when they were in office, we are tackling this issue head-on and we are co-ordinating our approach. Their excuse, Mr Speaker, when asked why residents were never
685 considered for employment in the care sector, was that locals did not want to carry out this type of work. That, statistics show, Mr Speaker, is far from the case, judging from the number of residents who have already either undertaken training or taken up employment in this field both by the Care Agency and private contractors. Mr Speaker, it is about giving the people the tools and the opportunity to carry out the jobs. Incidentally, a lot of the people who have undergone the training have already secured employment in the
690 care sector: a continued investment in Gibraltar's care and in Gibraltar's employment.

Furthermore, the Care Agency continues to offer ETCL and GRAD trainees the opportunity to have on-the-job training and experience, giving them the potential to apply for a vacancy within the Care Agency after gaining the necessary skills to undertake the work. Since this initiative commenced, we have already employed in the Care Agency 63 people who started their placement in the Care Agency either through
695 ETCL or the GRAD scheme: another success story, Mr Speaker.

I will turn to the different services of the Care Agency. Starting with Elderly Residential Services, one of the major achievements this year has been the fruition of negotiations with Unite the Union in relation to the nursing and nursing allied professionals who work in Elderly Residential Services of the Care Agency – essentially what used to be the Elderly Care Agency prior to the merge in 2009. Care Agency staff working
700 in this sector were transferred to the GHA effective from 1st November 2013 and now enjoy parity with

their GHA counterparts on the basis of equal pay for equal work. Staff are deployed to the Care Agency under the management of the Elderly Residential Services.

In this process, the new agreement of Agenda for Change has been applied to all Elderly Care nursing staff and this claim was ongoing for over four years, ignored by the previous administration. I must take the opportunity to thank all from the Care Agency and Unite who formed part of the working group; the Care Agency and GHA management, who enabled the smooth transition of the process; and particularly the Care Agency finance team, who calculated the payment of arrears in record time.

The new regime has had a positive impact on the working conditions of this collective. Subsequently, the restructure of the nursing workforce supposes an increment of the hours of care provided for the elderly. It must be noted that since these new working shifts, post the commencement of the new working arrangements, there has been a significant decrease in the need for overtime, if at all. So while there has been an increase in expenditure due to the increase in salaries, there have also been very significant savings.

Yearly updates on mandatory training for nursing staff are being carried out as part of their continuous development. Collaboration with GHA professionals has been maintained since last year, providing in-house training in many different areas of nursing for Elderly Care staff. In addition to that, accredited modules run through the School of Health Studies and have been available for Elderly Care nursing staff. Furthermore, in conjunction with the School of Health Studies and the GHA librarian, there is a project to open a nursing library in Mount Alvernia, in order to improve the resources available for the nursing collective of Elderly Care.

Charge nurses and team leaders have attended to a leadership and management course, something which had never been done before in this service, Mr Speaker. There has been a campaign of awareness on safeguarding adults at risk, organised by professionals from the GHA and in collaboration with the Safeguarding Adults Committee. A further basic awareness course on safeguarding adults is ongoing at present for frontline professionals of both organisations.

A rotation of charge nurses on night duty has been implemented, providing a support and supervision framework of the night duties of the nursing staff. Satellite services, such as John Cochrane Ward, Calpe Ward and the Jewish Home, now receive nightly visits of a charge nurse, something that had never occurred before – the premises was run by the staff at night with no support from nursing management.

All policies are under review, Mr Speaker, with an aim of updating all procedures throughout the Elderly Residential Service.

As from March 2014, a speech and language therapist has been allocated to Elderly Services. This is an achievement, as in the past the residents requiring assessment had to wait for weeks, even months, before they were assessed by these professionals.

In our service, Mr Speaker, we do not only care for the residents; we also care for their relatives, and we have arranged for two informative sessions for relatives of people suffering from dementia to be organised at Mount Alvernia with the support of GHA health professionals. It has been an innovative, successful and welcomed initiative and will continue during this year on a regular basis.

Finally, I cannot talk about Mount Alvernia without referring to the iconic structure that has been in place for 10 years. I am, of course, referring to the scaffolding, which was initially erected to repair those balconies 10 years ago but has been in place so long, Mr Speaker, that the scaffolding itself has dilapidated and required replacement and the deterioration of the balconies is such that the scaffolding is now supporting the balconies. But I am delighted to announce that the balconies are finally being renovated and the works will be ready by the end of this month. Once complete, not only will this enhance the façade of the building, but also the quality of life of the residents, who will be able to gain access to them after so many years and be able to enjoy the spectacular views which has been blocked from them up to now because of the scaffolding. The retaining wall on the east side of Mount Alvernia will also be repaired after years of requests and being ignored.

Our elderly care facilities are being expanded and this will enhance the care that can be provided in the future. The RNH residential facility for people with dementia will be ready by the end of the year and we have already opened a new facility at the John Mackintosh Home, albeit partially at the moment. At present, it provides for residents of the Jewish Home on a temporary basis while this facility is being refurbished, and in addition there are 10 long-term patients from the GHA. The service is under constant review, of course, to ensure that all provisions and requirements for the welfare and safety of its occupants are met. A complete new approach to the concept of the building was required after the fiasco and waste of money incurred by the previous Government, causing delay to the works and therefore to its opening. Professionals from both the GHA and Elderly Care Services have worked together to make this project viable, safe and secure for service users. Once the Jewish Home residents are relocated to the refurbished Jewish Home, there will be a total of 54 residential beds available to the elderly.

The much needed refurbishment of the Jewish Home is now forthcoming. The building requires a full refurbishment due to the sorry state that it presents and inherited from the lack of action of the previous administration – because that is what happens to buildings, Mr Speaker, when they are not maintained and

they are not kept up: they just dilapidate, and then repairs become more expensive. But at least we are getting on with it. The Jewish community will, of course, have an input in the design and works to be carried out to the building to ensure that their requirements are met.

765 Before I turn to the other services of the Care Agency, I must give credit to the Nursing Co-ordinator and her team, who have been at the forefront of the transition process and have made the opening of the new facility at John Mackintosh Wing possible. (A Member: Hear, hear.)

770 Turning to Social Services, Mr Speaker, as you may know, this is comprised of four teams: Children and Families, Adults, Drug Rehabilitation, and Probation and Disabilities. I can now state with pride that for the first time ever in the history of Social Services, the complement of social workers will be fully filled by September this year, bearing in mind that our complement of social workers is now higher than it has ever been.

775 We have entered into an agreement with a recruitment agency in the UK, which has enabled a faster response in the recruitment process. The days when it took an extraordinary length of time to recruit are now over. Let me add that, in the interim and while vacancies are being filled substantively, we have engaged supply cover until the recruitment is achieved so that the service is not affected and does not suffer.

780 We have also, in this financial year, added four new posts to enable newly qualified social workers to come into the service. This new post will provide that they be supervised in a programme of training; supervision that will equip them to apply for jobs as social workers as soon as they have acquired the necessary experience. The professional development continues with increased training for social workers.

785 One of the strategic priorities for this year has been investment in holistic procedures that will incorporate all authorities involved in social care. These procedures will be produced for three of the services: Children and Families, Adults, and the Residential Service. The procedures will ensure the safeguarding of our vulnerable people in a co-ordinated manner that all agencies can follow. It is envisaged that this project should be completed by the end of this financial year. This will depend on how the consolidation of all existing procedures and adaptation to legal advancements is affected.

790 I want to emphasise, Mr Speaker, that a lot of the advancements and positive developments we have now achieved in Social Services are as a result of working on an inter-agency basis and we have now been able to formalise good working relationships with the Health Authority, the Department of Education and in particular the Royal Gibraltar Police and their Safeguarding Unit, and the benefits of this are *very, very* apparent.

Let me now explain the different roles and what we are achieving within each of the services.

795 The Children and Families team is comprised of a number of different services providing for children and their families when in need. The main ethos of this service is that children thrive when loved and cared for, and generally this is within a family unit. Early intervention is essential so as to ensure that children do not need placements outside their homes. Although safeguarding and child protection is usually what gets into the public arena, it is the work that is now invested into the early stages that ensures that families move on from crises and resolve their difficulties. Mr Speaker, we are now changing our strategy, in terms of
800 child protection, and focusing our resources on and emphasising preventing crises from happening, because early intervention avoids family breakdown, criminality, domestic abuse and substance misuse, among other things; and that is why we are investing in this process. Allowing for this approach will prevent further pressure on a range of services such as care, health and education.

805 In keeping with our early intervention strategy we have introduced an additional service – the Parent and Child Parenting Assessment Programme. This serves both as an assessment and as a programme whereby the parent can acquire the necessary skills to be able to care for their child at a good enough level, and in some cases avoid the child entering the care system altogether.

810 Mr Speaker, as part of the restructure of Social Services following our review we have introduced a duty team, and this is a first point of contact for referrals. This year, we have seen a growth post of a social work manager in this team. This has enabled the development of databases to gather information so as to highlight the trends within society and where the needs lie.

815 A new initiative this year has been the development of a protocol and a database for domestic abuse. This has highlighted families where this is a common occurrence and intervention is required. However, it has also helped identify families where the difficulty has begun to arise, and support is offered so couples can learn to resolve their issues without this impacting on their children. As part of the development of the Agency's domestic abuse strategy, a new initiative – something that never occurred to the GSD when they were in office: two social workers and the Agency's psychologist will attend a training programme so as to deliver workshops with victims of domestic violence. They will also deliver the work with the perpetrators of domestic abuse. It is no longer good enough to safeguard and protect victims and their children. We have
820 recognised that the perpetrators continue to act out behaviour that they have learnt and punishment in itself is not the only solution. These perpetrators will continue to act on their behaviours and continue to be parents, and they must be assisted in making the necessary changes and breaking the cycle. We have our

long-term team, as we change the focus from reactive to preventative, and we are developing what we do in the long-term team.

825 We are also in the process of a complete review of the Fostering and Adoption Service, and there is now a dedicated adoption and fostering social worker. This service is now offering support to pre-adoption placements, pre-adoptive parents and foster carers. Support provided is in terms of one-to-one, and formal training and supervision will be offered shortly as part of development within the service. Furthermore, people who sit on the Adoption and Fostering Panel will receive training at the end of this year, so that they
830 can meet the competences required to perform their duties.

The Court Welfare Team continues to advise the courts on children's issues relating to their parents' separation. The parenting programme is currently under review so as ensure that meeting the needs in terms of parenting changes as the needs of our society changes.

835 We have introduced a new service, and this is a respite service for children with disabilities following an assessment. This is offered by way of care packages in the community or, when necessary, residential care.

A working party has been established in order to carry out a review of the residential services. This review will provide information on two critical issues. The principal issue is that of how we are caring for children and whether the model being used is the better option. This review will also look at the issue of resourcing and the management structure. A working party has been formed for this purpose and will be
840 looking at all aspects and issues relating to children with challenging behaviour as well.

The Adult Services Department of Social Services has been able to focus on services for the most vulnerable adults in our community through the one point of referral system, which was introduced when we came into office. Management of the one-point entry system into elderly care, to include domiciliary care, day centres and residential care, has proved to be extremely successful and has provided care needed
845 to the most vulnerable clients in our community when they are in need of support, without the creation of endless waiting lists. There is now a needs-led criteria when considering who is most in need of the service. From 1st April 2013 to 31st March, the Adult team received a total of 540 referrals from people, ranging from professionals in different agencies to neighbours and concerned people in the community. Referrals have increased by 119 from the previous year alone. This number is increasing on a monthly basis as our
850 community realise services offered by Social Services are no longer stagnant but available to everyone who really needs them. I am pleased to say that the new systems implemented continue to ensure that all services are allocated in a fair and equitable way, based on each person's individual health and social care support needs.

855 The services being provided for the elderly in our community continue to be developed and increased at a significant and dramatic rate. This year, there have been a total of 53 admissions to Mount Alvernia, Cochrane Ward and Calpe Ward. Of these, 22 were people in the community who were at high risk and required admission to avoid a serious incident or hospitalisation, and 31 were admitted from hospital after being deemed to be long-stay patients unable to return home as they required 24-hour care. The change introduced by us to the admissions criteria has resulted in the most needy people being admitted first,
860 regardless of their time on the waiting list.

Domiciliary care services continue to be provided by two providers, and an additional 125 people have been granted domiciliary care this year. This means that by the end of the financial year we are providing domiciliary care to 229 people – more than *trebling* the number of people who are provided with this service since we came into office, because at that point only 75 people were receiving this service.
865 (*Banging on desks*) Additionally, 51 people already in receipt of domiciliary care were granted further hours. I am proud to say that we are providing more domiciliary care than ever, so many vulnerable people are benefitting from this initiative.

870 The newly introduced reviewing service for domiciliary care is working well. The new reviewing officer also carries out a quality assurance role, which helps the Agency keep checks on the private providers, ensuring the clients receive the best possible care.

The Agency is now working seamlessly with colleagues in the GHA. Out of the new domiciliary care recipients, 74 people were awarded care packages in order to expedite discharge from hospital and their recovery and integration in the community. This, together with increased admissions into Mount Alvernia, have reduced the amount of long-stay patients in hospital, which before would have blocked hospital beds
875 as people would have been unable to survive in the community without support.

Social workers now attend hospital multi-disciplinary team meetings on a weekly basis and support the discharge planning process by assessing patient needs and putting packages of care in place that will meet the patients' needs to prevent future readmissions into hospital.

880 Mr Speaker, I am very proud to say that the new day centre, which we promised in our first year of office, is now fully operational and is providing a service to so many elderly people in the community. (*Banging on desks*) This purpose-built day centre is certainly one of the jewels in the crown of the Care Agency. It provides a therapeutic and welcoming environment for the elderly, who otherwise would be isolated in the community. It provides a service that also monitors their needs on a weekly basis and

885 becomes a point of quick referral to social workers if their circumstances change and they require more support.

Five social workers from the Adult team have been trained in investigating officer and safeguarding lead manager roles within the safeguarding adult at risk procedures. Social workers have had placements in the UK on hospital discharge and assessments of care packages in the community. Social workers have trained in conjunction with the Royal Gibraltar Police in order to become designated risk managers of sexual offenders in Gibraltar and be part of the Gibraltar public protection arrangements and support other departments in the management of high risk offenders. And here is where the Social Services' close working relationship with the police is particularly important, Mr Speaker.

890 Social Services Adult team now have 137 clients receiving a quick response service. They are being contacted on a monthly basis by the Elderly Needs Co-ordinator and are being monitored through phone calls and police visits. This ensures that the most vulnerable in our community are not at risk, and this is another fantastic new initiative that we have introduced, Mr Speaker.

Turning to the Disability Service, this service has greatly improved. I said so last year and explained why, and we have improved again this year. We have worked on the objectives set down in our business plan last year with the aim of carrying out greater improvements and to develop the standard and quality of care at the Dr Giraldi Home and St Bernadette's resource centre.

900 Once again, we have embarked on a robust training programme to further develop employees professionally on extensive in-house and external training courses undertaken during this year. For example, during the period April 2012 to March 2013, training was undertaken by 161 members of staff and a total of 286 hours of training provided; but this year, training was attended by 497 members of staff and it amounted to 624 hours. This represents a total increase of training by 300%, Mr Speaker, and that is year to year in our administration. If we were to compare it to the little or no training provided before 2011, the comparative statistics are just shocking.

All medication, environmental and documentation audits have been reviewed, and these are now carried out on a monthly basis so as to flag up any issues which may arise and they can be addressed quickly. I am pleased to inform that the outcome of the last Environmental Agency visit at the Dr Giraldi Home in February was that everything was found to be in good order, to the extent that, for the first time ever, there was no submission of any advice or comment for improvement.

910 Our liaison strategy with the various Government Departments is now established and is producing very positive results, particularly in the professional relationship with the GHA and the Royal Gibraltar Police. In fact, we have provided training to the Royal Gibraltar Police on how to deal with people with learning disabilities. We continue to network with other Government Departments, as well as with other different groups and societies. This has created a strong and effective communication route with the following societies.

920 Additionally, parents and relatives are well informed of what is happening and have easy access to the service and to managers. By introducing monthly meetings with parents and relatives, held at St Bernadette's, families are kept informed and have an opportunity to provide feedback.

The home has also been refurbished recently, Mr Speaker, and we have also introduced a further flat so as to be able to increase the respite facilities that we can offer.

925 We now have a structured programme of activities in order to enrich the service users' social environment and we encourage them to engage in meaningful activities in the community. They are undertaking numerous activities, which are too long to list but they include things like weekly drama sessions at Bayside, attending supported holidays of their choice and participating in various charity events; but importantly, Mr Speaker, residents from Dr Giraldi and service users of St Bernadette's are now undertaking work placements supported by staff. This is a *very* important initiative, which gives them confidence and a structure to their day. In fact, we have two service users... Sorry, Mr Speaker, we have six service users who are currently in part-time employment.

930 This year, we have had an increase in admissions to both St Bernadette's resource centre and to Dr Giraldi, both to the residential service as well as the respite service, and we have therefore had to accommodate these growing needs. We have, very importantly, also developed a transitional policy for the transitional pathway for children with learning disabilities moving into adult services. This has been done in conjunction with Social Services and the Department of Education. We have also spent the last year concentrating on developing policies for staff at Dr Giraldi and St Bernadette's, so that everybody is clear on the framework within which they have to operate.

940 I am particularly grateful to everyone who works in the disability service, because of the huge improvements that they have achieved in the service during the year.

Now turning to the final department of Social Services, and that is drug rehabilitation. This past year has seen considerable investment in the physical fabric of Bruce's Farm Rehabilitation Centre. The facilities have already seen a significant transformation, which has enhanced the safe and comfortable therapeutic environment we aim to create for people suffering from various forms of addictions, which will make it

945 more conducive to their successful recovery. However, this by itself would be futile if we had not addressed the underlying causes which were preventing many people from accessing treatment.

We have worked hard to simplify the onerous and archaic systems and processes that prospective applicants had to contend with in the past – cumbersome procedures that had never been given any thought by the previous administration. Now, all agencies that link into drug treatment from Social Services work together to ensure that applications from anyone wishing to be admitted to Bruce’s Farm are dealt with expeditiously.

The results of the changes we have introduced speak for themselves. Since 2012, admissions to Bruce’s Farm have increased year on year. In fact, in 2013, Bruce’s Farm saw 49 admissions; the highest number in 10 years, Mr Speaker, and over double the number of admissions in 2011. That is how badly the old Bruce’s Farm, managed by the GSD administration, was failing people with addiction problems in our community. *(Interjection by Hon. S M Figueras)* No, absolutely; I agree, Mr Figueras. Yes, I agree; particularly in the field of Social Services, I have to say.

I recently announced that we have re-established formal contacts with Broadway Lodge – *(Interjection by Hon. S M Figueras)* Mr Speaker, perhaps Mr Figueras might want to refrain from scoring own goals, because if he invites me to comment on the GSD’s track record in Social Services I am happy to do so, but I would rather carry on with my speech. I recently announced that we have re-established formal contacts with Broadway Lodge, one of the longest-established and respected rehabilitation centres in the UK. This has opened a new and exciting chapter in the transformation of Bruce’s Farm. We are currently working on developing a partnership, which will include staff training, consultancy and staff placements.

I have always advocated for the inclusion of the voluntary sector and ex-service users as important stakeholders in how the service develops, and since assuming office my open-door policy towards groups such as Families, Alcoholics and Narcotics Anonymous has yielded very real and positive results. During our refurbishment, numerous members of these groups have given of their time to undertake voluntary work within Bruce’s Farm; something that rarely happened in the past. In my maiden budget speech, Mr Speaker, I referred to Bruce’s Farm as being out of sight and out of mind, and clearly this is no longer the case.

I would like to announce today a new initiative that we will be introducing at Bruce’s Farm, and that will be a top-up admission service, available to people who are in recovery, similar to a weekend retreat. It will be offered to anyone who wishes to take it up having undergone the 12-step programme, and the aim of this is to provide continued support to avoid relapse. In the past, I have referred to how we need to develop our community and outreach support for those who are unable to commit to the residential rehabilitation model for various reasons, and over the past year we have firmly established such a service, which is operated by two counsellors from Bruce’s Farm who operate for part of their week from the Gladys Perez Centre. They provide an invaluable service not only for those who complete treatment but for those who suffer from the fallout of addiction, particularly their families.

One important and very significant development has been the addition of one further counsellor, who will be based within the community on a full-time basis. This additional post will also enable us to provide a service to the prison, where we will be able to roll out a comprehensive rehabilitation programme for the first time ever. This has created additional rehabilitation routes to complement the work undertaken at Bruce’s Farm and will make decisive in-roads in addressing the well documented link between drugs and crime, which I referred to in my last Budget speech.

On the drugs awareness front, we have continued to work closely with statutory and official bodies, including law enforcement and various sporting associations. There are many events that the Care Agency has sponsored where the anti-drugs message has literally reached thousands of children. This includes the Mini-Olympiads in partnership with the Royal Gibraltar Police, as well as other events throughout the past year, such as football, basketball and volleyball tournaments.

The public will also become familiar with our high-profile campaigns that we have conducted with the Royal Gibraltar Police to address issues of concern, such as binge drinking, and at peak periods such as National Day and Christmas.

Our ongoing drug awareness workshops in all educational establishments from middle schools onwards have continued over the past year. The Care Agency has worked in close partnership with the very dedicated team at the Royal Gibraltar Police and recovering addicts to great effect to ensure the best possible outcomes for young people who may be exposed to the risk of drugs.

At a strategic level, members of the Drug Strategy Working Group, formed last year and led by myself, have continued to work together. We have attended key conferences in Strasbourg and Brussels at EU level, where we have established valuable contacts with the leading figures in various areas that will inform how we will develop our strategic responses to the challenges posed by drugs within our community. So far, Mr Speaker, this year our priority has been in getting our facilities and the services that we deliver right, so that we can now progress to working on these matters at a more strategic level.

1005 Finally on the point of drugs, I would also like to announce that the Care Agency will be introducing a
 substance abuse policy for staff. We provide a service where we care for the most vulnerable, and we
 cannot risk that anyone be under the influence of either alcohol or drugs. More importantly, the policy is
 not aimed at catching people out, but rather offering support where people have an addiction problem. That
 is why it is imperative that resources such as Bruce's Farm and the Community Counselling Service work,
 1010 as these services will offer support.

Finally, Mr Speaker, I am responsible for the funding of many charities and community bodies. I would
 like to refer to the Clubhouse, and I will echo what the Minister for Health said yesterday on the wonderful
 job this organisation is doing. We work very closely with them and support them. Last year, we provided
 them with temporary accommodation and rescued them from the dilapidating premises they had been
 1015 allocated at Toc H, which quite frankly were abysmal, and this has made all the difference to the people to
 whom they provide a service, but we are working together towards other premises.

I would like to take this opportunity to thank all those charities and community organisations who work
 with me. I will not list them all, given that there are so many. Because they know that my door is always
 open, I am grateful for the meaningful engagement as we progress to improve services in consultation
 together, and I would also like to thank both unions for the work that we have done together this past year.
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Mr Speaker, this Budget shows a real investment in services with tangible results, but the job is not easy
 as I am still dealing with many skeletons and gaps and problems inherited in the service. But a lot of
 progress has been made, and this is thanks to the dynamic teams that work with me and support me. Were it
 not for them, the changes and improvements to the service that I have referred to would not have been
 1025 possible. I particularly want to thank the team in my ministerial office for all the work that they do
 continuously.

Mr Speaker, we will not lose sight of all that still needs to be done and we will not take our foot off the
 pedal. It is full speed ahead for us as we continue to meet all our manifesto commitments, as well as
 develop other necessary initiatives. Mr Speaker, we will continue to deliver. *(Applause and banging on*
 1030 *desks)*

Mr Speaker: The Hon. Isobel Ellul-Hammond.

A Member: Hear, hear. *(Banging on desks)*

1035 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it gives me great pleasure to address Parliament on the
 Budget for the third time as Opposition Spokesman for Health, Social Services and Civil Contingencies. It
 is a duty and an honour for us on the Opposition benches to contribute to and vote on this vital discharge of
 the responsibility of Parliament.

1040 Firstly, it is with an air of sadness that I shall broach the subject of the City Fire Brigade, and I find that
 I have to very precisely repeat my Budget message of last year on the non-delivery of three key manifesto
 commitments.

One, a new much-needed relocated fire station, where again there is no budgetary provision for it in this
 year's financial Estimates Book; but at least, Mr Speaker, we have a new park!

1045 Two, the implementation of the review by Sir Ken Knight, the UK Government's Chief Fire and Rescue
 Adviser, of a new vision for the holistic operation and management of Gibraltar's Fire Service. Let us not
 forget that, despite all the Government's proclamations on publishing reports and transparency, we are still
 waiting, 19 months later, to see this audit review report of the City Fire Brigade which Sir Ken Knight
 conducted. And it ill behoves the Chief Minister to have chastised us at the last Budget about raising
 1050 concerns for their non-publication of this report, and five others which they have still kept secret. The
 Members of the Government benches used to make sustained political play of the GSD Government's
 omission to publish the whole of the King Report. However, Mr Speaker, it appears once more that this is a
 case of 'do as I say and not as I do.' **(A Member:** Hear, hear.) This Government continues to refuse to
 publish reports commissioned by them and paid for by the taxpayer. So much for the new dawn,
 1055 Mr Speaker!

And three, what about the delay in going live with the medical priority dispatch system – an essential
 pre scoop-of-the-patient triage system which will ensure that emergency ambulances are not called to
 incidents that are not emergencies, thus depriving those who really need them? This has lately become an
 all-too-regular occurrence. We have many reports of incidents where ambulances are called out to non-
 1060 emergencies in order for patients to get seen quickly at A&E, avoiding the unfortunately extremely long
 waiting times which might otherwise be encountered. We also have reports, Mr Speaker, of genuine
 emergency patients having spent up to half an hour calling for an ambulance because all three are
 unavailable attending to other patients.

1065 All these crucial commitments are still pending and still wanting – and I say 'sadly' because every fire
 officer and employee from the Department I have spoken to is deeply disappointed and disillusioned by the

empty promises of this Government. Our City Fire Service is a vital service. It is an essential service in our community (A Member: Hear, hear.) and they deserve better, but are ultimately being failed by the Government that – let’s not forget – offered all things to all men. (A Member: Hear, hear.)

1070 No surprises there then, because alas, Mr Speaker, it could well be that the GSLP Liberal alliance considers that window-dressing our city (A Member: Hear, hear.) (*Banging on desks*) and spending money on vanity projects, such as the £4 million on refurbishing No. 6 Convent Place, are more important priorities in the grand scheme of the Government’s limited vision.

1075 **Hon. D A Feetham:** A Venetian palace!

Hon. Mrs I M Ellul-Hammond: But at least, Mr Speaker, as you may have already heard, we have a new park!

1080 With regard to the Health Services in Gibraltar, Mr Speaker, I must firstly commend the clinical team, who have so successfully expanded and improved upon the day surgery unit at St Bernard’s Hospital. More resources and a new, enhanced care system have resulted in an efficient and problem-free experience for patients. Well done, GHA.

1085 The estimated budget of the GHA for this financial year now stands at £101.6 million. In just three years, the Health budget has increased by £12.4 million, an increase of around 14%. One might argue that, in itself, this is not unreasonable – that it shows investment in our community’s health services. This would be fine had it been planned, but the reality is that the increase was neither planned nor controlled. Spending for this past financial year, 2013-14, has gone over budget by £5 million, Mr Speaker; one of the 24 Government heads which have gone over their budgeted estimates and suffered from the poor financial oversight by the relevant Ministers because, Mr Speaker, throwing money at problems without thinking through the consequences is how this Government is managing our public finances. (*Banging on desks*) (A Member: Hear, hear.) (A Member: Yes!) Five million pounds over budget, Mr Speaker; no mean sum, especially when I quote the Hon. the Minister for Health from his Budget speech last year, who said, and I quote:

‘For many years... there has been a managerial failure to control spending leading to constant overspends of millions... this Government expects expenditure to be controlled and I have taken steps to ensure that this is the case.’

1095 So what happened, Mr Speaker? A £5 million overspend, which contributes to the £50 million over estimate spend this last year by all Government Departments, Agencies and Authorities together. And as the Leader of the Opposition pointed out, in order to keep these expensive Departments running, with nearly 600 extra public servants employed these last two and a half years, recurrent expenditure now stands at £95.6 million more than in the 2011-12 financial year when this Government came into power. And, Mr Speaker, *no había dinero!* This is the Government that said (*Interjection*) there was no money, that Gibraltar’s public finances were in a ruinous state.

1100 **Hon. D A Feetham:** The big lie!

1105 **Hon. Mrs I M Ellul-Hammond:** Does the Government think the electorate is stupid? Is it the miraculous hand of God which has provided so bountifully (*Laughter*) since this Government came into power, or are they pursuing a relentless and populous stratagem which will mortgage the next few generations of Gibraltarians? (*Banging on desks*) (**Several Members:** Hear, hear.)

1110 And on the subject of financial management, for a Minister who claims he is listening to his staff, he is obviously not listening well enough to his Finance Director. On several occasions and at several GHA board meetings, the GHA finance chief has raised concerns that the senior structure at his directorate, and I quote, ‘lacks the necessary robustness’ to guarantee the proper accountability of a budget that now runs at over £100 million. A lot of management restructuring to get rid of the non-locals or GSD supporters, but little focus on succession planning for the crucial Department, necessary to ensure budgetary control in order to avoid an overspend of £5 million.

1115 Mr Speaker, I must emphasise that the Health budget represents about 20% of this community’s annual recurrent expenditure: one fifth of everything this Government spends. Lack of budgetary control has a very significant impact on overall Government expenditure.

Hon. J J Netto: Get rid of the finance Minister!

1120 **Hon. Mrs I M Ellul-Hammond:** Let us examine in closer detail where this over-expenditure is occurring.

Sponsored patients saw a £1.9 million overspend this year, and spending is up 30% since the Hon. Minister took over the running of the GHA. But of course they have a manifesto commitment to implement, which includes, and I quote:

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‘We will completely review the sponsored patient mechanism.’

and the solution to this is that now you can go for treatment to any hospital you wish outside of Gibraltar. In two years, the GHA has sent sponsored patients to 89 different hospitals outside of Gibraltar, Mr Speaker; 79 of which the GHA has no service level agreement with. This means it is very difficult to keep track on patients or vouch for appropriate standards, apart from anecdotal evidence, of course. And of those 79 hospitals the GHA has no service level agreements with, 21 are private hospitals. Private hospitals, Mr Speaker! GHA clinicians are baffled that we are paying over the standard National Health rate to send 114 patients, or patient episodes, to these private hospitals for little clinical reason at all. These private hospitals offer care that could be offered here, or in one of our tried and tested 10 hospitals the GHA has service level agreements with. Why would the Minister allow this new approach in the management of sponsored patients to develop, Mr Speaker?

We are also paying Xanit private hospital in Benalmádena over £¼ million a month for a service which St Bernard’s Hospital could offer by bringing in, as Xanit does, the clinical specialist from the Campo de Gibraltar and Costa area needed to treat the patients on the day. It is ludicrous that we should be paying such private healthcare rates when we could be keeping our patients in Gibraltar and bringing the specialists to them at St. Bernard’s Hospital, rather than continuing to send critical patients to Xanit. What could the GHA do to buy in clinical services for over £¼ million a month?

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Economies of scale are not a forte of this Government, Mr Speaker. Spending money indiscriminately, whether it is sustainable or not, is more their style; a style lacking in courage and unnecessarily costly to our community. But at least, Mr Speaker, we have a new park and we will get a small boats marina for the bargain price of £24 million (*Laughter*) – *y no había dinero*, Mr Speaker!

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The GHA spends around £30,000 per month outside of Gibraltar for specialist imaging, such as MRIs, PET, bone density and antenatal scans. Could it not be better used in training a few of our youngsters in these radiography fields, to purchase the necessary equipment ourselves and employ another radiologist for our own in-house imaging services? We presently have to subject our citizens to tiresome trips to Spain for regular scanning and MRIs because of the lack of vision to provide such essential services here at £30,000 a month. Financial planning and foresight is necessary, Mr Speaker: those economies of scale again.

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The Health Minister, last year in his Budget speech, said that the GHA staff was healing from low morale from a lack of past GSD leadership. It would seem, Mr Speaker, that this healing is happening at an almost imperceptible rate. The Minister will be dismayed to learn that despite his efforts, including a couple of... shall we call them ‘entertaining’ appearances on the steps of St Bernard’s Hospital for the GBC open day, staff morale is reported to us as being lower than ever and a general malaise, stemming from the realisation that nothing much is changing, is setting in. You see, Mr Speaker, there are several indicators of an unhappy staff; a staff which is unable to shake off deep-seated discontent. They are rates of sickness and absence; the number of complaints made by the public; whether the staff are consulted in shaping their management and how top heavy management is; and the ability to recruit and retain specialist clinical staff.

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A review of information provided by and described by the Minister as ‘of little benefit’ and ‘for no apparent effect’ in response to Questions I asked at the last session of Parliament in May, has revealed that sickness rates for all employees of the GHA is up from 2012 to 2013. In order to provide some context and better enable the electorate to assess the extent of the malaise at the GHA, according to local leading human resources specialists, the average acceptable number of days’ sick leave in a year for a private sector employee is 4.4. This is set as a golden standard to benchmark against. Mr Speaker, to highlight the point, in 2013 the GHA administration and support staff each suffered an average of 11.4 days’ sick leave a year. Medical and allied health professionals suffered 12.4 days off sick, and nurses 15.5 days off each on average for the year. The total number of days lost to sick leave during 2013 was 14,825; 14,825 days of paying for cover, or where the public missed out on a service. Including the whole of the GHA staff, that makes an average of 16 days a year missed by every GHA employee, compared to a golden standard of 4.4. These figures take into account uncertified leave, short-term and long-term sick leave. The picture is indeed grim, Mr Speaker.

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Another indicator to show whether our Health Service is healing are complaints from the public. The number of formal and informal complaints is indicative of public satisfaction with the GHA, and if you look at the statistics there are no vast improvements or a reduction in complaints these last two years. In fact, 2014 has got off to a shaky start for the first five months with the number of formal complaints already reaching nearly half the number that were recorded for the whole of 2013. The number of informal

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1170 complaints for the first five months of 2014 are at 68; 76% of the number of recorded informal complaints for the whole of 2013.

1175 Despite sickness rates and complaints, the GSD's manifesto commitment for a new GHA management structure has been implemented. This was to be the answer to all of the GHA's problems. The hon. Members opposite finally got their way. They got a new GHA management, which conveniently removed the three non-Gibraltarian and one local executive members whom they had pinpointed when in opposition as wanting out of the GHA management team, irrespective of whether they were doing a good job or not. So now we have an even more top heavy management, Mr Speaker, with a Chief Executive who is not contracted to deliver on specific targets within a time frame – and this is not about the individual chosen; it is about holding the Chief Executive of the largest community budget to account, answerable to the GHA board.

1180 An extra operational layer of three unit general managers has been added to the GHA's management structure, plus an extra group of managers for clinical and corporate governance; all added to the existing GHA senior management team. And let's not mention the new GHA Strategy Development Group – a new management structure, Mr Speaker, which came from a £130,000 review, the report of which is still pending for publication and public scrutiny 19 months later; another report held in secret, Mr Speaker; a review of the GHA under new management which was set up in secret, with little or no consultation with clinical staff, only with a select few and imposed on GHA staff, despite their having no sight of the review report themselves, without the possibility to contribute.

1185 Another indicator of a sick GHA which is not healing is how well it can recruit and retain clinical staff. When the GSLP Liberals were in Opposition, they made much stock of the fact that the GHA, under the management of the GSD, was spending large amounts on locum or relief cover. Mr Speaker may find it interesting that the estimate for spending on relief cover this year is £2 million, the same as the amount actually spent in 2011-12. (A Member: Hear, hear.) (*Banging on desks*) The Hon. the Chief Minister, in his Budget response last year, accused my analysis of being incorrect with regard to locum cover, while defending his Government's spend of £1.5 million that year; but it is creeping up again, Mr Speaker. Is this an indication that the Government's alleged success in turning the GHA around is attracting clinical specialists to work in Gibraltar and retaining them, or is the reality that they continue to face difficulties attracting doctors and nurses to work in Gibraltar?

1190 One thing is for sure, Mr Speaker: if this Government wants its people in key positions or has to honour promised promotions or positions for services rendered or because of family connections, they will do so. Having moved the goalposts for promotion after the vacancy notice for one district charge nurse, the Minister or another Minister ensured that all three applicants were given the promotion, even though it was not clinically indicated, making the service top heavy with 30% of the district nursing staff as managers. Why? Cronyism, Mr Speaker – the GSLP logo, (A Member: Hear, hear.) (*Banging on desks*) a pattern we see repeated on the GHA complaints review panel and in every Government Department, Agency and Authority. By denying other GHA staff the right to apply for what turned out to be three jobs in community nursing, the GSLP Liberal Government ensured that one of their supporters would get the job, of course at the expense of the taxpayer. (A Member: Shame! Shame!)

1200 So one must ask how the GHA is building a reputation for itself so it can attract new clinical staff. Well, unfortunately, we do not have enough Gibraltarians to fill the entire specialist clinical roles of the GHA, so advertising for these positions continues to be carried out outside of Gibraltar. For example, we have 16 specialist nursing positions presently vacant, where advertising for them will have to go outside of Gibraltar, as we do for doctors. Yet nursing and other GHA contracts of non-locals are being terminated after four years of work, disregarding any verbal or written contracts entered into with them under a GSD Government.

1215 We are extremely concerned by the GHA's stance and pernicious policy, and equally that of the Care Agency, towards contract and supply workers with reference to variation, termination of contracts, length of short-term contracts, permanent and pensionable status and gratuities. Employment rights are changing. Employees are being targeted and discriminated against as the 9th December has become the new 1st July law. The way staff – especially experienced and well qualified specialist nurses on contracts – are being treated is causing stress and anxiety among their work colleagues and morale is at an all-time low: that unhealed malaise I mentioned earlier, Mr Speaker.

1220 New working arrangements are being imposed without consultation or taking into consideration the interests of the patients who use the service. Most of the employees affected by the policy of this parochial and short-sighted Government are nurses in theatre, ICU, mental health and paediatrics. A continued exodus or cull of these specialists, fed up with this overly nationalistic and xenophobic policy, will have serious and detrimental consequences on the delivery of the high standards of care for the most vulnerable patients, potentially putting them at risk by replacing them with inexperienced staff, which undermines the available skill mix and will have serious consequences on the way we care for our patients and on manning

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1230 levels. This is where we can foresee problems in retaining staff or recruiting new ones into these short, insecure contracts; something which has already been happening in the Care Agency with care workers.

The behaviour of this so-called ‘socialist’ Government towards non-local EU contract workers, who have demonstrated a high level of professionalism, expertise and commitment to our Health Service and Care Agency, is disgraceful and shows little regard for the welfare of workers, Mr Speaker. (A Member: Hear, hear.) (A Member: Yes!) (*Banging on desks*) If Gibraltarians working in any EU nation in which they planned to make their home were treated in this way, we would be protesting *en masse* outside of Parliament in Brussels, Mr Speaker.

1240 The Budget session is the opportunity for Ministers to laud what has been achieved in their Ministry the previous financial year and to promote their next lot of policies or initiatives for the financial year to come, supported by an estimated Budget, which is then approved by Parliament. So let’s go back to last year’s Budget to see if Dr Cortes managed to deliver on all he promised; or were they just empty words?

1245 Well, for the last two Budgets, 2012-13 and 2013-14, the Minister for Health announced the following would be delivered within the year, but we are still waiting: a conclusion to the negotiation of the consultants’ contract, with a new contract drawn up and signed – despite the Minister’s announcement yesterday that it was ready, we wait with baited breath; the opening of a children’s primary care clinic at St Bernard’s Hospital – or did I hear the Minister say yesterday that extra children’s clinics would now open at the Primary Care Centre, so perhaps a change of policy there; we still await a new Mental Health Act brought to Parliament.

1250 And most importantly – remember that noises about this have been made for the last five years – the medical complaints process was to be taken over by the Ombudsman’s office. We still await the necessary amendments to the Public Services Ombudsman Act, completed nearly a year ago, to come through Parliament. Hopefully, this will be presented at the end of this year, as the Ombudsman highlighted in a media interview a few days ago; but of course I must not forget – an improvement in the Minister’s eyes, no doubt – that the paid GHA Complaints Review Panel was repopulated by the Minister’s friends, many of whom are happy to publicly spout aggressive, vitriolic, anti-GSD rhetoric on Gibraltar’s social media.

1255 The Minister last year also promised that the new mental health facility would open last October – seven months ago – and then in December he said it would open this spring – last month. Perhaps they are reviewing the size of the rooms after many concerns were raised that they are smaller than prison cells. Or perhaps – we *hope*, Mr Speaker – that their manifesto commitment for providing on-site sheltered accommodation for those patients who can be cared for in the community but need home supervision and support is being explored.

1260 A stroke care protocol, a neurology service review and a management strategy for children with autism were also meant to have happened this last financial year, 2013-14. The stroke care protocol is still being developed, a neurology service is still being reviewed and certainly not enough for children with autism has been done for parents to be satisfied that the children are being offered all the support and therapies they deserve, Mr Speaker.

1270 And where is the final realisation that the present GHA board setup – exactly the same as it was since 1987, but with even less candour from board members, as they sit in public – needs a new governance system? The Hon. the Chief Minister at the last Budget said proudly how people can now turn up and listen to what is going on at the GHA board meetings. He means listen to the silence, Mr Speaker! The Chief Minister was right in implying last year that, as an ex-board member, I should have admitted his governance needed changing, and if I may quote from my 2012 Budget speech, to refresh the Hon. Member’s memories, I said:

‘As an ex-GHA Board member, I note that the GHA Board process remains exactly the same – a process I disagreed with then and one which I was hoping to change, had I been given the opportunity.

If there was one lesson that came out of the 2008 global recession... it was that board governance... was unsuccessful in setting targets and holding chief executives to account. It was found that many boards tended to be incompetent groups of competent individuals. Their expectations, if stated at all, tended to be unclear and incomplete, and the executive reports reported against few or no criteria.

This was something I felt the GHA Board was also guilty of. In the absence of clear instructions or clear assignment of the Chief Executive, we found evaluating performance was an exercise in futility. The emphasis should not be on meeting in public; it should be on empowerment of the Board. Transparency is understanding how and why spending decisions are made. It is not just the production of data, presentations from the public which will be considered and the issuing of a multitude of press releases.’

1275 Mr Speaker, this is why a GSD Government would have further empowered the GHA Board, financial managers, consultants and doctors to exercise greater control over spending choices, budgets and service prioritisation, to ensure the proper balance between medical services, value for money and budgetary discipline.

1280 With regard to the GSLP Liberal Minister's way of leading through micromanagement and political
interference, this has not allowed for our Minister for Health to cater for a clear separation of GHA activity
from Ministry activity. Not a day goes by when we do not hear of the Minister's open-door policy to all,
which ends in the interference of clinical decisions, helping individuals on a personal level, even though it
means getting their preferred private hospital of choice. And this concern is not only levelled at the Minister
for Health: we receive even more concerns in this regard, of political interference and micromanagement by
1285 the Ministry of Equality, Social Services and the Elderly, where every action at every level of the Ministry
is paralysed until a final decision is taken by the Minister.

A Member: That is true.

1290 **Hon. Mrs I M Ellul-Hammond:** And the Members opposite thought Sir Peter Caruana was bad!
But back to Health: an example of this political interference in clinical decisions is how, for a brief
while over a year ago, natural procreative technology was suddenly advocated as an alternative to IVF and
on offer privately via the GHA. The Minister hailed this in a press release as 'Government's commitment to
healthcare goes beyond the NHS', where he showed surprise that I had questioned the validity of the GHA
1295 to pay for and offer such non-evidence-based, non-approved by NICE... or indeed a treatment available on
the NHS. He even called me unreasoned and lacking consideration and sensitivity.

Well, thank goodness I raised the issue; and I know that clinical opinion and lobbying from within the
GHA soon followed, because in answers to questions last month it seems that the Minister for Health has
finally admitted the error of this political decision and NaPro technology is not on offer via the GHA, as
'access to this technology is currently under discussion' – the benefit of listening to your clinicians who
1300 know, Mr Speaker, before political interference or allowing third non-clinical parties to interfere in order to
make the best clinical decisions for the patients.

Dr Cortes did listen to clinicians with regard to changing the Primary Care Centre appointments system
to a one-month-in-advance system. However, as the Minister also agreed yesterday, it does not seem to be
working satisfactorily because very little else has occurred to run alongside this new policy to support it.
1305 Every day, Mr Speaker, I have concerns raised with me about elderly citizens queuing outside the Primary
Care Centre from 5 a.m. on the first day of the month in order to guarantee that they can get an appointment
with their doctor; no more appointments available after 10 or 11 in the morning on the first day of the
month, leading patients who genuinely need to review medication and control chronic conditions becoming
lax about their own healthcare and not bothering for another whole month; the non-answering of phones to
1310 make an appointment on the first day of the month – patients spend up to three hours ringing the Primary
Care Centre, with no-one answering the phone because all 60 lines are busy; the multiple booking of
appointments with a doctor in the month by a now increasing amount of people, just in case they need them,
as they know the available appointments will run out within hours – this leads to an increase of DNAs (did
not attend), wasted appointments, as by the time the booked appointment comes round the patient
1315 concerned is not ill, and of course there is no cancellation list from which patients can feed into when
DNAs or cancellations occur.

Why a patient cannot simply call at any time of the month to see their doctor, with a commitment to
provide some form of a single medical appointment within say 72 hours, as in the UK, is unbelievable. Is
this not the definition of a medical appointment: to see a sick person when they are in need? And patients
1320 who are unlucky in getting their prized appointment for the month end up in Accident and Emergency,
swamping an overstretched service under enormous pressure, with only seven doctors 24/7 and often only
three to five nurses. Nearly 50% of patients attending A&E should be seen by a GP, of which there are 17
in the Primary Care Centre from eight in the morning until five in the afternoon.

We understand that morale in A&E is very low: more of the GHA sickness, Mr Speaker. A&E has no
1325 management structure for the doctors or nurses. Doctors and nurses routinely work 12-hour shifts, with
virtually no break, and they see 30 to 40 patients on a night shift – more during the day – and from 9 p.m.
there is only one doctor and no back-up. The risk from mistakes is significant, and I go back to one of the
indicators: staff turnover and sickness rates are high in A&E. Patients naturally are becoming more upset
and aggressive in A&E, with complaints daily as to waiting times as it is almost routine for a three-to-five-
1330 hour wait in A&E daily.

The Primary Care Centre's current system is failing this community and the hospital; especially A&E is
bearing the brunt. GPs are not given the space they need to focus on health promotion and education, which
mitigates some attendance to GPs. The poor access to appointments and an A&E where care could be
compromised: ultimately it is the patients who lose out.

1335 Mr Speaker, the Government has had two years to audit and get the primary care appointment system
and the A&E service right – vital first-point-of-contact health services that reflect on the rest of the GHA. It
is unacceptable that they have failed so dismally to deliver, so let's spend less money on sending patients to
private hospitals and instead invest in these frontline services. But at least, Mr Speaker – in case he had

1340 failed to notice and so that he does not forget – we will have a refurbished No. 6 and we have a lovely new and green (*Banging on desks*) £5 million park! That is what matters, isn't it?

Gibraltar has about five and a half GPs per 10,000 of the population. This compares to about seven and a half per 10,000 of the population in the UK. Mr Speaker, the solution may be that we need more GPs; so some food for thought, as the Leader of the Opposition already mentioned yesterday. For the amount of £920,000 – the amount overspent by the Chief Minister on travel and entertainment this last year – we
1345 could have employed 10 more GPs for a year and the waiting list would have reduced by 33%.

Mr Speaker, along with the mental health facility at the former Royal Naval Hospital site, we also wait with baited breath for the opening of the Alzheimer and dementia Facility later this year perhaps; a facility which, after £12.1 million on converting the site, was nearly ready to open when this Government took the project over. For 16 months, the site ceased any activity, and now, after another £17.5 million to convert the
1350 conversion, the two facilities are ready and we must be awaiting, until later this year, the completion of the dementia day care centre – which is not a new concept, by the way, with more funding needed for that before the site is opened: £30 million and counting for whimsical changes and avoidable delays, Mr Speaker, *y no había dinero!* (**A Member:** Hear, hear.)

Notwithstanding the reckless devil-may-care spending spree of this Government, there is still no provision in the estimates for extra staffing to man the site, despite the training. Dates for these new facilities – first 18 months ago, then a year ago, then six months ago – were all expected opening dates. When will these two facilities finally open, Mr Speaker, and at what final cost? The Estimates Book includes no funding for the running and manning of the new facilities. Does this mean we may need to wait
1355 another year before the facilities fully open? Can the Government bear to add to the already extra almost 600 public sector workers who have been employed since they came into power? Or does the Government need to reign in overspending, as the Care Agency has also overspent its budget this last financial year by £3.7 million: by 17%.

Perhaps, Mr Speaker, the knowledge that the moment these facilities are filled one of the acute wards at St Bernard's Hospital will again fill with elderly long-stay patients awaiting a care bed – as Sir Peter Caruana predicted many a time when the then shadow Health Minister, Neil Costa, complained about the beds situation – is this what is stopping the Government from opening the facilities? Or maybe there is no more money to employ extra staff to run these facilities. We wait patiently. There certainly seems to be money to build a £24 million small boats marina, Mr Speaker! (*Laughter*)
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Another site that was ready for use when this Government came into power was the former John Mackintosh Wing Home. It has taken two and a half years, another reconversion and another £4 million to finally release the property for social use. Mr Speaker, forward planning and vision are not strengths of this Government; more like 'making it up as we go along'.
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At the past Budget session, Mr Speaker, the Minister for Social Services said that under her watch, through constant reviews and working closely with management, the Care Agency is much less of a beast when she inherited it. From where we are, it seems that this beast is still alive and kicking, because as with the GHA, there are certain indicators which demonstrate the low morale and unhappiness within the agency. Sickness rates, turnover of staff and recruitment and retention of staff all point to this. Like other GHA staff, sickness rates among elderly care nurses this last year was higher than for 2012. They missed an average of eight days each a year, and that is not taking into account short-term sick leave or uncertified
1375 leave. When compared to the human resources gold standard of 4.4 days, there are twice as many elderly care nurses off sick than there really should be.

Another indicator is the high turnover of staff at the Care Agency and Social Services Department, which over two and a half years has seen 64 people resigning under this Government's watch in what is now the tamed 'beast'. In comparison, 69 GHA staff resigned in that period, in an Authority with a third extra staff employed there than in the Care Agency. In the Care Agency, the loss of, on average since this administration took office, a constant two members of staff a month... These include 44 care workers – 15 who worked with the elderly and 29 within other areas of the Care Agency. (**A Member:** Terrible! Terrible!) Six social workers have also resigned from their position. This demonstrates a high level of dissatisfaction and low morale at the Care Agency, (*Banging on desks*) especially when the Children and Families team has been under immense pressure to cover caseloads and effectively undertake the full range of essential tasks necessary for the well-being of our most vulnerable. (**A Member:** Hear, hear.)
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The persistent loss of staff has also required a high number of supply care workers from private sector providers, filling in the gaps in order to provide cover and a service to our most vulnerable. Even these private carers are not lasting long in working for the Care Agency. Difficulty in recruiting and retaining staff in the Care Agency also extends to these private care providers. The result is that many vulnerable people have been deprived of the benefit of a close working relationship with the workers they relied and depended upon. Stability, continuity of care, familiarity and security with a regular group of carers is constantly under threat. For the Minister to have argued that staff turnover was as high during the GSD's
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1400 time in office is nonsensical, because nothing has changed and this flies in the face of the taming of the beast that was the Care Agency.

1405 Last Budget, Mr Speaker, the Minister proclaimed that the Children and Families team was developing an adoption and fostering policy and that they were undertaking a review of the Adoption Act. Despite a commitment to such a review, in two and a half years there have only been seven adoptions and seven foster placements. Most worryingly, the seven foster placements took place in the first six months of this Government's term of office. There has not been even one foster placement in the last two years. 'Worrying' because there are many families in Gibraltar willing to provide a safe and stable environment for children and young people during a difficult time in their lives and who, for whatever reason, cannot be looked after in their own home. Such a vital service as this, which the Care Agency should be committed to in terms of training and supporting adults as potential foster carers, has not been happening and it means we are denying our most vulnerable children the breathing space to get away from a very difficult life. The Children and Families team has been so overstretched and under pressure that they did not have the time or the will to offer this vital service. We now hope that the extra social workers will pick up on the slack, and we look forward to learn more of any new measures with regard to fostering.

1415 Again, as announced at the last Budget, Mr Speaker, there is still no news on legislation to vet those who work with children in the voluntary sector. There is no news on the Challenging Behaviour Unit, or funding provision for it in the Estimates Book. It is good that our elderly are being provided with new facilities and options for domiciliary care and residential services, but it should not be at the expense of those vulnerable children who cannot defend themselves and who must rely on the state to make the proper and full provisions at their disposal and on their behalf.

1420 Another vulnerable sector of our community – the disabled – are still waiting for the Government to 'urgently honour', as their charity representatives described it, their manifesto commitment which said that in their first year they would legislate to further protect disabled people using the terms of the UN Convention as a model. The Minister has recommitted to this today. Let's see how it is enacted later this year as announced.

1425 Despite physical improvements in Gibraltar for those with disabilities, there is a way to go. Representations to us from those charities and those with mobility issues claim they are unhappy with the access from ramps on the beach to get to the seashore. They are unhappy that the disability stands at the Cavalcade and National Day do not cater for the families of those disabled to join them; and unhappy that there still is no appropriate, audited supported employment which actively and appropriately transitions those with special needs from education to employment and adult life, such as Project Search, a pioneering model that the Disability Society advocates.

1430 However, with this Government's poor track record on focused and accredited training, audited apprenticeship schemes and the Future Job Strategy – which my hon. Friend, Mr Bossino, will have some more to say on during his intervention, Mr Speaker – I am not surprised that the Sheltered Employment Scheme also leaves much to be desired. (**Two Members:** Hear, hear.) (*Banging on desk*) One thing is throwing in the odd training day here, holding a conference day there and raising awareness by handing out leaflets, Mr Speaker; the other is actively working together with the groups and people who know what the real issues are, in order to design the services and provisions that really matter and that can make a difference in the lives of those with disabilities.

1440 Again, Mr Speaker, the Minister for Equality announced the setting up of a Domestic Violence Forum last year, which she says does not yet exist, despite the Minister stating it did so in answer to Parliament Questions. This forum was to make recommendations and act on initiatives that would come from them in order to tackle this scourge. I now look forward to any initiatives coming from the now set up forum which will be set up, because last year 55 incidents of domestic violence were reported to the Police, and in the first five months of 2014 there were already 84 cases reported against persons ranging from the age of 13 up to 76. About half of the cases will be legally pursued, Mr Speaker, ending up possibly in persons charged, but more frightening is that these are only the number of *reported* incidents. The dark figure of unreported crime can be anything from three to five times that figure, especially with domestic violence. It is to all these voiceless and frightened victims that we have a responsibility to react and to make a difference, and as the Minister said in a press release last year, 'to ensure that such violence is entirely eliminated in Gibraltar'; which is why I welcome the psychological support for victims and any new preventative measures that we put in place.

1450 In that same press release for the International Day of Eliminating Violence against Women, the Minister for Equality also said that:

1455 'This is not a partisan issue and I trust that we will be able to count on the support of the Opposition for our work on this front.'

Well, they do have our support, Mr Speaker, and we would like to hear of the work that is being done in this area and to contribute where we can.

1460 But not one policy in relation to women's equality issues has come from the Minister for Equality. The Equal Opportunities Commission is still three words on a manifesto page, despite a commitment today that it will be created sometime this year. The ideas, pilot projects and reforms remain elusive, despite press releases of the Minister attending a Women's Conference here, another somewhere else in the world, and another one somewhere else. The ideas are not brought back to Gibraltar yet. They remain abroad in those elusive conferences among those hallowed groups.

1465 Interestingly, while the Minister participated in the British Islands and Mediterranean Region Commonwealth Women Parliamentarians' Inaugural Conference, her contribution was linked to the participation by women in politics to push for increased representation. She highlighted the critical role that current women parliamentarians can play in inspiring other women to enter politics. Let us hope that this is the case. If not, the Minister's words on Women's International Day:

1470 'My aim is to mobilise meaningful change where this is necessary in order to achieve gender equality'

are not just empty words. So we look forward to the conference early next year and to see what comes out of it.

1475 Mr Speaker, on 9th December 2011, Gibraltar experienced a new dawn. Dawn gave way to a cloudy day and the sun has scarcely shone in this community since. (**A Member:** Hear, hear.) Hanging above this community is a dark cloud of fear, control and secrecy, which engulfs Gibraltar as the GSLP Liberals' way beds once more into our society. Their answer to everything, as they figure out what they are doing, is to spend, spend, spend, and of course to blame the GSD. (**A Member:** Exactly!) The 'GSD could have done it in the last 16 years' argument no longer washes with the electorate. So much had to be done and was achieved by the GSD to pull Gibraltar up after 1996; and of course more remains to be done. But financial government is now the responsibility of *this* Government. They are spending money with reckless abandon, 1480 having inherited the GSD's golden legacy, Mr Speaker. What they do not seem to realise is that Gibraltar's public finances are not a bottomless pit. (**A Member:** Exactly.) What money we have we have because we still, as a community, have the resources available for the Government to spend. But one thing is clear: out-of-control spending must not be allowed to continue unabated.

1485 As my hon. Friend, the Hon. Leader of the Opposition has stated time and again, including yesterday, the channelling of public money by Government through a private company, which is free to invest in whatever ill-advised project it decides and then use its private commercial status to hide its activities from public scrutiny, is scandalous and an aberration of the very concept of democracy and public transparency. (**Several Members:** Hear, hear.) (*Banging on desks*) This goes against all that European Governments – in particular, that of David Cameron – are successfully fighting to stop. This is a very worrying pillar stone of the Government's general *modus operandi* and more akin to the Governments of so-called banana republics than a community member of the European Union. (**A Member:** Hear, hear.) Even more seriously, it is a contemptuous affront and disrespectful to the people of Gibraltar. (**A Member:** Absolutely.)

1490 However, thankfully for Gibraltar, Mr Speaker, the sun has now begun to set on this Government's term of office, and as dusk approaches the winds of opportunity are starting to blow. The winds of change, like a fresh westerly after a spell of muggy levanter on a sunny August morning, will soon rid Gibraltar of the transient visionless and hopefully short-lived 'leadership' of this community by the GSLP Liberals and usher in the dawn of a new GSD Government when the Chief Minister calls the next election. (**Several Members:** Hear, hear.) (*Banging on desks and applause*)

1500 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given the presence of the Minister for Europe in Gibraltar, I now need to recess the House until 2.30, and invite Members to return then. They can, in the interim, go outside where the sun, the last time I checked, was shining very brightly indeed and there was a very fresh *poniente* wind.

1505 **Mr Speaker:** The House will recess to this afternoon at 2.30, when I think the Hon. Mr Gilbert Licudi will take the floor.

The House recessed at 11.40 a.m. and resumed its sitting at 2.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.03 p.m. – 9.25 p.m.

Gibraltar, Tuesday, 1st July 2014

Business transacted

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<i>The House recessed at 3.55 p.m. and resumed its sitting at 6.20 p.m.</i>	39
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Thanks to parliamentary staff; Thoughts in memory of Sir Joshua Hassan	67
<i>The House adjourned at 9.25 p.m.</i>	68

The Gibraltar Parliament

The Parliament met at 2.03 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Appropriation Bill 2014 – For Second Reading – Debate continued

Mr Speaker: The Hon. Gilbert Licudi.

5 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to report to the House on the areas that form part of my ministerial portfolio, starting with Education.

The estimates reflect that the amount required in the year ending 31st March 2015 for salaries, wages and expenses is £43,309,000. The forecast outturn for the year ended 31st March 2014 is £38,831,000. There is, therefore, a proposed increase this year of £4,478,000.

10 It should be noted, Mr Speaker, that a significant part of that increase relates to scholarships. Hon. Members will note a provision for 2014-15 of £14,865,000 compared to a forecast outturn in 2013-14 of £12,396,000. That is an increase of almost £2,469,000 just in the scholarships bill.

15 2013-14, Mr Speaker, saw 240 mandatory scholarships being awarded as well as a total of 96 discretionary awards. As a result of the changes the Government has already made since being elected into office in respect of mandatory, distance learning and discretionary scholarships, the Department of Education has already implemented a bespoke student data management system which is capable of keeping track and intelligently make use of student career data and progress.

The Gibraltar Internship Initiative in Washington DC is going from strength to strength with a record number of applicants expressing an interest this year – more than 30, in fact, have applied.

20 The Initiative offers students a unique opportunity and experience in support of their professional development. Successful applicants will have the opportunity to intern in the executive suites of Fortune 500 companies, international organisations such as the Inter-American Development Bank, the World Bank and International Monetary Fund, for example, as well as in great American institutions such as the Smithsonian or the US Congress.

25 The Initiative also includes academic sessions and classes delivered by professors from top US universities. Students are matched with potential employers according to their needs and interests, thus developing their skills as well as enjoying an unforgettable experience with students from around the world.

30 The Department of Education continues to support the private and public sectors with their training and professional development initiatives. Professional qualifications such as ACCA and ACA are funded in partnership with the industry as well as qualifications for port and maritime operations. Government's own Human Resources Department has been supported in obtaining professional Human Resource management qualifications for key personnel. Income Tax, Department of Transport, GCID, Youth Service and Technical Services, to name but a few, have all benefitted from Government's continued commitment to fund professional development courses and qualifications.

35 The Kusuma Centre at St Martins was completed on 16th September 2013. The Kusuma Centre is annexed to the main building and has been funded by the Kusuma Trust, to which the Government is very grateful for its continued support on this and other projects.

40 The annex has a classroom for the older pupils in the school, which is equipped with all the necessary facilities to make the area self-sufficient for the educational and other needs of the pupils. It also has a therapy room which is used by the occupational, speech and physiotherapists for group sessions.

45 The Kusuma Centre enables pupils to acquire independent life skills as well as developing self-esteem. The extension comprises a large classroom facility with immediately adjacent but separate purpose-built shower/bathroom and toilet facilities, a store room and a comfort/safe space room. There is also a large therapy room which doubles up for multi-disciplinary clinics with paediatricians and visiting consultants. At the lobby entrance there is a therapists' office and additional toilet facilities.

Mr Speaker, the conversion of the Old St Bernard's Hospital site into two new schools is well under way. The old hospital premises will house both St Bernard's and Sacred Heart Schools, with the latter being renamed Sacred Heart Middle School once the new school opens.

As announced previously, the Government is fulfilling a manifesto commitment to re-locate Sacred Heart in a manner which will allow the school, over time, to take an equivalent number of students as other middle schools.

The First School will have eight classrooms as well as a range of specialised teaching areas and spaces specifically designed to cater for this age range.

The Middle School will have 16 classes, as well as dedicated teaching areas for music, ICT, technology, art and science, in keeping with the needs of older children. The headteachers of the two schools continue to be consulted and have been involved in the design process from the onset. The relocation will provide the children and staff assigned to these schools with modern, comfortable premises in an environment which is specifically designed to be conducive to learning.

A noteworthy feature of this school will be a central glass-roofed atrium, which will be available for students and teachers to enjoy either for social or educational purposes. Both schools will be fully networked and equipped with ICT resources and facilities. They will both be fully accessible in order to cater for pupils, parents or teachers who may have mobility issues.

The new building will also house a shared sports hall, with a play area on top of the hall for the First School. Both the sports hall and the play area will be available for community use. This can be accessed separately and will house toilets and changing room facilities.

Mr Speaker, as I have said before, this is an extremely exciting project. We will create much needed school facilities in this area as well as sports facilities for the community. This will be, in fact, the first Sports Hall that will be built in the central or upper town area.

The project also makes use of the existing iconic buildings built in the nineteenth and early twentieth centuries and which will be tastefully restored.

Mr Speaker, I will deal with minor works and refurbishment in schools.

(1) The flat roof at Bishop Fitzgerald Middle School, which serves as assembly point for the whole school, will be replaced during the forthcoming summer recess. The elevated escape routes will also be repaired. (2) Bayside School will have its drama studio floor replaced and the internal painting programme completed before the commencement of the new academic year in September. (3) The external façade of Bleak House will be repaired and repainted and the fire escape flooring repaired. (4) St Anne's Middle School will have its existing water membrane to the flat roof replaced in its entirety to prevent water ingress. (5) St Joseph's First School will have a covered walkway leading from the main building to the lunch hall in order to prevent the little ones from being exposed to the elements. (6) St Bernard's Nursery will undergo necessary internal and external works during the course of this financial year. (7) Rubber crumb flooring will be provided to the playing area at St Martin's Special School. (8) All exposed timber members at St Paul's First School will be treated with good quality wood primer and finished with a high performance gloss. And (9) a new fire escape route will be constructed for St Mary's School.

In the financial year ending 31st March 2014, the following works have been carried out *inter alia*: the new facilities at St Joseph's First and Middle Schools, which includes the new lunch hall, were completed at a total cost of £614,000; two new science laboratories at Westside School have also been constructed – the total cost has been £205,000; Westside School driveway has been resurfaced at a total cost of over £37,000; the windows at the external façade of St Mary's First School have all been replaced – the cost has been over £55,000; the works to provide the following schools with rubber crumb flooring have also been completed at a total cost of £155,000 – that is to Governor's Meadow First School, Hebrew Primary School, St Mary's First School and Varyl Begg Nursery; windows in the ICT and history area at Bayside School have been replaced at a total cost of £37,000; phased internal painting programme at Bayside school has also been completed at a cost of £46,000; the special needs works at Bishop Fitzgerald School to make access for pupils with mobility issues again that has been completed at a cost of £46,000; the Special Needs works at Bishop Fitzgerald First School have also been completed at a cost of £63,000; external repairs have been carried out at the Gibraltar College to its east and south stairwell of main building – the total cost has been £51,000; the toilet block at Sacred Heart Middle School was reconfigured and refurbished at a cost of over £12,000; the reception area at St Anne's Middle School has been relocated, a new storeroom constructed adjacent to the sports room, at a cost of over £21,000; St Paul's First School has had the east side fencing repaired, the west side debris netting replaced with a proprietary cover and the playground fence replaced with a brick wall – a total cost of over £55,000; and Notre Dame First School has had the deteriorated PVC tiles replaced at some classrooms, throughout all the school, at a cost of over £30,000.

Mr Speaker, this reflects the commitment we have entered into to carry out the necessary refurbishment to all the schools – a commitment which we have complied with during the course of the last financial year and, as I have already outlined, will certainly continue during the course of the next financial year.

Mr Speaker, I will deal with developing technology in schools.

110 Safer internet use: the Department of Education continues to engage with the Gibraltar Regulatory Authority, the Royal Gibraltar Police, the Citizen's Advice Bureau and other appropriate bodies in order to ensure that children and young people are fully aware of the potential dangers of careless internet use, especially in the light of the dissemination of personal data and content in social networking sites. Schools are kept fully briefed via programmed sessions aimed at children and teachers.

115 Smart boards: the continued financing of Smartboards has allowed us to have access to over 300 of these throughout our schools. These are housed mainly in classrooms but we will continue to increase their numbers and expand into specialist rooms. A regular maintenance programme for Smart boards was introduced last year and this is already showing benefits in terms of extending the shelf-life of relatively costly consumables such as the halogen bulbs in the Smart board projector pod.

120 Computer Science: a new national curriculum programme of study for computing in England will replace the old ICT curriculum and will set out to teach children 'computational thinking', as from September 2014.

125 The Advisory Service of the Department of Education attended a professional conference in London in order to keep abreast of developments in this field. The conference highlighted the changes that will take place within the primary sector to achieve this end. I am happy to report that some of the initiatives that were suggested as first steps at the conference, such as introducing children to programming, are already happening in a number of our first and middle schools. Early programming skills are already being taught through the use of software such as 'Scratch'. It is expected that all first and middle schools will be using this in the next academic year.

130 Tablets: schools in all sectors are looking to tablets as a means of improving teaching and learning in the classroom. Some teachers have piloted their use and it is an area which teachers are keen to explore. Having access to these is already throwing up very exciting ways of interacting with the pupils. First and middle schools are using them within the course of a lesson to allow the pupils to access software and data relevant to the lesson. They provide opportunities for pupils to practice or extend lesson objectives or to be engaged in active research through the internet. At secondary level pupils have been able to access course content and revision exercises set up by their teacher.

135 Maintenance: IT support and maintenance of ICT equipment in schools has undergone an enormous improvement – and I have already mentioned that to you in the course of Question Time, Mr Speaker, especially since the Government's IT and LD Department has taken over. All schools have reported that the response time to repairs has certainly improved.

140 Nurseries: applications for nursery placements are lower this year in comparison to last year, when we had 390 and in this year, 332, which comes up to 350 with late entries, have applied. There will again be a nursery place available for every application should parents wish to take up the offer they receive. Due to the fall in demand, however, it will not be necessary to open St. Mary's and Governor's Meadow nurseries in the afternoon, as was the case last year.

145 Special Educational Needs (SEN): in the UK the changes to the SEN Code of Practice 2001 are in the final revision stage. The Advisory Service recently attended a conference where the main changes for England were highlighted. The Department of Education is reviewing what the implications of the changes, if any, are for Gibraltar. The Advisory Service has also led a number of twilight sessions on dyslexia, for secondary teachers.

150 Special Educational Needs Co-ordinators in Schools (SENCOS) received additional training on how to support pupils with special educational needs in the areas of sex and relationships. This was a follow up to training they received last year on autism, where this sensitive and important issue was first discussed. In addition, the Autism Support Group Gibraltar recently held a 'Positive about Autism' Conference for parents, to which representatives from the Advisory Service and the schools were invited to attend.

155 It was important, Mr Speaker, to listen to parents' perspectives, as it helps to strengthen the parents/schools partnership. In addition, the Advisory Service has extended in-service training on autism to schools on request.

160 In May of this year, Mr Speaker, a small number of teachers along with a member of the Advisory Service attended a Hemispheres Think Write Handwriting Programme course which was organised for parents. The course focuses on helping children between three and eight years of age master the skills of writing. The cognitive framework of the Hemispheres Think Write supports children's learning by linking old and new learning together, expanding and categorising learning for ease of storage and retrieval, essential qualities for the development of automatic writing by the end of Key Stage 2.

165 English as a foreign or second language: Mr Speaker, due to the increasing number of pupils coming into our education system from all over the world, the Department of Education has now set-up a dedicated team comprising of a qualified teacher and two graduates to support schools with the teaching of English to non-English speakers.

Continuing Professional Development: the Advisory Service has also facilitated in-service in the following areas.

170 (1) Safeguarding Children Tier 1 Training – this multi-agency commitment, which education forms part of, has continued to offer training. (2) Dignified Care and Responsibility Training (DCRT) – this continues to be facilitated by the Advisory Service. Restraining children should always be a last resort strategy. DCRT is commended for its focus on de-escalation techniques and serve to reduce the need to physically restrain children. This course includes both the theoretical aspects, such as understanding aggression and aggression cycles, triggers, self-awareness and risk assessments, as well as the practical skills needed to safely restrain children.

175 (3) The new National Curriculum is set to roll out in the UK in September 2014. One aspect of the changes is in relation to the assessment and the abolishing of National Curriculum levels. Following attendance at a recent conference on ‘Effective Primary Assessment after Levels’, the Advisory Service will provide appropriate in-service training for the headteachers in the primary sector. (4) First aid courses in schools – this continues and is a part of a rolling programme facilitated by the Advisory Service.

180 (5) Mr Speaker, as I have mentioned earlier, health and safety audits of all schools were completed. We have this year entered into arrangements to train our headteachers and deputies in matters relating to health and safety. We are now able to provide the Level 2 Award in Health and Safety in the Workplace course of the Chartered Institute of Environmental Health for our school leaders. The course is designed to benefit our senior managers by providing essential knowledge on a range of issues. The course should highlight typical generic workplace hazards and suggest effective control measures. It is hoped that this should better equip the participants in all matters relating to health and safety and, furthermore, make them more aware of how their own actions can affect the health, safety and wellbeing of others. The ultimate aim is to train as many people as is deemed necessary in order to continue to safeguard the health and safety of all those who work within school communities.

190 Post-16 developments: Mr Speaker, in my Budget speech last year I emphasised that the public examination system in England was in a constant state of flux and that, accordingly, the Department of Education was keeping a close watch on 14-19 developments.

195 These developments in the UK are now gradually taking shape with a return to a more traditional examination system comprised mostly of terminal papers and doing away with the ongoing modular arrangement we currently have.

I am happy to report that the Director of Education and Senior Education Advisor attended a conference last November in London which dealt with these proposed changes. The Advisory Service has already held meetings with the senior management teams of both secondary schools to keep them abreast of these developments and to ensure that our schools are ready to take on the new challenges.

200 Mr Speaker, we in Gibraltar are justly proud of our examination results. It is acknowledged by all that our students do well and that we compare very favourably to other UK schools. Nevertheless, we should never become complacent.

205 This year we have undertaken a comprehensive analysis of our examination results with the aim of supporting those departments and teachers who most needed our help. The Advisory Service have met and spoken at length with some of the key players responsible for the constant assurance of quality. Where necessary, teachers have been sent on courses and conferences, to increase their understanding in all matters relating to education. In particular, specific subjects have been targeted. Furthermore, upon their return, teachers have been asked to brief others, sometimes across schools so that information is adequately disseminated.

210 Advisors have also spoken to heads of departments and observed lessons. The challenge, of course, is to ensure that children always learn to the best of their abilities and are afforded the best opportunities available.

215 But, Mr Speaker, our success of course cannot be measured just by examination results, important as these are. Our view, of course, is that education is about preparing our children to be the citizens of tomorrow; it is about awakening a passion for learning in all of them and getting them to enjoy learning for its own intrinsic value. The ethos should be on teaching to learn how to learn.

220 Our children therefore continue to enjoy a range of fascinating activities which we hope will contribute to this. Examples are: two drama practitioners from the famous Shakespeare’s Globe Theatre visited Gibraltar and carried out workshops and after-school sessions with students from both Bayside and Westside Schools and their drama groups; the Learning from Auschwitz programme continues to grow in strength and has attracted interest and participation from Year 12 and Gibraltar College students – pupils from middle schools were also invited to the first annual Holocaust Memorial Day; and the Young Enterprise Scheme continues to grow from year to year – in fact, the finals of the Company Programme were held last week. Furthermore, our pupils have also taken part in a wealth of competitions organised by the Department of Education. Amongst the many, the interfaith competition is worthy of special mention. There was real educational value here and the level of participation and commitment from teachers and students alike is testament to this.

Schools availed themselves of the opportunities offered by the speakers from the highly successful first Gibraltar Literary Festival. This year's Literary Festival, later on in the autumn, will include even more sessions from prominent speakers and writers specifically aimed at our young people. The Department of Education has been fully consulted in the choice of authors and personalities travelling to Gibraltar to talk to children about areas such as food, science, literature, language and history – and no doubt this year's festival will be another enormous success, as it was last year.

Furthermore, pupils have also participated in a wide range of worthwhile competitions. For example, the Gibraltar Post Office's letter writing competition which formed part of the Universal Postal Union International Letter Writing Competition; the Ministry for Culture's Spring Festival Logo and Short Story competition and the ever-popular Young Artist Competition; the Royal Gibraltar Police's Poster Competition which was part of their anti-drugs and promotion of sports campaign; and the Gibraltar Heritage Trust's 24th Annual Painting Competition whose main aim was to raise awareness of our heritage. There was plenty of participation by all our students in various schools in all of these events.

As part of their broader education, Gibraltar's teachers and pupils have helped to keep alive the generosity that Gibraltarians are famous for and have always prided themselves in, and have contributed to raise thousands upon thousands of pounds for both local and international charities.

We are very grateful – I have mentioned already – as always to the Kusuma Trust for their continued support in bringing outreach programmes in mathematics and science from both the University of Cambridge and the British Science Museum. This year we were once again visited by top British Universities who delivered their lectures and imparted sound advice to our senior pupils. Furthermore, our pupils have also participated in mock interviews designed to get them past the hurdle of even the most stringent admissions tutors.

The University of Gibraltar: Mr Speaker, plans to create a University of Gibraltar continue on track and are now at an advanced stage. It is envisaged that the University will open for business from September 2015, as per the Government's 2011 Manifesto commitment.

The legal framework establishing the University is also at an advanced drafting stage.

Mr Speaker, I am very happy to report that all institutions approached by the Department of Education have expressed their delight and enthusiasm at the opportunity of working with Gibraltar on the University project.

A number of meetings with senior staff and faculty members from the University of London have been held with a view to setting up collaborative undergraduate programmes. Working links between the Department of Education in Gibraltar and the University of London and the London School of Economics have been established; and as a result appropriate undergraduate courses, including computer science, law and finance, are currently under consideration.

Mr Speaker, as I announced recently, a Memorandum of Understanding with the University of Seychelles has been signed during my recent very productive visit to the islands and, as a result, there are now concrete plans and discussions to develop a joint Gibraltar and Seychelles universities Master of Science in the Marine Environment, designed to cover all aspects of the 'Blue Economy' and designed for those working or seeking employment in a maritime environment including shipping, renewable energies, fisheries, conservation and so on.

This will be a two-centre masters degree and it is envisaged that it will involve exchanges between Gibraltar and Seychellois students. We also expect that over time this unique course, offered in two exciting locations, will be very attractive to international students interested in this area. There will be other collaborative postgraduate programmes with selected internationally-recognised academic institutions, a number of which are already under consideration.

The University of Gibraltar, Mr Speaker, will also be a principal driver in the creation and development of a locally-orientated knowledge base serving to underpin the further development of the key elements of our economy. It aims to do this by becoming a centre of excellence and fostering and developing quality academic research. It will also act as a central hub for all aspects of Tertiary or Higher Education activity in Gibraltar. It will be something the whole of Gibraltar will be proud of. (**A Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker, our citizens have always been very respectful of each other, celebrating what we have in common and respecting our differences. This all begins in our schools, through commitment and a quality education which goes beyond teaching just to pass examinations. It gives me a sense of pride to see our young people develop into the citizens of tomorrow, particularly when one looks at the problems which some countries in Europe and the rest of the world face, with emerging extremism and violence borne out of a lack of understanding for each other.

Mr Speaker, on a slightly less positive note, let me address an issue on Education by reflecting on a policy paper recently announced by the Opposition.

In the first paragraph of the Opposition's policy document on education and training they say and I quote:

‘We believe that significant changes...’

290 – and this is a quote –

‘... to our education system should be made... in order to meet the educational challenges ahead, to make our system the best it can possibly be and one of the best in the world.’

Mr Speaker, it struck me as a little odd that having been in Government for sixteen years, as they were, that this same party who had the opportunity of making whatever changes they felt necessary should just over two years later make a public statement calling for significant changes to the educational system. But especially so, Mr Speaker, when one has a quick peep at *Hansard* and reads what the Hon. GSD Minister for Education, at the time, said in his Budget speech in 2010, when referring to the teachers and professionals involved in the educational process and said, and I quote:

‘...it is through their hard work and dedication make sure that we have in Gibraltar an education service in both academic and pastoral terms, that could well be the envy of any community of our size anywhere else.’

300 An educational system which is the envy of any community – and the hon. Members opposite suggest now that significant changes are necessary.

But that is not all, Mr Speaker. Twelve months later in their last Budget, before the 2011 Election, the same Minister said the following, and I quote:

‘It is their joint effort... working in a well-resourced, safe environment that ensures that we have in Gibraltar an education service in academic, vocational and pastoral terms that could well be the envy of any community of our size.’ (*Banging on desk*)

305

Well, it seems he just repeated what he said the previous year. Mr Speaker, almost identical language in 2010 and then again in 2011; and no sign at the time of a suggestion that they felt the need for any change, let alone the significant change that they now call for.

310 So how is it and why in their 2011 Manifesto in such a short period of time after having had 16 years of opportunity to implement changes can they suggest the ‘significant changes’ that they now profess are needed.

Mr Speaker, the wording of the policy document is basically copied from their manifesto and released as a new idea – a new idea which they clearly kept to themselves whilst they were in office for 16 years. The contradiction in what they say and what they actually do is there for all to see and is evident in just about everything which the Opposition does – but that, of course, is not new at all. (*Laughter and banging on desks*)

315 Telecommunications: Mr Speaker, which is another of my areas of responsibility. I have responsibility for certain aspects of the work carried out by the Gibraltar Regulatory Authority under the provisions of the Communications Act 2006. The GRA is an independent authority which, under the Act, regulates the following areas: electronic communications, which includes broadcasting networks, radio communications and licensing of the radio spectrum; and international co-ordination of satellite networks and licensing.

There are seven companies operating under the regime set up by the Communications Act providing a variety of fixed and mobile networks and services.

325 Currently, there are two active mobile operators – Gibtelecom and Eazitelecom, trading as Shine – providing 2G and 3G services.

Gibtelecom is the oldest operator and is well established with a range of services. Shine is now offering two pre-paid mobile voice plans and 3G services to customers over their independent mobile network. Shine’s network covers over 98% of the geographical area of Gibraltar.

330 4G, Mr Speaker, which is short for ‘fourth generation’, is the fourth generation of mobile telecommunications technology, succeeding 3G. 4G aims to offer users faster, more reliable mobile broadband internet for devices like smartphones, tablets and laptops. Loosely speaking, 4G is around five times faster than existing 3G services.

335 A 4G system, in addition to the usual voice and other services of 3G, provides mobile ultra-broadband internet access. For example, to laptops with USB wireless modems, to smartphones and to other mobile devices. Conceivable applications include amended mobile web access, IP telephony, gaming services, high-definition mobile TV, video conferencing, 3D television and cloud computing.

340 But what does, Mr Speaker, all this mean in practice? The faster speeds mean that websites load quicker and that you will be able to stream videos and podcasts without first waiting for them to buffer. Plus, you will be able to download large email attachments or other content from the web much faster. Applications which need to download data, such as maps, will work more smoothly, especially when zooming in or out, as this generally requires a lot of data. The speed differential should be akin to switching from 3G to WiFi.

Mr Speaker, in December 2013, the Government, through the GRA, issued a public consultation on proposals to license the provision of 4G mobile communications services in Gibraltar. The focus of the consultation was on the process for licensing 4G services and, in this context, to set out the GRA's plans for the spectrum bands which should be granted access for the provision of 4G services.

The fees for the use of 4G spectrum have been considered and the current fees for 2G and 3G have been re-evaluated. The proposed fees have been arrived at considering, but not limiting to, the following factors: demand for spectrum; availability of the required bands; and interoperability of technology allowed in the band due to sharing constraints or international sharing agreements.

Built into the award process is a methodology that took into account of the possibility of interest from new operators as well as current mobile operators.

Mr Speaker, I am happy to report that both Gibtelecom and Shine will be rolling out 4G services and have accepted the minimum criteria required for the rollout, which includes: launch date – 4G operators will be obliged to launch commercial services within 18 months of licence award; coverage at launch – 4G operators will be obliged to provide at least 70% population coverage at launch; and population coverage to be achieved – 4G operators will be obliged to provide at least 95% population coverage within three years of service launch. These operators will be able to provide 4G services by October 2015 at the latest.

Mr Speaker, in order to gain a better understanding of the present issues that affect the local broadband market, a data collection exercise was undertaken by the GRA. The results of this exercise have served to provide a better understanding of network access and of pricing issues in Gibraltar. This information will provide a useful backdrop to weigh against any competition issues which may arise during the upcoming broadband market review process.

Under the provisions of section 22 of the Communications Act 2006, the GRA is required to send to the European Commission, the Body of European Regulators for Electronic Communications (BEREC) and other regulatory authorities in the Member States, a copy of a market review notification inviting them to make representations on the proposed measures within a period of one month.

The GRA attended a market review pre-notification meeting with the European Commission in Brussels which dealt with the retail access and calls markets.

Before any National Regulatory Authority (NRA) formally notifies its market reviews, they have the opportunity of meeting the regulatory co-ordination and markets unit of the Commission in order to informally discuss their market analysis and proposed Significant Market Power (SMP) designations.

Preliminary feedback on the NRA's investigation is provided by the Commission's team which enables the NRA to make any amendments to its notification before being formally submitted.

The GRA is currently undertaking various market reviews in the electronic communications sector and a consultation on the following retail markets was published in January 2014: (1) access to the public telephone network at a fixed location; (2) publicly available local telephone services provided at a fixed location; (3) publicly available international telephone services provided at a fixed location; (4) wholesale broadband access; and (5) retail broadband.

Markets will be defined, the state of competition analysed and if dominant players are established, SMP obligations will be imposed in the relevant markets.

Mr Speaker, the Satellite Division of the GRA is responsible for looking after the interests of the satellite industry in Gibraltar, ensuring compliance with the International Telecommunication Union (ITU) Radio Regulations, all other international obligations and representing the interests of Gibraltar at international meetings.

The Division also assists with the co-ordination of satellites and orbital locations filed by the UK Administration with the ITU, on behalf of the Gibraltar-based company SES Satellites (Gibraltar) Ltd.

As I mentioned last year, Gibraltar's new national digital TV network, replaced the analogue TV network which was switched off on 31st December 2012.

The arrival of digital television and the switching off of the analogue TV network has been a positive move for Gibraltar. Not only has this new digital service offered TV viewers with a clearer picture and better sound quality, there is also scope for additional TV channels, information services and high definition TV.

At present, Gibraltar has two television broadcasters and two radio broadcasters. Gibraltar Freeview, the entity which operates the digital network, is, as the Chief Minister has already said in his address, pursuing business opportunities with other broadcasters to offer new channels, for both TV and radio, and widen the choice of programmes and information services for Gibraltar and internationally.

The GRA, Mr Speaker, collects administrative charges from providers of electronic communications services and networks, radio communications licence fees and other reimbursements.

During the 2013-14 financial year, the total collected was £1,474,028.26, which was paid into the Consolidated Fund. This compares to expenditure for all of the GRA's Divisions of just over £1.5 million.

Mr Speaker, I turn to the area of Justice. I would start my contribution on Justice by taking this opportunity to thank Mr Justice Barrington Black for the excellent and important work he did for the

Judiciary in his acting appointment (*Banging on desks*) as Puisne Judge of the Supreme Court of Gibraltar. And I am grateful for the support shown by the Opposition on this.

405 He was brought in primarily for the purposes of clearing a substantial backlog of criminal cases, which in large measure he did, and for that I wish to acknowledge his work and praise him for his efforts. I wish him a happy retirement and the very best for the future.

410 In the same breath, I would like to congratulate Mr Justice Adrian Jack who has recently been selected for the post of Puisne Judge of the Supreme Court of Gibraltar and who will take up his appointment in August of this year.

The introduction of the Criminal Procedure and Evidence Act rightly introduces an expectation that court matters will be disposed of with reasonable time and it is for this reason that the Government agreed to fund a substantive post for a fourth resident Puisne Judge. On behalf of the Government, I welcome Mr Justice Jack to Gibraltar and I wish him every success in his appointment as a senior member of the Judiciary.

415 Mr Speaker, I turn to matters regarding legislation and I highlight some of the issues we have dealt with and are currently working on.

Hate crimes: Mr Speaker, last year I said in my Budget address that Government intended to introduce a Bill on hate crimes, which made specific reference to crimes based on sexual orientation and disability; providing that the courts must, where it is a contributing factor to an offence, take hatred – on the grounds of race, sexual orientation, disability or religion – into account as an aggravating factor when sentencing. This was done.

420 Furthermore, new offences of stalking and stalking involving fear of violence or serious alarm were legislated for, as were new powers for the Police, to enter and search premises in relation to cases of stalking, and introducing new sections on injunctions to protect persons from harassment, restraining orders on acquittal and a new offence of harassment of a person in his home.

425 Rehabilitation of offenders: the introduction of provisions on the rehabilitation of offenders was a manifesto commitment of the Government. Provisions for such legislation were included in the Criminal Procedure and Evidence Act 2011. However, such provisions were based on UK legislation, which had become out of date and no longer fit for purpose to help reformed offenders resettle into society.

430 As a result, the UK changed their legislation in March of this year. This was based on research which suggested that the rehabilitation periods were too long and did not reflect the point at which reoffending tails off following a conviction. The changes in the UK meant that there was a very wide gap between rehabilitation periods in the UK and those in Gibraltar.

435 As an example, someone sentenced to six months' imprisonment in the UK had a rehabilitation period of four years, whereas someone sentenced to the same period of imprisonment in Gibraltar had a rehabilitation period of 10 years. As a result, I introduced a Bill in the last session of Parliament to ensure that rehabilitation periods in Gibraltar were modernised in line with current UK periods. The practical effect of the change is that those reformed offenders, who wish to go down the right path and contribute to society, are now better able to do so.

440 Companies: subject to the commencement of this legislation on 1st September 2014, Mr Speaker, the Government's manifesto commitment to introduce a much-needed and thorough review of companies legislation has been completed.

445 The review has involved consideration of proposals put forward by the Company Law Reform Committee set up by the Finance Centre Council and a consultation process including the issuing of a Command Paper. The Act, passed recently in Parliament, incorporates a number of issues which were raised also during the Command Paper consultation period.

450 Given that our companies legislation dated from 1930 – albeit amended from time to time – a major overhaul with a view to updating and modernising the legislation was required. There has been extensive work carried out in preparing the new legislation with much participation from private sector practitioners both at the preparation and the consultation stages. I am grateful to everyone who has contributed to this and, as I have already said, expect that the Act, together with the legislation passed to bring into effect the Insolvency Act 2011, will be commenced on 1st September 2014.

455 EU Directives: Mr Speaker, further to the increase in staff at the EUI Department, which I reported last year and which led to Gibraltar being for the first time in modern history up to date with the transposition of EU Directives, I am pleased to inform the House that a further four legal assistants have been recruited into the European Union and International Department during the course of last year in order to ensure that we remain up to date. This signals Gibraltar's commitment to compliance with international obligations.

460 Proceeds of crime legislation: During the course of the next financial year, the Government will introduce proceeds of crime legislation which, among other things, will allow the forfeiture or confiscation of assets arising from criminal conduct even in the absence of a criminal conviction.

Regulation of investigatory powers: Mr Speaker, the Government will also introduce, in the course of the next financial year, legislation to regulate the powers of law enforcement bodies to intercept

communications, acquire and disclose data relating to communications and carry out surveillance. Similar
465 legislation was introduced in the UK in the year 2000.

The provisions of the legislation, which is currently being worked on and finalised, will include
stringent safeguards – and it is important to stress that it will include very stringent safeguards – to ensure
that the relevant investigatory powers are used in accordance with the rights in the Gibraltar Constitution
and international human rights obligations.

470 Legal aid and legal assistance: Mr Speaker, as the House well knows, the Government has a manifesto
commitment in relation to legal aid and legal assistance.

My ministry has been involved in a consultation process which has included the Bar Council, the
Registrar of the Supreme Court and the Chief Justice. As I said only a couple of weeks ago, we are very
close to finalising arrangements for a new system. This will provide a fairer and more cost-effective system
475 which will benefit those in need of assistance and provide value for money for the taxpayer.

I expect to be in a position to announce and hopefully publish the changes which will be made before
the start of the new legal year in October.

Mr Speaker, I turn to matters linked with the Gibraltar Law Courts. The past year has been an extremely
busy one for our Law Courts. Notwithstanding this, the improvements in the performance and services
480 provided reported last year, continue to be maintained and further enhanced.

The increase in the administrative staff complement, together with the appointment of an additional
stipendiary Magistrate, has enabled the Magistrates' Court to hold second court sittings on at least two days
per week. This has resulted in an unprecedented reduction of waiting time for hearings from six to eight
months to now six to eight weeks.

485 For the Supreme Court, I mentioned some moments ago that this administration has recognised that for
the administration of Justice to function effectively, both for the purposes of providing an efficient service
to our citizens and also to effectively deal with finance centre commercial litigation, the minimum
complement of judges required at the Supreme Court is the Chief Justice and three Puisne Judges.

490 The vast majority of applications received at the Supreme Court, continue to receive first hearing dates
within five days of application and there continues to be no backlog of civil and family applications waiting
for first hearing dates. Also the dates of those first hearings are typically within two to three months of the
date of the application to the court.

In respect of criminal trials, it is worth noting that the two-year appointment of Mr Justice Black came
to an end in April of this year, and during that time the court was able to set down for hearing two criminal
495 trials at a time. This resulted in the criminal list being cleared. However, the ongoing lengthy criminal fraud
trial which commenced in the first week of October 2013 has meant that during this time only one other
criminal case can be set down for hearing and this has resulted in some element of backlog being created.
Therefore in these terms, Mr Speaker, the arrival of Mr Justice Adrian Jack will mean that any backlog that
has arisen should soon be tackled and cleared.

500 The electronic diary system for the Supreme Court reported on last year has now been installed and
court staff has received training on its use. The system will become fully operational once it has been
populated with all the necessary data.

The Gibraltar Courts Service website continues to be updated and developed. General forms for both the
Magistrates' and Supreme Courts, which previously could only be obtained at the Law Courts counters will
505 soon be available for download in pdf format from the Website. Furthermore, arrangements are in hand for
the Supreme Court daily court lists to be uploaded and displayed on the website.

Mr Speaker, in addition to the Gibraltar Courts Service website, we also populate and update the
judgments website. Many of the judgements pertaining to Gibraltar from as far back as 1812 are available
for viewing. This is a very useful source of information which is available to use free of charge on the
510 internet.

Counter services have also been enhanced with the introduction of facilities for the payment of court
fees and fines via debit card at both the Magistrates' Court and Supreme Court counters.

515 Finally, in relation to the Courts, the Gibraltar Courts Service continues to look at ways in which to
improve their services especially through the continuous training and professional development of all staff.
Staff have already received training in probate processes and procedures and this training has resulted in
probates and letters of administration being dealt with within one to two weeks, when historically this
process took approximately 12 months. That is a dramatic change and improvement, Mr Speaker. (*Banging
on desks*)

520 This year, the Gibraltar Courts Service will be looking at providing staff training in other areas in order
to further improve the level of service to court users.

Mr Speaker, I now turn to HM Prison matters. Recent Prison Board inspections describe the atmosphere
among prisoners as relaxed. There have been around 12 cases of indiscipline reported between June 2013
and May 2014, but most of them categorized as minor. This represents a four-fold decrease when compared
to the same period for the previous year.

525 Although prison population figures are lower, management attributes such a marked decrease to the sterling work produced by prison officers and the rehabilitation and aftercare programmes now in place. Of these, I would highlight the support offered by the Ministry of Employment who provide counselling, welfare and work placement programmes for prisoners. Over 40% of the prison population is currently benefiting from these services in one way or another. Through such efforts some prisoners are being
530 released with offers, already, of employment, some finding stable work for the first time in many years.

Mr Speaker, in respect of the prison population, figures for the first four months of 2014 have seen a gradual recovery in numbers following the marked decrease seen in 2013. Daily average inmate population figures for January 2014 stood at 50 prisoners but the figure for April is 58 prisoners. These statistics should not detract from the benefits being noticed since the introduction of the programmes I have already
535 given details of. These are having a very salutary effect on the prison population. Recidivism is down and prisoners are giving the prison authorities very positive feedback.

Between June 2013 and May 2014 there have been a total of 14 female admissions and 4 juvenile admissions.

Mr Speaker, the prison was visited by his Excellency the Governor, Sir James Dutton, on 19th March
540 2014. His Excellency toured the facilities, and I accompanied him, and spoke to officers and prisoners. He appeared to be impressed with the facilities.

Prison management remains committed to the ongoing programmes on rehabilitation of offenders and enhancing educational and vocational opportunities to all those in custody, with a view to breaking the re-offending cycle and successfully reintegrating offenders back into society.

Mr Speaker, I will mention now matters related to international co-operation. There is significant international co-operation between Gibraltar and jurisdictions worldwide for judicial assistance. The most common types of requests are for service of process and the taking of evidence.

Under our laws, there are several methods that can be used to achieve a desired result. The most common is the Letter of Request (LoR), which is a formal request from a court to a foreign court for some
550 type of judicial assistance.

A European Arrest Warrant (EAW) is sometimes used by EU member states to seek the arrest and transfer of a criminal suspect or sentenced person to the issuing state so that the person can be put on trial or complete a detention period.

In a recent case, the Portuguese authorities issued a European Arrest Warrant for the arrest of an individual in connection with drug charges. The individual was sought by the Portuguese authorities on drugs charges emanating from an RGP-initiated operation resulting in the seizure of 6,000 kilos of cannabis resin in Portugal and the arrest of a number of persons. The individual was arrested in Gibraltar and after a protracted appeal he was surrendered to the Portuguese authorities.
555

This case serves to highlight the importance of international co-operation and how absolutely necessary it is for judicial assistance to work in order to ensure the pursuance of justice.
560

Mr Speaker, I now turn to policing matters – the Royal Gibraltar Police (RGP).

Re-establishment of the post of Chief Superintendent: Mr Speaker, the Gibraltar Police Authority has approved the re-establishment of the post of Chief Superintendent. This reverses a decision taken some years ago to do away with the post.

The post re-establishes a needed rank between the Commissioner of Police and the three Superintendents, thereby providing the RGP with an improved management structure.
565

Gibraltar Police Authority Annual Report: Mr Speaker, the Government has outlined a number of strategic priorities, which have been taken into account by the Gibraltar Police Authority (GPA) in the annual policing plan, namely: the protection of children and vulnerable adults through the participation in the Child Protection Committee and multi-agency public protection arrangements and through education programmes aimed at informing children, in particular on certain dangers on the use of the internet; two, the continuing promotion of public safety in the context of zero tolerance with regard to drugs and violent crime and through neighbourhood policing initiatives to tackle anti-social behaviour; three, the development of an integrated IT platform for the criminal justice system to ensure an efficient use of
570 resources and to adequately equip the RGP with a modern communications and management tool.

Mr Speaker, every year the GPA carries out an annual public satisfaction survey in order to engage with the community and gain feedback on the relationship with the RGP.

The latest survey revealed an increased public satisfaction in the RGP. This seems largely due to the effectiveness of the neighbourhood policing concept, the tackling of anti-social behaviour in our streets and residential estates and the noticeable increase in Police visibility on foot patrol. In addition, a marked reduction in complaints against the RGP has also been noted. This, Mr Speaker, is very positive feedback and is welcome news, indeed.
580

Support and thanks towards the RGP has been expressed by the public for the RGP's continued support for interaction, particularly with juveniles and young children, via social media.

585 On neighbourhood policing, Mr Speaker, the RGP continues to deliver this policy, responding to community issues, from district offices in residential estates. These offices serve as multi-agency bases in the community.

The Government continues to support the RGP in its many activities and initiatives with regards to this strategy. The initiative has already seen very noticeable effects in bringing the Police back into the community. Officers operating from district offices are very accessible and residents regularly turn to the neighbourhood policing teams whenever they have concerns.

CCTV system: Mr Speaker, last year I made reference to Government's continuing plan for the roll out of CCTV in public areas.

595 CCTV has been installed in many areas around town and has served as a successful deterrent and a useful mechanism to prevent and detect crime. The installation of the cameras has proved to be an invaluable asset to the RGP and has further strengthened its capabilities in combating crime and gathering evidence.

Following recommendations by the RGP and calls from residents requesting the installation of CCTV cameras in other areas around Gibraltar, the public CCTV programme has been extended to include mid harbour estate – a programme installation which has now been completed and the cameras are fully-operational. Infrastructure at Laguna Estate is in the process of being upgraded and, where necessary, created in order to allow for the installation of CCTV. Moorish Castle Estate and Glacis Estate will follow. Proposals for camera locations within the Government housing estates are drawn up by the RGP in consultation with the Estates' Tenants Associations.

605 Mr Speaker, the expansion on the use of CCTV in Gibraltar continues and is kept under review. The initiative has already served, as I have said, to detect crimes by helping to either identify suspects or provide the necessary evidence for a successful conviction. It has helped to deter crime and has removed anti-social behaviour altogether in certain areas which had hitherto been plaguing residents for many years.

New Police vessel: the RGP has commissioned the construction of a new 25-metre patrol vessel specifically built to their specifications. The vessel is being built in Croatia.

The acquisition of the vessel will substantially increase the RGP's marine capability. This is in addition to all the assets we have already provided the RGP, by the addition of a further large vessel allowing RGP the capability to remain out at sea for prolonged periods and being out at sea in conditions not generally suitable for smaller craft. The vessel should be in Gibraltar and, we expect, operational in September of this year.

615 Criminal Justice integrated software: Mr Speaker, last year I mentioned in my Budget address that the RGP, together with other Criminal Justice partners and Government's IT and Logistics Department, were engaged in setting up a fit-for-purpose IT infrastructure platform suitable for the whole Criminal Justice System. Such a system will serve to improve service delivery within the whole spectrum of Criminal Justice. This will proceed during the course of this financial year.

The solution provides a single integrated solution for Gibraltar's law and justice organisations for the use of the Royal Gibraltar Police, Gibraltar Courts Service, Attorney General's Chambers, prison service and probation service.

625 The individual systems will be used on a daily basis by multiple individuals within each of these law enforcement organisations, thus enabling the process of managing information for each respective Department in an integrated solution from which each organisation gains a benefit. It is intended that the solution will utilise common sets of data. The software will be designed to prevent double keying and ensuring that the data sets are of a high quality, thus reducing the likelihood of error through duplication.

630 RGP Dog Section: General Purpose Patrol Dogs (GPDs) are highly trained and specialist dogs. The dogs, under the instruction of their handlers, are a much-needed tool in everyday Police work and are used successfully in the tracking of persons and recovery of property.

The deployment of the dogs is a useful asset in circumstances where co-ordinated crowd control, for example, and the mass movement of persons is necessary.

635 Funding this year has been increased to cater for the training of the handlers and increased kennel costs, given the augmentation of the Section by three dog handlers from HM Customs who now form part of the RGP.

Protective equipment: Mr Speaker, the Government has made available funding, over a three-year period, to bring up to speed the RGP's protective equipment for officers, weaponry and ancillary equipment.

640 Almost £136,000 has been provided for the purchase of additional firearms and protective equipment such as stab proof vests.

Campaigns: Mr Speaker, the Government welcomes initiatives that focus on improving road safety and awareness. These campaigns remind all drivers of the personal consequences of driving under the influence of drink or drugs and that an accident can ruin your life or that of others.

645 A number of campaigns have been co-ordinated by the RGP in conjunction with relevant ministries. In particular, I would highlight the anti-drink driving campaigns and drug awareness campaigns.

Trainee programme: The Police trainee programme has proved to be very successful. The programme, delivered in conjunction with the Ministry for Employment, allows our youth access to a scheme similar to the Police Cadet scheme, which ran many years ago. It provides trainees with the ability to gain first-hand
650 knowledge on Police work and, at the same time, provide the RGP with prospective candidates for employment if found suitable.

Small Island Forum: Mr Speaker, the RGP has reinstated the Small Island Forum – an organisation that has been inoperative for about 10 years.

Although the Forum has no particular formal status, it provides a convenient platform for the Chief of
655 Police of the member small territories to meet and discuss matters of common interest and concern. The reinstatement of the Forum was instigated by Gibraltar and comprises similar jurisdictions like Jersey, Guernsey, the Isle of Man and now includes the Cyprus Sovereign Base area. Its main advantages are the sharing of experience, knowledge and processes of interest to small territories.

European Association of Airport and Seaport Police (EAASP): Mr Speaker, the RGP is a member of the
660 European Association of Airport and Seaport Police.

The goal of the EAASP is to make safe international ports against threats of criminal activity and terrorism. The scope of their work includes promoting co-operation with international partners, delivering exchange opportunities between portal agencies and international ports, advising European and international policy-makers and promoting information exchange as part of a joint-funded project with the
665 European Commission.

In April 2013, the RGP hosted the 40th annual conference of the EAASP in Gibraltar. This was the fourth time the conference had been held in Gibraltar and it saw the highest number of delegates attending ever.

Not only was it a good thing for Gibraltar to play host to the conference a fourth time, but shortly after
670 the event, Commissioner Yome was elected President of the Association. The presidency of this influential Association is not only a significant personal accomplishment for Mr Yome, but also represents an important achievement for Gibraltar. The Government is very happy to continue to support Commissioner Yome during his presidency. [Banging on desks].

Mr Speaker, before I end my contribution I would like to refer to another matter in which I am involved
675 and that is the small boats marina, which is clearly becoming very popular because Members opposite have mentioned it in just about every speech that they make. So they must be very glad that it is coming on stream. (*Interjection*)

The tender for this project was awarded after a European public tender process (*Interjection and laughter*) to GJBS – the most economically advantageous tenderer.

680 Work has already started in earnest and the project is on course for completion next summer. Once ready, it will allow many who currently have their boats on land, or who have had their boats removed onto land by the previous administration, or who wish to have a boat but cannot due to the lack of berthing facilities, to enjoy marine activities from fishing to water-skiing or simply enjoying a ride on our waters.

685 The 700-berth facility is the biggest project of its kind ever undertaken in Gibraltar. It will also provide a promenade for public use as well as an outer wharf of around 600 metres for commercial use by the Port Department.

This is a much-awaited and anticipated project. It will be another jewel in the crown and another feather in this Government's hat – a hat which is quickly running out of room with so many feathers already on it. (*Laughter and banging on desks*)

690 Mr Speaker, before I end, I would like to thank my staff and all those who work in the various Departments which form part of my ministerial responsibilities, for their support, hard work and dedication to their job throughout the year.

Public servants play an instrumental part in helping us lay a strong foundation for progress. They are committed to a cause greater than personal ambition, and each day they tackle many of our most urgent
695 challenges and help us all move closer to a better Gibraltar. Recognition of the value of their work is important and I would like to take this opportunity to thank them for what they do.

Mr Speaker, let me end by saying that I, together with all of my Ministerial colleagues, continue to work enthusiastically to deliver on the manifesto pledges which the people of Gibraltar have entrusted us to fulfil. And we are, Mr Speaker, well on our way to delivering on what we set ourselves out to do and more that
700 we did not even envisage at the time – a feat that some, particularly in the Opposition benches, claimed was impossible to achieve. This Government promotes and supports fairness, equality and transparency. That is how we do business and I am proud of our record and significant achievements so far which have brought about such a positive change which is already apparent and being felt across all areas in Gibraltar.

Thank you. (*Banging on desks and interjection*)

705 **Mr Speaker:** There is a character in *The Mikado* who has responsibility for virtually everything known as Pooh-bah. I do not know whether that accolade applies to the Hon. Mr Licudi. (*Laughter, banging on desks and interjection*).

The Hon. Mr Costa.

710 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, it is, as always, a real pleasure and a privilege to deliver my Budget address to the Gibraltar Parliament. This Speech, Mr Speaker, marks my seventh Budget contribution as a Member of Parliament and my third as Minister for Tourism, Commercial Affairs, Public Transport and the Port.

715 For all of the reasons that I shall develop, Mr Speaker, it has been a rewarding year and one where my teams and I have continued to painstakingly develop and cement commercial relationships, which I am convinced will stand Gibraltar in good stead in years to come.

720 Moreover, insofar as is humanly possible among the various business trips abroad, weekly meetings of Cabinet, monthly sessions of Parliament, functions, events and the tide of all manner of correspondence – which of course, Mr Speaker, now includes personal Facebook messages, WhatsApp texts, ordinary texts, in addition to e-mails and traditional mail – I remain as committed as ever and as accessible as I have always been to all members of our community and very interested in listening to their ideas.

725 Mr Speaker, in discharging the constitutional obligations with which the Hon. the Chief Minister has entrusted me, the betterment of Gibraltar and of our community is always at the forefront of my thinking and of my decision-making process; and it is with this guiding principle in mind that I turn to my different areas of responsibility.

730 With your indulgence, I will start with Commercial Affairs. As this House will know, the Small Business Unit and I have focused on the preparation of an Office of Fair Trading Bill. We have carried out a thorough and detailed consultation with the Gibraltar Federation of Small Business, the Chamber of Commerce, the Trade Licensing Authority and the Department of Consumer Affairs.

735 I take this opportunity, Mr Speaker, to thank every single individual who has reverted with constructive comments and proposed revisions. After such a wide-ranging process, I can confidently say that this Bill will make sound and robust consumer protection and business-friendly law.

740 I am, therefore delighted to be able to inform this House that the Fair Trading Bill will today be published as a Command Paper. I also wish to thank from this House, Mr Speaker, my solicitors and, in particular, Ms Sarah Miles, who with unfailing tact and good-humoured patience endured my legalistic pedantry and my numerous requests for revisions to revisions.

745 The importance of the Bill cannot be underestimated and no one will doubt, on reading the Bill, that it is, in fact, transformative. With its introduction, a long overdue single point of contact to set up a business will finally be put into place as rightly demanded by the Chamber and the GFSB now for various years.

750 The OFT shall provide for the various licencing and registration requirements handled by different Government Departments to be dealt with under one roof. The single point of contact will ease an applicant's present administrative burden by supplying the applicant intending to apply for a trade licence with all the relevant forms to be completed relating to town planning, development and environment permits, employment registration, registration of businesses, registration for trade licensing and registration for tax and social insurance.

755 The overall objective of the OFT is to enhance consumer confidence and, equally as importantly, to ensure a fair playing field in Gibraltar's market. There shall be specific consumer bodies designated to be able to submit what are known as 'super-complaints' to the OFT where it is considered that a market feature, such as the structure of a market or the conduct of those operating within it, appears to be significantly harming the interests of consumers. The aim is to strengthen the rights of consumers, as they may not have the individual access to the information to judge whether markets are in fact failing them.

760 Critically, Mr Speaker, the existing Trade Licensing Act of 1978 shall be repealed upon the implementation of the Act and a revised, streamlined trade licensing procedure will be introduced. The Bill introduces and gives practical effect to a statutory presumption that an applicant is able to trade in Gibraltar subject to obtaining the required trade licence in respect of that business in accordance with the new Act.

765 There is also a statutory presumption that, if the criteria required for the original trade licensing application is still met by the applicant at its renewal date and there has been no breach of the terms of the licence since it had been granted, a renewal will be granted by the Authority.

770 Just as importantly, the new Office of Fair Trading will be adequately staffed and resourced in order to provide the most professional and efficient service possible. In particular and crucially, Mr Speaker, the OFT shall employ a legally qualified director to give effect to the provisions of the Bill. Enforcement officers will also be deployed to ensure that the Act is being observed and to take appropriate action wherever necessary. I shall say much more about the objective and functions of the OFT during the course of the debate on the merits of the new law.

765 To other commercial matters, Mr Speaker. The Small Business Board, which the House will remember I established when I first came into office, continues to meet on a regular basis and carries on its valuable work of identifying problems faced by small businesses in Gibraltar and seeking solutions. In particular, the Board considers in detail, ways in which the Government can provide the most propitious environment for small businesses to flourish and, equally, or more importantly, depending to whom one speaks, to keep overheads to a minimum.

770 One such fundamentally important measure, of course, was already introduced by the Government, which was to freeze the prices of electricity and water during our first term in office – a measure which the Hon. the Chief Minister confirmed during the course of his Budget contribution. And, as I do not tire of saying, the prize freeze is not a policy that can be underestimated or underrated by the community, not least when one considers that the price of electricity and water would already have increased by 15% since our election – that is to say, Mr Speaker, 5% every year – had the previous administration continued with their plans in this respect.

775 And, naturally, this is not the only policy of the Government that will have an importantly beneficial impact on businesses' bottom line. As hon. Members will recall, the Hon. the Chief Minister, in his Budget address, announced that businesses that make early payments of rates will receive a 15% discount. Again Mr Speaker, another measure that will really help businesses.

780 In this regard, it is important to highlight that this important reduction in rates arose as a direct result of the recommendations of the Small Business Board to the Government. To my mind, such a result is a very good example not just of the continuous and close discussion with relevant stakeholders but of the real accessibility of Government Ministers and our willingness to react promptly to sound representations that benefit our business community.

785 Further still, the Hon. the Chief Minister yesterday announced a series of important import duty reductions to 0%, such as in respect of sunglasses, writing implements and mobile phones, which will be a welcome boost to Main Street traders.

790 Further to the seminars the Small Business Board organised last year on online shopping and on pricing and invoicing rules, the Business Support Unit has continued to look at ways to encourage business in Gibraltar. Gibraltar's very first 'Small Business Saturday' was organised in early December. Discounts and incentives were provided by traders in order to encourage local business. Events and activities were also provided for all members of the family. It proved to be such a resounding success with the trading community, as well as with all members of the family, that a Christmas extravaganza was also organised on the weekend before Christmas, to further stimulate retail trade.

795 The House will also have heard the very exciting measure announced yesterday by the Hon. the Chief Minister to set up a committee that will assist in the setting up of start-ups and supporting new and innovative businesses as a further means of encouraging new economic activity within our community. It will be my pleasure to lead this team in partnership with the GFSB and the Chamber of Commerce.

800 I turn now to my transport responsibilities, Mr Speaker. I am thrilled to be able to make the second announcement of my address, which is to say that Gibraltar's very own Bassadone Motors has been awarded the tender for the supply of 20 Man Lions City midi-sized buses. (*Banging on desks*)

805 The good news does not end there, Mr Speaker. I am assured by Bassadone Motors that the first four buses will arrive in Gibraltar on 29th September of this year, with four buses being delivered every week for five weeks.

In other words, Mr Speaker, Gibraltarians will enjoy an entirely modern, eco-friendly and fully accessible bus fleet. By way of even further good news, the complete package includes a 10-year maintenance and after sales service programme and the option to part exchange the vehicles after six years have elapsed. The latter could, of course, result in significant savings.

810 We on this side of the House, Mr Speaker, are confident that the Man buses are the ideal buses for Gibraltar's urban routes as these buses provide great comfort and safety. Additionally, they offer the facility of flexibility and reliability for passengers by having two doors – an entry and an exit – coupled with a maximum capacity for 61 passengers – 24 seated, 37 standing, one mother and child seat and two tip-up seats – with ample space for wheelchairs, making these buses really accessible and versatile. The body length of these buses is 8.8 metres. They are equipped with a special solution air conditioning system designed for regions that encompass hot climates, a state-of-the-art video surveillance system and a ramp that offers easy access to passengers with reduced mobility.

815 The technology and engines of the Man buses are based upon modern engine and injection technologies, ensuring compliance with the Euro 6 exhaust gas limits.

820 Additionally, as part of Government's strategy on accident prevention, Man will be offering professional training to all of our drivers. As a result, we are persuaded that this training will achieve fuel saving together with a decrease in vehicle damage.

I am also delighted to say that this new fleet of environmentally-friendly buses will meet all of Gibraltar's topographical requirements, given the hilly and sometimes difficult nature of our terrain.

825 Mr. Speaker, with these buses we will also see the introduction of the latest state of the art in Intelligent
Ticketing System (ITS). This will not only provide statistical data, for my hon. Friend, Mr Figueras, to
ravage at some point, but will also incorporate GPS and WiFi facilities, thus helping those members of our
society who are visually and hearing impaired as well as those who rely on their Smart phones. The ITS
will incorporate talking signs and it is envisaged that real time arrival information will be a reality at
830 selected bus stops.

Once again, Mr Speaker, the Government is showing its unyielding commitment to invest in those areas
of public services that bring about real improvements in the quality of service afforded to all of our citizens.

835 Mr Speaker, whereas the feedback received shows that the public is happy with the existing service and
existing route network, I must say that we do receive requests for additional bus stops at different parts of
Gibraltar.

Whereas I do not wish to anticipate the announcements that will be made on publication of the
Sustainable Traffic, Transport and Parking Plan (STTPP), it will not have escaped the notice of hon.
Members that the midi-sized fleet will increase by two buses, from 18 to 20. The Gibraltar Bus Company
will also purchase smaller, but fully-accessible buses for certain routes. As a result, new routes will be
840 introduced and these will be announced when unveiling the new STTPP.

As well as the buses themselves being wheelchair-friendly, a programme to improve the wheelchair
access at bus shelters commenced following the successful implementation of access ramps in Market
Place, underlining the commitment of this Government to enable those with disabilities to be able to access
fully all the public services the Government offers. The work also highlights the Government's
845 commitment to providing a high quality, accessible public transport service and, in doing so, making areas
previously inaccessible, accessible.

All bus shelters that required works to enable them to be wheelchair-friendly have now been completed
in places where persons with disabilities most needed these facilities. It goes without saying that we will
spare no effort in ensuring that we remain sensitive to the needs of persons with disabilities and remove all
850 obstacles, which might make their lives unnecessarily difficult.

Further still, Mr Speaker, on a separate but related matter, over the next months the general public will
begin to see the installation of solar powered lights in most of the bus shelters following the trials at Market
Place in keeping with the Government's environmental filter.

855 Mr Speaker, I now turn to my responsibilities for the Port and Shipping, and, in the first place, to the
Gibraltar Maritime Administration.

The number of commercial ships on the Gibraltar Ship Register has increased to 322 overall at the end
of 2013 and tonnage is also up, with a total of 3.4 million. The fleet is projected to grow again steadily this
year, with new target markets identified.

860 Gibraltar remains an attractive registry for central and northern European ship owners, particularly due
to the quality service given by the Department, local ship representatives and the reputation of the Gibraltar
flag, which in March of last year achieved US Coastguard Qualship 21 recognition, one of only 20
recognised by the United States.

Mr Speaker, it pleases me to note that once again this year the GMA achieved US Coastguard Qualship
21 recognition and I am sure that the whole House will welcome and applaud such an important
865 professional accolade. (A Member: Hear, hear.)

The Gibraltar Yacht Registry also continues to expand its fleet. The number of yachts on the flag has
increased to 814 at the end of 2013. And, Mr Speaker, in a continuous bid to further stimulate yacht
registration, I can make a further announcement. I am pleased to see the introduction of two new products:
the registration of very large mega yachts, as well as registration of yachts under construction. The Yacht
870 Registry will now offer the complete package for yacht owners of any type, vessel size and construction,
opening up the possibilities of increasing not just the number of yachts but the diversification of the fleet
type.

The Department's core infrastructure is also being improved, with an overhaul of the internal quality
management systems and new database modules for online payments, accounting and certification currently
875 undergoing testing. The GMA is one of the Departments at the forefront of our new e-government project.
A Smart phone app is also being finalised and will be released at the end of the summer.

The Survey Division has been provided with two new administrative support staff to handle work
volume, particularly with port state control matters, freeing up surveyors to undertake more revenue-
earning work on board ships worldwide.

880 Furthermore, Mr. Speaker, the GMA's Seafarers' Section reported a record year for crew certification,
with over 4,800 provisional and full-term endorsements issued in 2013 – a 20% increase in 12 months. The
Department has prepared an online registration, submission and payment database to facilitate this service
ever further.

885 The GMA also monitors and manages Gibraltar's cadet programme in the UK, co-sponsored with the
bunkering companies, with five young persons presently undertaking training to be qualified British ship

officers. Within the next six to seven years, we will have a sizeable group of qualified masters and chief engineers returning to Gibraltar and contributing directly to the maritime cluster.

The GMA co-sponsored the IBIA seminar in 2013's London International Shipping Week along with the Gibraltar Port Authority and was actively engaged with the Gibraltar Maritime Day in London.

890 The Gibraltar Maritime Administrator, Registrar of Yachts and a senior partner from one of Gibraltar's leading law firms were invited to the World Congress of Ocean conference in Hangzhou, China, in September 2013.

895 The conference involved presentations and networking with clients from the yachting, marine insurance and ship management sectors. The GMA has been invited again this year and a more targeted marketing campaign is in the planning stages, taking advantage of contacts made in the region, as well as HM Government of Gibraltar's new representative in Hong Kong.

900 Following the yearly visit to Germany to meet existing clients and possible new ones, the GMA were invited by the German ship owners, along with seven other EU flags, to a two-day seminar in Hamburg and Leer in January of this year. This allowed the GMA to make two major presentations and, more importantly, meet many ship owner/operators on a face-to-face basis.

The Maritime Administration was accompanied by one of the local representatives and the quality services offered by the flag were highlighted. As a result of these presentations, the Gibraltar Ship Registry has been approached to register three ships from new clients over the last month, including a high value ship construction project.

905 The GMA is continually exploring new avenues to expand its business by targeting ship owners in Scandinavia and the Far East this year and in 2015. As a result, the decision was made to increase the Department's marketing budget by 30% in this financial year, to enable both the ship and yacht registries to expand their marketing presence. Looking forward, some major events hosted by the GMA are lining up.

910 German ship owners, Mr Speaker, make up around 70% of the Gibraltar fleet. This is indicative of the importance of the market. As a result, the GMA will be co-hosting a promotional event in Germany with the leading local representatives this September, in which all aspects of ship registration in Gibraltar will be marketed and there will be the opportunity for technical discussions with current and potential clients.

915 We are also hosting this year the Red Ensign Conference in Gibraltar, in fact which started today, wherein all the British maritime registries will gather and discuss a range of maritime topics, monitor quality standards and look at future initiatives. This important conference provides a useful forum for delegates to network and share best practices as well as an opportunity for Gibraltar itself to demonstrate what we offer.

920 Finally, my ministry, the GMA and representatives from the Gibraltar Superyacht Group will be hosting a yacht marketing event at the Cannes Yacht Show in September of this year, where a range of yacht stakeholders and businesses will be invited.

This will be a showcase event for Gibraltar's yachting industry, from marinas to company managers, financiers to agents. With these new resources, new services, online facilities and an increase in marketing activities over the next year, the Gibraltar Maritime Administration is positioning itself as one of the high quality attractive registries for commercial as well as leisure vessels in Europe.

925 Mr Speaker, I now turn to the Gibraltar Port Authority (GPA). The end of the financial year shows the GPA as being well within the approved budget with a total expense, including capital expenditure, of £4,808,653 from a total approved budget of £5,142,000, therefore making a saving of £300,347. Additionally, total recurrent revenue for 2013-2014 was £6,116,326 and when offset against the total expenditure, shows a surplus of £1,307,673.

930 In fulfilment of manifesto commitments, work continues to improve port facilities and infrastructure, including the provision of enhanced facilities for operational personnel.

935 The new mess room and facilities for launches and crews has now been completed at the old ferry terminal at Waterport. As well as welfare facilities for crew, this site will also provide sheltered berthing and workshop facilities for the port boats. Work is now under way to design the new port workshop, in conjunction with the new premises to be created for HM Customs which will be located at eastern section of the Waterport ferry terminal.

In yet further announcements, Mr Speaker, it pleases me to say in the House that work on the new port administration building, incorporating a better location for VTS and improved accommodation, has started, with the first stage of demolition of the old building well under way.

940 It is envisaged that the new port building will be completed within 18 months. This will represent a further substantial injection of capital investment in the Port in order to fulfil yet another important manifesto commitment of reversing so many years of chronic underinvestment in our port.

945 The new electronic vessel management system is now fully operational and is allowing ships' agents to input data remotely in order to provide the most recent information on a vessel's movements, further streamlining port operations.

In line with further manifesto commitments, we have also carried out an extensive review of our port charges and the House will have heard the excellent series of measures announced yesterday by the Hon. the Chief Minister.

950 It is my opinion, as well as that of the Capitan of the Port and of the Marine Officer, that these new raft of economic measures, together with a slight relaxation on the limit of number of bunker barges operating in the western anchorage, is likely to lead to an increase in activity levels and reinforce our competitive edge amidst the recent financial crisis world-wide and the competition from neighbouring ports.

955 It also behoves me, Mr Speaker, to mention the close consultation with and useful proposals of the Gibraltar Port Operators' Association that led directly to the series of economic measures announced yesterday by the Hon. the Chief Minister.

Mr Speaker, the House will remember that on 22nd May of last year, and as the Hon. the Minister for Justice announced a few moments ago, the Hon. Ministers for Health and Justice and I announced the 700-berth small boat marina project.

960 It pleases me tremendously to advise this House and small boat owners that this major project, to provide sufficient berthing to accommodate 700 small boats in accordance with another manifesto commitment, has now commenced.

The marina will be constructed in the mid-harbour area and will incorporate 400 six-metre and 300 eight-metre finger pontoon berths. It will have electrical and water points, secure entry to the pontoons and CCTV security cameras.

965 The introduction of the new reporting berth as part of this new project will realise yet another manifesto commitment. Plans are now being developed to accommodate members of the Port Authority, the Border and Coastguard Agency and Customs – the three agencies staffing the new reporting berth.

970 As the House will also undoubtedly recall, the reporting berth was removed by the previous administration, inexplicably so, as far as concerns those on this side of the House, removing this vital control on one of the most important entry points into Gibraltar.

On security, in addition to the new closed circuit television system that was introduced at the Port last year, enhancing both safety and security, the Government in conjunction with the GPA and technical services will be modifying the restricted area within the Port estate to comply with the UK Department of Transport's most recent recommendations.

975 And, Mr Speaker, no one, not even our political detractors can possibly doubt the Government's real commitment to our environment – and in particular, our marine environment. I take this opportunity to remind the House of the new and meaningfully deterring legal sanctions for polluters that I introduced last year, as well as the legislation, also enacted last year, making it mandatory that cargo transfer between ships must take place within British Gibraltar Territorial Waters under the direct supervision of the Port Authority.

980 Further still, last year the Port announced its participation in the Green Award scheme whereby a 5% reduction in tonnage dues is granted to all Green Award-certified vessels. As a result, the Port was presented with a Green Award reflecting the Port's corporate social responsibility by encouraging safe and environmentally-conscious shipping.

985 Even further still, the Environmental, Health and Safety Advisor, which is a post created by this Government, is providing a robust environmental, health and safety culture within the Port to ensure compliance with health and safety regulations and marine environmental legislation.

990 In addition to the Vikoma Alligator skimmer purchased last year, we have recently acquired 600 metres of oil spill containment booms, which will be pre-sited at both harbour entrances as well as the entrance to Ocean Village.

995 This is a major enhancement in our response time in order to successfully mitigate any impact of pollution to these areas. We have plans to complement this capability with the procurement of dedicated oil spill detection radars, which will enable timely detection of oil spills from vessels outside British Gibraltar Territorial Waters. Initial steps have been taken with the DPC approving in principle the proposed radar sites.

1000 Finally, a strategy for marketing the Port and its activities is constantly under review, with greater emphasis on face-to-face meetings and the development of relationships with industry stakeholders. The business strategy for the Port goes from strength to strength, with the attendance of key personnel from the GPA to important conferences not only in the cruising industry but also in the bunkering world and wider marine community.

Mr Speaker, you will be aware that our very own Bunkering Superintendent, Mr John Ghio, spoke at the recent high profile 5th Annual European Bunker conference in Rotterdam, organised by PLATTS, the leading worldwide provider of energy, petrochemicals, metals and agriculture information.

1005 This is a huge step in the recognition of the importance and reputation that the Port of Gibraltar holds world-wide, which this Government wholeheartedly supports. This was followed more recently by a

delegation from the GPA, led by the CEO and Captain of the Port, promoting the port at Posidonia, the maritime industry's global showcase that is held every two years in Athens.

1010 The GPA is also looking into the possibility of hosting high-level conferences here in Gibraltar over the next 12 months to further enhance the port's profile across the shipping community. It also seeks to consolidate its reputation in the Mediterranean and northern Europe, and plans to participate in the principal global maritime event, the London International Shipping Week in September of next year.

Mr Speaker, we are confident that this forward-thinking marketing strategy, combined with the measures announced by the Hon. the Chief Minister, will reverse the moderate reduction in bunker activity which is a decline that started at the time of the global economic crisis as from 2009.

1015 Locally, stakeholder engagement continues to be built upon with forums being developed to represent commercial and leisure activities. The GPA continues to engage in dialogue with all maritime businesses to ascertain how the local maritime industry is performing and how best we can compete in such a dynamic environment.

1020 Further, Mr Speaker, the House will also recall the announcement made by the Hon. the Chief Minister that in order to promote the use of Gibraltar as a maritime jurisdiction, passenger tax at Gibraltar Airport has been abolished for passengers joining vessels.

Further still, Mr Speaker, in even more good news, the House will recall that the Hon. the Leader of the Opposition noted that bunkering charges were down this last financial year by 33% over the 2012-13 financial year on the basis of the estimates.

1025 I am happy to report, however – and I am sure that the whole House will be delighted to hear, except the Hon. the Leader of the Opposition who is not sat where he normally sits – that revenue from bunkering charges is, in fact, up by 21.08%. (*Banging on desks*) Happy days, Mr Speaker, even when the Spanish authorities have – if I may put it as charitably as I possibly can – not missed a trick in trying to promote her own neighbouring port.

1030 Last but by no means least, this House will be aware that Bob Sanguinetti is the new CEO and Captain of the Port and has now been in post for just over a month. Delighted to have returned to his homeland after a highly successful career in the Royal Navy, I am pleased to say he is wasting no time in settling in and is already providing the drive and leadership needed to continue the growth and development of the Port. (*Banging on desk*)

1035 Mr Speaker, I turn now to tourism. I start with air connectivity and, in very brief terms, the relevant background since our election in December 2011.

As this House will recall, in 2012 easyJet operated its Liverpool service three times a week and Bmibaby, which launched a brand new route to East Midlands, operating three times a week. Both services were discontinued – for commercial reasons in respect of easyJet and the closing down of Bmibaby.

1040 As a result, it is indeed encouraging, Mr Speaker, that despite the loss of these two routes in 2012, visitor arrivals this year decreased only by a very negligible 1.1%, reflecting, however, the growth of passenger numbers in real terms on the remaining existing routes.

1045 Nonetheless and moreover, it will not have escaped the notice of hon. Gentlemen opposite that soon after the loss of these two routes Nicky Guerrero and I successfully negotiated with British Airways to increase the frequency on its London Heathrow schedules from seven to nine per week. We also successfully ensured that Monarch increased its frequency on its Manchester service to four per week all year round to offset the loss of the Liverpool route.

All of this, Mr Speaker, was in addition to negotiations with Monarch resulting in service to the Midlands being re-launched with flights to Birmingham three times weekly.

1050 As a result the net effect was that the loss of six weekly services to the UK was turned into an increase of seven weekly flights by 2013 with both regions affected – the North West and the Midlands – achieving a frequency increase and a brand new service from Birmingham respectively.

1055 Indeed, Mr Speaker, we continue to engage with airlines both for an increase in capacity on existing services, in addition to exploring the possibilities of opening up new links to regional destinations in the UK, as well as to other points in Europe. The latter being a particularly arduous task but one on which we have no intention to relent.

1060 Mr Speaker, I am sure it will please the whole House to know that the Monarch Airlines Birmingham service, which this Government managed to secure after the loss of service from East Midlands, carried over 29,000 passengers in the first nine months of operation and continues to show increasing passenger numbers in this year, highlighting how regional links to the UK can and do work.

Winter seasons, where traditionally traffic slows down, has in fact shown an increase in passenger numbers. London Luton services this last winter increased to four services per week for the first time in a number of years and Manchester services continued to operate at four services per week all year round. British Airways continued growing its nine times per week service to London Heathrow and easyJet introduced larger aircraft on specific days of the week this winter.

It is in this light, Mr Speaker, that it greatly pleases me to announce that the Airport has recorded a 20.5% increase in passenger numbers in the first quarter of 2014, compared to 2013. (*Banging on desks*) (*Interjections and laughter*)

1070 In real terms, this represents an additional 14,000 extra passengers compared to the same period last year. It is equally as important to note, if perhaps not even more so, that this growth, which I have just mentioned, has been in the traditionally slower winter months. This highlights my Ministry's and the GTB's ongoing commitment to the Airport by actively carrying out joint marketing campaign with airlines to promote Gibraltar.

1075 It pleases me even further, Mr Speaker, to say that to the end of May this trend has continued with total passenger numbers up by 16.3% over 2013. I am sure the whole House will hope with me that this growth is sustained over the entire year and beyond.

1080 Looking forward to this summer season, which started at the end of March, six destinations will be served from Gibraltar International Airport. Overall, services to the UK have increased by one weekly flight to London Luton over last year, with 33 weekly departures now on offer in the peak summer period. Sundays, like last year, still being the busiest day but now with seven services on offer.

1085 Mr Speaker, we continue to constantly engage with existing and new airlines in marketing Gibraltar to them as a destination for business and leisure, especially in the light of new hotel stock and refurbishments in existing stock, which will attract a new category of customer visiting the Rock. Only last month I have held meetings once again with our current operators in London. In addition, our very able team at the GTB continue to attend the important Routes Europe development forum to meet with airports and airlines face to face.

1090 Hon. Members can rest assured that our efforts are relentless in expanding air services in a very tough and competitive market. To illustrate how tough this job can be, in a recent television programme about Edinburgh Airport and in particular the first episode of the series, the route development team there noted that it can take up to five years for new routes to materialise, even for an airport the size of Edinburgh, which handled over 9 million passengers in 2013.

1095 As the House will recall, however, not long after this Government came into office my team and I were able to secure extra services by British Airways, an increase in capacity from Manchester and an entirely new service by Monarch Airlines from Birmingham, which clearly reflects, beyond any shadow of a doubt, the constant work that is constantly being conducted behind the scenes in promoting Gibraltar.

1100 Mr Speaker, the number of air arrivals and the growth that we are seeing this year, as I have just detailed a few moments ago, has also translated into noticeable growth in hotel occupancy. Indeed, in 2013 our hotel occupancy report shows that all arrivals at hotels increased by 3.4% over 2012. A not insignificant stride has been made in the category of Room Occupancy that increased by 1.7 percentage points and stood at 61% as an average for 2013.

1105 It pleases me further to say that although the statistics will not be tabled at this House until next year, the first quarter of this year in terms of occupancy also looks extremely encouraging. Once again, Mr Speaker, our tireless efforts in working with UK based tour operators, airlines and the industry in general is yielding tangible results for our industry.

1110 As I said last year, an advance in the provision and variety of bed stock in Gibraltar was necessary. The Sunborn Hotel has already opened for business and has brought a new product bracket in the form of five star accommodation to the Rock. (**A Member:** Hear, hear.) I am delighted to also report that the Rock Hotel's refurbishment programme is under way, that the Caleta Hotel is planning a major project and the O'Callaghan Elliott Hotel is also to undertake refurbishment works.

1115 Mr Speaker, like with air services, I think it is important to also properly set out the historical background and context of this important business to Gibraltar. An objective analysis of the facts will, in itself, explain the present situation in terms of cruise liner calls and passenger numbers – unpleasant as that may be for those who only wish to make political and partisan mischief and operate wholly disingenuously, in a vacuum. (**A Member:** Hear, hear.)

1120 In this respect, Mr Speaker, I take the opportunity to remind the House, and the Hon. Mr Bossino in particular, that the number of cruise calls went down in 2010, when they were in office, in 2010, by 64 calls over one year! (**A Member:** Shame!) *64 calls*, Mr Speaker! Sirens, alarm bells and all other manner of loud, jarring and uncomfortable devices should have gone off in my predecessor's office that something had seriously gone wrong and try to determine the reasons for this shockingly worrying loss of business. 64 calls over one year! Staggering! Shocking!

A Member: It was the Government.

A Member: Hear, hear.

1125 **Hon. N F Costa:** Well, I am just following your argument of last year.

Instead, the response of the GSD was to do nothing other than to continue to spend tens of thousands on a stand once a year that the figures clearly showed actually translated in a spectacular loss of commercial opportunities for Gibraltar.

1130 Mr Speaker, let me elucidate, mainly for the benefit of the Honourable Members opposite and the hon. Gentleman Mr Bossino's contribution in the House, that since our election we continue with our determined policy of one-to-one meetings and building up strong personal relationships with the industry.

1135 In particular, the GTB and I have done everything humanly possible to assure cruise companies that Gibraltar is ready to listen to and address their concerns. And the signs are already bearing fruit that cruise line companies are slowly once again increasing their calls to Gibraltar, (*Banging on desks*) as I have been able to illustrate by the series of press announcements. In this respect, I refer to my press releases in respect of Pullmantur, Thomson and Island Cruises and, most recently, Carnival UK.

1140 But, Mr Speaker, as encouraging as the signs are, it is also the case that cruise companies have their own itinerary, commercial and other considerations for not calling at Gibraltar. An element of fluctuation in calls and passenger numbers year over year is inevitable

1145 The key, however, for me is that we do not leave any stone unturned in ensuring that all that can be done is in fact done. In this respect, Mr Speaker, I am firmly of the view, having spoken personally with the top cruise executives globally, and local agents, that we have done as much as we can do to attract cruise liners. Indeed, calls for this year as at today's date are scheduled to increase to 180, with passengers numbers also anticipated to rise to 294,752 – that is to say, Mr Speaker, in real terms this year, 10,000 more passengers.

Once again this year, I have held meetings with senior cruise executives in the UK and Miami along with senior officials. This demonstrates the consistency that this Government has shown in promoting Gibraltar's assets as a cruise destination.

1150 Although the cruise lines are not yet in a position to move forward on the issue of cruise turnarounds, for their own commercial and itinerary reasons, we continue to pursue this opportunity and have once again pressed the case as hard as possible with three UK cruise companies earlier this month.

1155 As I announced last year, Azamara Club Cruises, through their agents in Gibraltar, M H Bland, have once again held an AzAmazing evening in Gibraltar on 31st May. This has been as a direct result of the success of last year's visits and is also a testament to all those involved in the organisation of these events, both in the public and private sectors. I am delighted that another event is scheduled for 5th September.

In addition, Saga cruises also held what they entitled as an Enchanting Evening at St Michael's Cave on 26th April, where passengers enjoyed a concert by the band of the Royal Gibraltar Regiment.

1160 Mr Speaker, I am sure that the whole House was delighted to learn in February of this year that Royal Caribbean International announced that its newest ship, Anthem of the Seas, will call at Gibraltar seven times in 2015 during its inaugural season. As I said in public at the time of this announcement, this sends out a very strong signal indeed that Gibraltar is a serious and committed player in this industry.

1165 So as not to stand still in the passing of pro-cruise legislation, this year we also announced changes to the Port Rules that regulate the discounts on passenger dues for cruise ships calling at Gibraltar. The amendment allows 'repositioning' calls from the Mediterranean to the Caribbean or vice-versa to benefit from a 100% markdown on passenger dues. There will also be further reductions applied, depending on the number of passengers on board the individual cruise ships, calculated cumulatively in respect of vessels belonging to a particular maritime line.

1170 Mr Speaker, another initiative we have taken this year, after detailed consultation with all relevant stakeholders individually and via the UK GTA, is the amendment to the Marriages Act, which I am pleased to note was passed unanimously by this House.

1175 One of the main provisions is that under the new legislation a passenger ship's master is now allowed to conduct wedding ceremonies on board Gibraltar's registered passenger ships under a special licence. This will provide an added bonus to this industry as a whole and, it is hoped, will act as a further incentive for ship owners to re-register their vessels under the Gibraltar flag.

Another of the changes in the new law is that couples married under special licence are required to spend at least one night in Gibraltar, either before or after the ceremony therefore creating more opportunities for the local hospitality industry within the market. There is the added flexibility that the visiting couple can spend the relevant night as the guest of a Gibraltar resident, rather than in a hotel.

1180 As I said in my press statement on this matter, this is yet another example of the Government's commitment to promote the Rock as a tourism destination and to be innovative in its approach to developing the activities of the Gibraltar Ship Registry.

1185 We also continue to participate in those events and organisations that help to promote Gibraltar as a port of call to the cruise lines. Gibraltar, Mr Speaker, is highly respected at Medcruise and within Seatrade, where we are often applauded for taking pro-cruise industry initiatives and for being very active in some of the ways I have just highlighted.

The feedback I receive at all meetings and events is that Gibraltar is good to the cruise industry and that it is a pleasure to see how a community welcomes cruise passengers wholeheartedly.

1190 The dedication of the GTB, the shore excursion agents, the shipping agents and all those involved in the industry undoubtedly shows the proactive stance that Gibraltar has in relation to tourism and reflects the dynamism and energy that we as a Government have brought to this sphere, so far, in our term of office.

1195 Mr Speaker, in respect of tourist sites receipts, the House ought to remember that the Hon. Leader of the Opposition noted that this head was down by 5%. It also pleases me to say that notwithstanding the very best efforts of Señores Margallo and Rajoy, tourist sites receipts are down only by 1.61% (*Banging on desks*) which reflects the sheer resilience of the economy.

Further still, in news that will hearten all Gibraltarians, overall global tourist receipts, even when including coach park receipts, is down only by 1.6%. (*Banging on desks*)

1200 Mr Speaker, let me tell those who would wish us harm from our own Parliament that it will take much more to strangle or kill our innate resilience, our love of our country and our entrepreneurial spirits than their disproportionate, unlawful and inhumane actions have tried to undertake. (*Banging on desks*) It is also a veritable testament to the unstinting professionalism, sheer hard work and undiminished dedication of the GTB and the private sector that these results speak for themselves.

1205 Mr Speaker, no-one can deny that the Government has invested in tourism in an unprecedented manner. The improvements in the first full financial year were there for all to see and have continued this last financial year. As a result, it will come as no surprise to Gibraltar – but it will nonetheless not deprive me of any pleasure in so announcing – that once again, for the third consecutive financial year, the Government will pledge an additional £1 million to continue to improve the existing tourist product. (*Banging on desks*)

1210 Mr Speaker, over three financial years this Government will have spent just over £3 million in improvements to the visitor attractions. In the six financial years previous to this Government coming into office, the GSD spent just over £1 million. Therefore we have invested 191% more in just three years than the previous administration did in six years – evidence, without any shadow of a doubt, of this Government’s pledge to invest in the tourist product for the benefit of all.

1215 Works on the second phase of improvements at the Great Siege Tunnels have been completed. A highlight has been the opening of the Holyland Tunnel, which affords marvellous views of the east side of Gibraltar. Extra mannequins have been installed and existing ones re-conditioned. The ticket office at the Great Siege Tunnels has also been refurbished. The viewing platform outside the Tunnels has also been reinforced for safety reasons.

1220 At the 100 Ton Gun improvements include new fencing, a new staff room and a new entrance that provides greater accessibility to the attraction. At Jews’ Gate the resurfacing of the viewing platform, which was started last year, has been completed along with the second phase of the replacement of the railings. At St Michael’s Cave we have introduced new sound and light equipment, completed the second phase of the replacement of the hand railings and installed stair lighting. These improvements have enhanced the cave for all to enjoy and has had a remarkable effect on the tourist experience in one of our most visited sites.

1225 The GTB took over the running of the World War Two tunnels attraction last year and one of the first priorities was the complete refurbishment of this site. Other improvements are planned for this attraction.

New signs have been installed within the Upper Rock area for those walking to and from the Nature Reserve and are now in the process of looking at additional signs within the Nature Reserve.

1230 My aim, Mr Speaker, and the aim of the Government, is not just to enrich our existing attractions to reflect our steadfast commitment to the tourism product, important as that is, but also to restore a sense of ownership and of pride in the intrinsic wonders contained in our touristic pockets of excellence.

These are some of our national treasures and we must, all of us, preserve them. At the same time, as a Government we also believe it is our duty to provide the best possible conditions to our employees, which we are achieving in attending to well and very long overdue refurbishments to staff facilities all over the Upper Rock – a win for tourists, a win for us Gibraltarians and a win for our staff.

1235 Turning to beaches, last year I announced further improvements to our beach and bathing facilities. This year the list of initiatives increases to include: the provision of a lifeguard weekend service as from 12th April, with a full lifeguard service as from 7th June; the beach facilities, including showers, have been available on weekends as from 12th April and daily as from 1st May; new beach umbrella stores have been provided at Camp Bay and Eastern Beach; the complete refurbishment of the swimming pools at both
1240 Camp Bay and Little Bay, including a new chlorination and filtration system – the pool at Camp Bay includes a new accessible ramp; waterparks have been installed at all the beaches – I confess that I have not tried these myself, but I am assured by numerous families that they are excellent fun and a very welcome addition and I do promise to try one of them very soon, and I ask the hon. Gentleman perhaps to accompany me as Shadow Minister for Tourism! (*Interjections and laughter*) I will let him choose his own bathing
1245 wear; new walkways have been provided at Eastern Beach, Catalan Bay and Western Beach – the new material avoids imbalances in the surface and is more durable; the toilets, showers and changing facilities at Sandy Bay have been refurbished; the lifeguard post at Western Beach has been relocated; a new lifeguard

boat store has been provided at Western Beach; and new marine grade stainless steel steps have been installed at Camp Bay.

1250 Mr Speaker, once again, I repeat that no-one can, in any seriousness, doubt this Government's commitment to invest in projects that will be thoroughly enjoyed by the entire community and also by tourists.

1255 Sandy Bay, I think, deserves special mention. Mr Speaker, as detailed in a press conference last week, major coastal protection and regeneration works have transformed Sandy Bay from a pitiful state into a sensational beach, laid and enlarged with 50,000 tons of sand imported from Morocco.

Two curved groynes and a frontal breakwater have also been constructed to protect the beach from the full erosional impact of wave action and trap shifting sand. The project has been extended to include a submerged breakwater connecting the ends of both groynes.

1260 As I said recently, the achievement of an enlarged Sandy Bay, where there is now a permanent solution to protect the beach from disappearing, is an engineering feat in its own right. Our beach culture is vibrant and we are thrilled at the prospect of returning it to its former and magnificent glory.

I must, Mr Speaker, congratulate the Technical Services Department and all involved in this project for their efforts. (*Banging on desks*)

1265 Mr Speaker, perhaps here a brief parenthesis to just say that at a time when everyone is applauding the great strides made in the regeneration of Sandy Bay, some Members opposite thought to ask us whether there were spiders. I mean I wish there were arachnids that would turn me into Spiderman. Alas, there are no arachnids or other insects at the beach, (*Laughter*) but a magnificent beach instead.

1270 As the House will also be aware, the Gibraltar Bus Company also commenced a summer shuttle service last June to provide accessibility for the beach users of Sandy Bay. Once again, Mr Speaker, I take great delight in being able to announce more and more improvements to enhance what is a treasured Gibraltarian tradition and another important aspect of our tourism product.

1275 As I announced last year, WiFi hotspots have been installed at the following places: the Gibraltar Cruise Terminal; Queensway Quay; John Mackintosh Square; Casemates; the Frontier; St Michael's Cave; 100-ton Gun Exhibition; the Great Siege Tunnels; Moorish Castle; Europa Point; Gibraltar Museum; the Garrison Library; Eastern Beach; Catalan Bay; Camp Bay; Little Bay; Western Beach; New Coach Terminus facility; and Apes' Den.

The installation of the hot spot at Sandy Bay should be operational this month. Installations at Ocean Village started during the week of the 9th June. Limited coverage should be in place by 11th July with further access points added to cover black spots as from the following week. (*Interjection*)

1280 As I outlined last year, the Government has contracted with Gibtelecom for free access to a number of local websites at each location. Access to more general websites outside this 'walled garden' would be directed to Gibraltar's WiFi payment portal, where users would be charged online by the company at their standard WiFi rates.

1285 Mr Speaker, the first Gibunco Gibraltar International Literary Festival was held last October. It is my opinion, based on the numerous comments my team and I received from participating authors and attendees alike, that the event proved to be a tremendous success, with both speakers and audiences enjoying a literary feast for the senses.

1290 Further, this festival, certainly for us on this side of the House, is one of the many successful events that this Government has introduced with a view to encouraging event-led tourism, such as the jazz festival and the music festival.

One distinguished speaker, Booker Prize-winning author and poet Ben Okri, described the Festival as 'a triumph'. Not only did the festival attract some of the top writers in their respective fields, but it also provided national coverage in the UK media by showcasing a different aspect of Gibraltar.

1295 Following on the success of last year's event, I am delighted to say I am very much looking forward to the second edition of the festival, which will take place from 14th to 16th November. I recently launched the festival and revealed the names of some of the distinguished writers who will be participating in this year's event. I have no doubt that this year's festival will be just as good, if not better, than last year's; and I believe it will continue to develop on its success for many years to come.

1300 The United Kingdom Gibraltar Tourism Association (UKGTA) and the team at Gibraltar House in London continue to bring together all the tourism partners at their quarterly meetings. The Association has recently expanded to include the cruise companies based in the UK. This is certainly, Mr Speaker, an important development.

1305 Attendance is strong and the information exchanged in this forum is critical in the communication process between the GTB and the local and UK industry. It is a good opportunity to review the results of our deliberations, as follows: in August of 2013 Classic Collection holidays, one of the members of the UKGTA, announced for last summer to be up 21% on the previous year; in September of last year, and for the second time, Superbreak Holidays of the UK announced an increase of 300% year on year on bookings to Gibraltar; in March of this year another tour operator was added to the growing list of those featuring

1310 Gibraltar in the UK – as my Hon. Learned Friend, the Minister for Equalities, Samantha Sacramento, noted in her speech, Enable Holidays, which specialises in organising tailor made vacations to meet the specific travel and accommodation needs of persons with disabilities, included Gibraltar in its latest online business brochure; Cosmos Holidays, part of the Monarch Airlines group, also started selling holidays earlier this year to Gibraltar.

1315 Mr Speaker, it is evident once again that the GTB’s constant support and dialogue with these companies has yielded tangible results. We will continue our steady approach to this so that the local tourism, hospitality, leisure and retail industry has no doubt that it is this Government that is delivering the results they expect from a vibrant touristic approach.

1320 It is undoubtedly our concerted approach to joint marketing campaigns and the GTB’s direct marketing efforts in the UK and in other markets, that have been yielding results in our overnight tourism sector, as reflected in the hotel occupancy survey. It is precisely this sector where more growth is encouraged. Overnight visitors contribute greatly to the economy and deliver an always welcome revenue stream to all those involved in the leisure, retail, tourism and hospitality industries.

1325 Mr Speaker, before I conclude, I must thank all of my staff at my Ministry, the Gibraltar Tourist Board, the Gibraltar Maritime Administration, the Department of Consumer Affairs, the Gibraltar Port Authority, the Gibraltar Bus Company and the Business Support Unit for maintaining the, I must say at times, unforgiving rhythm of work they have come to expect from me and for their unstinting support in delivering this Government’s exciting programme. It has meant a lot of work.

1330 It is true to say, Mr Speaker, that it would simply not be possible for me or for any of the Members on this side of the House to have been able to stand in this House to make so many announcements or to report on the completion of so many projects without them. I owe them – all of them – therefore, a very big gratitude and I wish to do so from this House. And, of course, I take the opportunity to thank Mr Speaker, and the kind, patient and excellent assistance of your staff – namely, Frances, Stephen and Kevin.

1335 Mr Speaker, on this occasion I take the opportunity to add my gratitude to the former Clerk of the House Mr Farrell, who in my opinion was a formidable, always professional and also a kind public servant and, of course, to wish Mr Farrell’s successor, (*Banging on desks*) Mr Paul Martinez all the very best in his new post, which I know he relishes. I look forward to our future collaborations.

To conclude therefore, Mr Speaker, all objective commentators must agree that the Government has, in all of the areas of which I am responsible in this House, done as much as can possibly be done and acted always with the best interests of all of the entire community at heart.

1340 Along with the rest of my Cabinet colleagues, I look forward to this new financial year and on working every day to improve on the results of the year before and to work tirelessly every day for our entire community. (*Banging on desks*)

1345 **Mr Speaker:** The Hon. Mr Selwyn Figueras. (*Banging on desks*)

Hon. S M Figueras: Mr Speaker, I have the honour and privilege to rise to address this House on the Appropriation Bill for the third time, and will be dealing with the following areas of responsibility: justice, planning, transport and traffic. I am looking forward to an uninterrupted delivery, Mr Speaker, (*Laughter*) if all hon. Members agree. (*Laughter*)

1350 Let me first thank the Hon. the Deputy Chief Minister for agreeing to rejig the order of speeches as a result of which I will be speaking in reply to the Government’s addresses on planning, justice and transport leaving only traffic to come after me. I remain unsighted in that regard and I am wary of the possibility that there is likely to be announcements on findings or initiatives stemming from the sustainable Traffic and Transport Management Plan which may be significant and that I will not have the opportunity to address in this debate. (*Interjections*)

1355 I deal first with justice, Mr Speaker. In the first place, I would like to associate myself with the comments of the Hon. the Minister for Justice in relation to Justice Barrington Black and Justice Jack. It is almost as if he did that on purpose to confuse the House, Mr Speaker.

1360 I thank the Hon. Minister for his contribution in respect of that particular portfolio and take this opportunity to acknowledge that, despite their being clear blue water between Members on either side of this House in relation to a number of issues, I can happily say that my dealings with the hon. Member have been nothing but courteous, focused on the issues, and generally positive. I am grateful to the hon. Member for affording me that courtesy.

1365 It has been also a pleasure to work opposite him in relation to the various bits of legislation that we have worked on and developments in relation to the Justice portfolios are many and varied. Many, if not most, of which are welcome equally on both sides of the House.

The hon. Member will recall the exchange earlier this year in relation to prison occupancy figures as well as my acknowledgement and congratulations in relation to the very positive developments those represented.

1370 The passing in this House of the Companies Insolvency Act recently is another accomplishment worthy of congratulations.

I am particularly pleased to note the announcement this afternoon by the Hon. Minister in relation to the Proceeds of Crime Legislation – an issue that I had certainly dealt with on a number of occasions in the past, not least last year during the Budget speech where it was received rather interestingly by the Government Members.

1375 I am also happy to learn of the Communications and Data Surveillance Legislation that the Minister has announced. I think it will not have escaped any of the Members here that the threat of terrorism is ever present, particularly in the context of recent developments in Iraq and the news that many British men are now participating in the aggression in Iraq and the threat that that itself represents in terms of their brutalisation and return to the UK. So again I welcome that.

1380 Although there are many areas of common ground between us, Mr Speaker, there is one issue in respect of which we do not seem to agree and one which I move on to deal with.

The GSLP Liberal manifesto contains a commitment to increase the limits of qualification for legal aid and assistance and to explore other mechanisms to ensure citizens have appropriate legal representation when they need it. It goes on to say, and I quote:

‘Although there is a draft Bill already, these have not been increased for many years and a lot of people who should be eligible and need legal aid or assistance are not getting the cover.’

The long and the short of it, Mr Speaker, is that they have failed to deliver this commitment so far and instead made changes to our legislation which have effectively handed the benefit of gold-plated legal assistance to a handful independents in one high profile place, ignoring the plight of all the rest of, as he said it, a lot of people who should be eligible and need legal aid or assistance but who are not getting the cover.

1390 It is not like we have not made an issue of this either, Mr Speaker. The Hon. the Leader of the Opposition, when he shadowed this portfolio raised the issue in questions to the Minister in February 2012, generally about the reform, that the Government was contemplating and, specifically following the publication of the Legal Aid Amendment Rules in June 2012, the Minister confirmed that it would affect just that handful of defendants in cases caught within the definition of exceptionally complex cases involving fraud.

1400 In the Budget debate that year, the Hon. Mrs I M Ellul-Hammond alluded to the plight of single parents in saying that, and I quote:

‘Despite my hon. Friend, Mr Feetham, having prepared Legal Aid reform legislation, waiting to be implemented, it is shocking that this Government has only published new rules to expand Legal Aid that enables defendants, accused of complex fraud crimes, to hire expensive specialist lawyers at public expense. No thought has gone into, or takes into account, the plight of single parents, mainly women, who are not entitled to Legal Aid if they own the family home or a car. This blanket rule penalises lone parents struggling with mortgage payments, and with paying legal fees in order to pursue erring partners in their duty of care as a parent.’

The Hon. the Leader of the Opposition, as Shadow Minister for Justice in 2012, also alluded to it.

‘Finally, on justice...’

1405 – and I quote –

‘... in relation to Legal Aid, we simply do not agree with the recent legislative changes made by the Government which help a handful of defendants in one fraud case.’

The Hon. Minister for Justice conceded indeed in answer to a question I posed barely two months ago, and this is still within the quote,

1410 ‘... that there were also non-fraud cases which are exceptionally difficult and complex. In the premises, the logic for extending the recent Legal Aid rules to exceptionally difficult and complex non-fraud cases is, in my respectful view, unanswerable.’

1415 He went on to say or ask:

‘Why the Government has chosen to assist a handful of defendants in a fraud case, only they know, but it is certainly not the right and it is certainly not the fair thing for them to do. We urge the Government to therefore do the right thing and extend those rules.’

1420 In answers to questions, the Hon. the Minister said that they were not going to reform legal aid in a piecemeal fashion; but, with respect, that is in fact exactly what they did. Their failure to bring legal aid reform to this House is all the more mystifying given that they have indeed managed to conduct consultation, draft, publish and pass legislation in relation to many other areas and yet somehow have so far managed to avoid bringing the Bill for legal aid reform to this House.

They managed to stretch to issuing Amended Legal Aid Rules, effectively granting one group of defendants in one case in the jurisdiction unlimited legal aid.

1425 So, Mr Speaker, they managed to bring, amongst other initiatives, the Smoke Free Environment Act, the Civil Partnership Act and the new Companies Insolvency Acts – I mean no mean feat – but they have not managed to bring before this House a Bill for legal aid reform.

1430 The Hon. Minister inherited draft legislation which had been prepared in consultation with the industry and made to that draft Bill such changes that circumstances or policy dictated today. What it cannot do, with respect, Mr Speaker, is to take the better part of three years in Government, reviewing and considering draft legislation – one which the Hon. Mr Licudi told us he had in February 2012 – sit on it and fail to bring changes to the system which are needed in this community. (**A Member:** Absolutely.)

1435 Now, Mr Speaker, in relation to this, the Hon. the Chief Minister will likely say in his reply that it is the height of hypocrisy that we should be demanding such reform after only three years of their Government when the party I form part of was in Government for 16 years and in particular the Leader of the Opposition was the Justice Minister for the last four.

1440 Mr Speaker, the fact is that the draft legislation was at an advanced stage of readiness and would already be law had we been returned to office in 2015. What the Chief Minister will likely do is to accept that they have taken too long in this already but say that that is okay because the GSD never did it in 16 years, Mr Speaker. As is his style, he will validate his acts or omissions by reference to the omissions he claims himself to deplore.

1445 What he will be saying, Mr Speaker, is that they will continue to take their jolly time until such time when circumstances, whatever those may be, permit them to bring the Legal Aid Reform Bill to this House even if it means that many in this community continue to suffer the unfairness of being unable to challenge estranged partners who refuse to allow them to have contact with their own children simply because they have a job which helps them to get by but which excludes them from getting legal assistance. (**Several Members:** Hear, hear.) (*Banging on desks*)

1450 This issue, Mr Speaker, has been brought to the fore – How very melodical of the Chief Minister! The issue has been brought to the fore not just because general reform is long overdue, but because this Government's amendment of the Rules to, effectively, benefit defendants in just one case – (*Interjection*) yes, *one case* – ignoring all other possibilities for reform which they could have introduced, simply brought the spotlight to shine brightly on the Government's lack of general action in this respect.

1455 They have taken one area of legal aid and made a single change by regulations which has been for the benefit of exceptionally complex cases involving fraud – a euphemism, Mr Speaker, for one case; just the one case. (**A Member:** Absolutely.) They have made one change to a regime that requires, by their own admission, wholesale reform. Well, why, Mr Speaker? Why? Why haven't they extended this to exceptionally difficult cases not involving fraud? Cases which the Minister himself has accepted in this House do exist.

1460 In fact, in a reply to a supplementary question asked by the Hon. and Learned Sir Peter Caruana back in October 2012 as to whether they were going to extend this legal aid benefit to complex cases not involving fraud, the Hon. Minister insisted that his answer was – rather unhelpfully I think you will find – and I quote:

'No, we will do it, because we are considering Legal Aid and Legal Assistance reform generally so we will do it at that time.'

1465 That, Mr Speaker, is rather a confusing position to adopt. What is it that they are going to be doing? Are they going to extend the benefit or are they merely going to consider it?

I take the opportunity to ask the Minister once more: will this Government be extending the benefit of the Legal Aid Amendment Rules of 2012 to exceptionally complex cases not involving fraud? And if they are not, why not?

1470 Last year, Mr Speaker, the Hon. the Chief Minister criticised me for not focusing on figures but, with your indulgence, I will regale him with just a handful.

1475 The spending by this community on legal aid and assistance in the following financial years was as follows: in 2010-2011, £623,202; in the financial year 2011-2012 the spending was £1,049,863; 2012-2013, the financial year after the change to the Rules, £2,210,557; in the last financial year, Mr Speaker, the one that we are here to debate, the expenditure has been £2,659,000 –

Hon. D A Feetham: The goose that laid the golden egg.

1480 **Hon. S M Figueras:** I suspect, Mr Speaker, that the staggering amount of £2.7 million in forecast
 1485 outturn this year will probably turn out to be significantly more. The estimate for next year is £1.6 million. I
 wonder whether, given the circumstances of the near conclusion of the case in point, we will see a
 significant reduction in the costs to the taxpayer of this one change of Rules to cover one group of
 defendants. How many custody or access hearings could be paid for with £2.7 million? (**Severall Members:**
 Hear, hear.) (*Banging on desks*)

1485 I now turn to planning, Mr Speaker, I am grateful to the Hon. the Deputy Chief Minister for his address
 in respect of this area of responsibility. Now, the Opposition benches are often lambasted for the delivery of
 set piece debates which do not respond to the speeches delivered by the Ministers, usually before the
 Opposition Members replies. That is not the case today at least in respect of one of my portfolios.

1490 Imagine my delight, Mr Speaker, when upon hearing the Hon. the Deputy Chief Minister's intervention
 I found I would have to change nothing about this part of my speech for the simple reason that the Minister
 had treated us almost literally to a reread of last year's speech. I was able then to print a copy of the
 Minister's speech yesterday, which I found in the *Hansard* from last year to confirm that as a matter of fact
 little seems to have happened beyond this point last year which was worthy of note, except of course for
 more meetings of the DPC and applications, which the Minister reviewed in his figures.

1495 But the spending spree continues, Mr. Speaker. The Planning Department's expenditure for the year
 2012-2013 was a little over £800,000 and the estimate for the last year was just a little over £1 million. The
 fact is that they have spent over £1.5 million. '*Y no habia dinero*'. There was no money. (*Interjections and*
banging on desks) I shudder to think what the hon. the father of the House makes of the profligacy of the
 many Government Ministers –

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A Member: That is why he is not here.

Hon. S M Figueras: – spending like there is no tomorrow.

1505 Mr Speaker, I acknowledge that two and a half years in and from the beginning of their term of office
 the GSLP Liberals have indeed opened up (*Laughter*) the planning. (*Laughter and banging on desks*) I hope
 the hon. the father of the House has had the opportunity to hear that last comment.

Mr Speaker, as I was saying, I do acknowledge that two and a half years in and from the beginning of
 their term of office the GSLP Liberals have indeed opened up the planning process locally in a manner
 which we did not contemplate in the GSD's manifesto in 2011.

1510 The GSD believed furtively then, as it does today, in the value of a planning process such like it was
 created by the GSD during their term of office, which allowed objectors to file their objections to projects
 for consideration by the DPC in closed meetings.

Some will recall the demolition of the North Gate of the Dockyard under the cover of a long weekend
 by the previous GSLP administration as an example of how things had been done until 1996.

1515 The development of the process by the Government now includes the expansion of the DPC's
 membership and the opening of meetings to public. It now publishes minutes of these meetings, although
 there is still some delay in relation to their publication, which is something that I have raised in the House
 in the past. And the Government runs projects by the DPC for guidance and advice but nothing more.

1520 This policy, Mr Speaker, has been somewhat hit and miss. It was the Hon. the Speaker's predecessor
 who presided over the exchange relating to the fiasco with the Grand Battery demolition... which
 demolition project went before the DPC *after* the wall had been demolished.

A similar and convenient circumvention of Rules, which after all do not yet apply to the Government,
 was also the Order of the Day in relation to and the presentation of Charles Bruzon House to a meeting of
 the DPC.

1525 The Deputy the Chief Minister also cited in his speech this morning two projects in his address as
 examples of the success of this policy – the Sunborn and the refurbishment of the housing estates. Well, all
 they do is prove that they paid lip service to the DPC and its concerns in relation to the Sunborn but that
 ultimately that project was completed as it was always going to be. The done deal, Mr Speaker. (**A**
Member: Hear, hear.) As far as the housing estates are concerned, (*Banging on desks*) the Government
 1530 wants to rewrite history, much like the Hon. the Chief Minister tried to do yesterday with the GSD's legacy,
 but to no effect.

What the Government now calls the start of the public consultation in relation to Laguna, Glacis and
 Moorish Castle Estates was actually a press release, Mr Speaker, number 455 of 2012, announcing a major
 refurbishment of housing estates. A statement that set out as another done deal that, and I quote:

1535

'There will be an additional residential floor added to above each of the buildings in the three housing estates.'

It went on, Mr Speaker.

‘This means that the roof problems being experienced by many of these buildings will finally be tackled once and for all.’

Well, that went well, didn't it, Mr Speaker?

1540 The Deputy Chief Minister went on to confirm in that statement that the Cabinet had given the green light to the proposals and that he was very pleased that they were moving forward. No mention of public consultation, Mr Speaker – none – just a reference to the fact that they were putting the project before the Commission, not to public consultation.

1545 What they then had to do was to backtrack – not for the last time – when the volume of resistance from the tenants associations and in the social media grew too loud to bear; at which point they succumbed to the populist approach to any resistance; and this, Mr Speaker, notwithstanding the fact that they must have, when they announced the projects, been of the agreed view that their plans were going to deal with a specific need in the community or at the very least seemed like a good idea at the time on which they will have had the benefit of input from the Government's own advisors.

1550 I suppose the taxpayer should now be grateful for the near half a million pounds being spent on social media monitoring, Mr Speaker. (*Laughter*) Government by social media. It is like a direct line to Convent Place (*Laughter*) There is no need to write in; there is no need to have a meeting with anyone in Government. I mean sometimes, I will be perfectly honest, I recommend to constituents who come and see me with a particular issue or stop me down the street not to raise it in this place because the last thing I want it to become is a party political thing, which happens very easily and it just has the result of it being side-lined. My advice often these days is put it on Speak Freely or whatever Facebook discussion/ribbing forum you prefer. (*Interjections*) The effects are sometimes immediate, Mr Speaker, but what a terribly dangerous thing that really is.

1560 Returning to planning, their signature manifesto commitment in this area, i.e. subjecting Government projects to DPC approval, not just for opinion and guidance, one of the many on the list which could have been made a reality with the stroke of a pen remains elusive. Why is that, Mr Speaker? Simply because they could not run the risk of coming up against refusal of the DPC in respect of any of their many projects.

1565 They say that they will make such projects subject to approval within this term of office and as part of the overhaul of the town planning legislation. We say that the delivery of that manifesto commitment has been conveniently and quite cynically tied up with the other developments in town planning practice and legislation to allow them the excuse and, more importantly, the time to get cracking on with the projects.

1570 Their wish to retain control over the biggest projects – projects with a community-wide impact – is evident in the application by the GFA – technically not a Government of Gibraltar project – in relation to the Europa Point Stadium. Presented to the community at large as another done deal, the Government quickly moved to quell any unrest within the DPC about the impact on Europa Point by stressing that Europa Point is the only plot of land the Government will give the GFA. End of discussion.

1575 Incidentally, Mr Speaker, I have to say that my jaw almost fell through the floor when I read GOHNS' statement in the context of the Europa Point Stadium suggesting that they were okay with the idea of this gigantic project, (*Laughter*) alright with the impact it was going to have on the area, yet clearly forgetting the issue that they had had with some random shrubbery back in 2011 when the previous administration sought to beautify the area and the Hon. Dr Cortes, Minister for the Environment, who is unfortunately not in the Chamber this afternoon, headed the society.

1580 The Europa Point Stadium project might as well be a Government one because, for all the openness of the discussions about it and the televised meetings – interesting though they were – the Government is saying it will only essentially allow the building of the Stadium at that site and the DPC will probably, on that basis, find itself with no choice but to allow the project to go ahead. To do otherwise could be, given the Government's stance, to say no to a Cat 4 Stadium in Gibraltar.

1585 But, Mr Speaker, frankly, if it is the Hon. the Chief Minister's view that the Stadium should be built at Europa Point then he is entitled to that view, as he should be entitled in our view to steer and sometimes even direct that projects should happen in a particular way or in a particular place. That is as much his right as it is his obligation as the political leader of this community.

1590 The Chief Minister, however, wants to be able to have it both ways. He appoints the Town Planner as the Chairman of the DPC but his own projects are not subject to his and the DPC's approval. He relinquishes control over most applications but keeps it over the most important projects until he is done starting them. He is at once the generous leader but '*cuando conviene*', when it is convenient, Mr Speaker, he can push a project through quickly, as was the case with Charles Bruzon House; and although it is not strictly a Government project, as I am sure he also hopes will be the case with the Europa Point Stadium.

Another of the policies of this Government is that the Town Planner should chair the DPC. The Town Planner is therefore charged with the responsibility of making decisions which, although well qualified to

1595 make he or she, Mr Speaker – because this is not about the person of the Town Planner, whoever that may be from time to time, it is about the office of the Town Planner itself... the office of the Town Planner is not politically accountable for making those decisions.

1600 An example of the difficulty this raises is found in a planning application for 2,000 square metres of office space which was rejected back in 2012 on the basis that a member of the Commission had taken issue with the idea of demolition in principle. Notwithstanding the conversation that was held highlighting that the building that would replace the demolished one would be built for purpose and that the building to be demolished was of little, if any, heritage value. The project was refused on the basis of an in-principle problem with demolition generally.

1605 It is not to say, Mr Speaker, that had the Town Planner not been the Chairman that the project would have been given the green light, but it would have been down to a political decision taking into account the needs of the community, the impact of the project and the very urgent need for office space.

We would certainly, as was GSD policy in 2011, continue to publish minutes of the meetings of the DPC. We would further, as previewed by our statement on enhanced democracy last week, seek to involve the Opposition in the DPC as well.

1610 Our policy in respect of leadership of the Commission, however, remains firmly that of returning chairmanship of the Commission to the Minister with, from time to time, responsibility for planning. The GSD's policy in relation to the issue of Government projects requiring approval of the DPC also remains that Government projects should not be made subject to the approval of the DPC, though we will, as a GSD Government did at the time, take the opinion and the advice from the DPC as this Government does now.

1615 There can be no denying, however, Mr Speaker – and hon. Members will want to pay attention – that certain changes to the planning process in Gibraltar have been welcomed by the public; in particular, the public meetings of the DPC. On that basis, this Party would not seek to turn the clocks back in this respect and would, in recognition of a new expectation in relation to the public holding of meetings of the DPC, continue with this policy when returned to office in 2015; because you see we are not in politics to rule supreme or to leave only our mark on this community in the same way as we would not, if returned to office, take to Commonwealth Park with a bulldozer and some tarmac as our first act of Government. (Laughter) For the sake of tearing down any GSLP legacy projects, we will continue to hold meetings of the DPC in public.

1625 The Chief Minister and the Minister for the Environment should rest assured there really is no need for a Commonwealth Park Act, as they have proposed. They may be imputing to Members on this side of the House their own bad faith but I can assure them that the gimmick that is the proposed Commonwealth Park Legislation is as necessary as it will be effective in the long run.

1630 Although I do not shadow Environment any more, Mr Speaker – my hon. Friend, the Hon. J J Netto, doing such sterling work in this regard – I will deal with Commonwealth Park this morning in response to comments made by the Minister yesterday for a couple of reasons, (Laughter) mainly because I shadowed the Minister's portfolio for a while and, secondly, because this is a good opportunity to correct some of the misrepresentations which the Minister has made about the GSD's position in relation to the park.

1635 Mr Speaker, for the record and hopefully for the last time, the GSD does not take and never has taken issue with the idea or concept of the park itself. In fact, it looks very nice. I will be perfectly honest – I have no issue accepting that. That is not the point. Members opposite have always misrepresented this, probably because they cannot fathom the possibility of the GSD not knocking a project *per se* or because they prefer to do what they can to ensure that the electorate is unable to make up the nuance of our issues with the park.

1640 You see the point is, Mr Speaker, that we have only ever taken and continue to take issue with the fact that they were and continue to be dishonest with the electorate. '*Y no habia dinero,*' there was no money. (A Member: Exactly) There was nothing left in the kitty and yet, despite their own play on how many important social and infrastructural issues had been ignored for as long as they claimed and the Chief Minister's own address to the Nation citing the doomsday memo, nothing got in the way of commencement of works on the park. A vanity project if ever there was one. One thing I have to say, and have said already, is it looks very good and I will visit soon on one of my many walks with my family because I actually enjoy walking.

1645 Which brings me on to another point: I may not be an environmentalist, Mr Speaker, but I do enjoy a casual and leisurely walk or cycle ride either here or across the way in Spain. I get around on my bicycle or, when it gets a little too warm, on my moped – so not in my car. So although I am not an environmentalist, Mr Speaker, and I would never want to be considered one either. It may be that other Members present and members of the public will be pleasantly surprised and do well and probably feel a whole lot better for it for making just some of the decisions I make on a daily basis because, as I have discovered, the green way is often the fun and healthy way too.

1650 Returning to conclude what I want to say in relation to the park, however, Mr Speaker, there is no cynicism here, other than that on the Government benches. It was them who knew all along that they would not provide two floors of parking under the park and dealt with it (A Member: Hear, hear.) by just adding

1660 the proviso in (*Banging of desks*) relation to the geotechnical survey which they did not even carry out. They have since been manically playing around with a jigsaw that is Gibraltar to find space for, and I quote, 'double the number of car parking spaces as there had been in Commonwealth Parade'. Wherever a flat plot of land has appeared in the area, down has gone the tarmac and paint to create temporary car parking facilities. In fact, work seems to be starting on the Marriott, which will give rise to a new shortage which they will now have to re-provide somewhere else.

1665 And if by hounding, Mr Speaker, the Hon. the Minister for Environment means the questioning and holding to account of Ministers in this House, then he can rest assured that we will continue to hound him as he throws the taxpayers' money around as if it grows on trees, on parks and plants and trees and anything else he fancies on a given day.

1670 Finally, in relation to the park, Mr Speaker, and in reply to the Minister's comments yesterday, relating to his involvement with Wildlife Gibraltar Limited – and again I say it is unfortunate the Hon. Minister is not present but his team is adequately represented – I am grateful that he confirmed that we were only asking pertinent questions and that there had been no suggestion of impropriety. We have noted that he has never taken fees for directorship of the company.

Mr Speaker: May I intervene at this stage?

1675 **Hon. S M Figueras:** Yes, by all means.

Mr Speaker: I think it is pertinent if Members are going to go over that ground again, of the question of a Member having a personal financial interest or not, that I should direct the attention of Members to page 76 of Erskine May and I am going to quote what is written there:

1680 'Disclosure and registration of personal financial interest.'

Now, should there be a *lacuna* in the Rules and Standing Orders of this Parliament then of course we go by the Rules and Standing Orders for the House of Commons, as explained in Erskine May.

'The House has two distinct but related methods for the disclosure of the personal financial interests of its Members: registration of interests in a Register which is publicly available; and declaration of interest in the course of debate in the House and in other contexts.

The main purpose of the Register is to give public notification on a continuous basis of those financial interests held by Members which might be thought to influence their parliamentary conduct or actions.

The main purpose of declaration is to ensure that fellow Members of the House and the public are made aware at the appropriate time when a Member is participating in the proceedings of the House, of any past, present or expected future financial interest which might reasonably be thought to be relevant to those proceedings.'

1685 So I would ask the hon. Member to consider very, very carefully the provisions of Erskine May and then to reflect on whether he should continue to raise the matter. My view is that he should not.

1690 **Hon. S M Figueras:** Mr Speaker, I am grateful for the indication and for the Chair's assistance in reviewing the relevant parts of Erskine May. I was in fact going to say, before the hon. Chair assisted in the way that Mr Speaker did, that I was not actually going to revisit his direct interest in the company –

1695 **Mr Speaker:** But does the hon. Member realise that the proper thing would have been for the Hon. Minister at the appropriate stage in the proceedings of this House – in other words when the item came up – for him to have declared an interest, if he did have an interest in the matter. He did not have to do that a week ago; he did not have to do that at Question Time. The requirement in Erskine May is that he should so at the appropriate time in the proceedings so that Members and the public know where the position is.

Now, he is not involved here. He has spoken already. He is not involved. It might be appropriate for the hon. Member later in the proceedings, if there is an item of expenditure with reference to Commonwealth Park, to do so.

1700 **Hon. Sir P R Caruana:** Mr Speaker, I rise purely as a backbench parliamentarian and in making this I do so in the context of the implications of what Mr Speaker has said for Parliament. I want to make it very clear that I make absolutely no imputation in relation to the matter as it affects the Minister for the Environment or the facts relating to it.

1705 As Mr Speaker has just read out, Erskine May relates to conflicts in the parliamentary work. The award of a Government tender is not Parliamentary business; it is business by the Executive by the Government outside of Parliament and the Rules of Parliament do not apply to the conduct of Ministers, of their work as Members of the Government outside of Parliament. First point.

1710 Second point: I would urge Mr Speaker to consider a most unusual position – if the Opposition was unable to challenge the Government on potential conflicts of any Minister in relation to the work of the Government and the decisions of Ministers in relation to conflicts of interest not as parliamentarians but between their functions as Ministers and their private commercial interests.

1715 Now, I repeat – and I will every four sentences if necessary; we are all intelligent people and I do not think I need to – that this is nothing to do with Dr Cortes or the circumstances that have arisen about which I express no view. (*Interjection*) Yes, of course.

1720 **Chief Minister (Hon F R Picardo):** Mr Speaker, I recognise the way in which he is making the point, and I am not going to try and speak about that aspect of it, but there is one aspect of how this debate has arisen, which I think is relevant to what Mr Speaker is saying and the reason why Mr Speaker is saying it, which I think the hon. Gentleman does not realise, and thence why he is making these points with which I think we can all agree.

1725 It is that Mr Cortes had spoken about this issue and the award of the tender etc, and when the issue arose it was put to him that he had not... or he was asked about an interest; and the point that I made at the time – and I think it is the point that Mr Speaker is making now – is that, in speaking about the award of the tender, if he had had an interest... in other words, in speaking about it here in Parliament, if he had had an interest then the Rule required him to speak to that interest before he continued. That is how it has all grown and thence the reason why it is parliamentarily relevant.

1730 **Hon. Sir P R Caruana:** I am grateful –

Mr Speaker: May I also add that the Hon. Minister had of course discharged his obligation by informing the Clerk of the House with respect to the Register of Interest. He had acted correctly in that respect so that matter is... we have reached closure on that. But then the matter was raised of his interest... whether he had a continuing... during the course of Question Time. Okay?

1735 Now, he dealt with that matter, satisfactorily. He gave an explanation here in the House. I fail to see the need for the hon. Member, having regard to what Erskine May has to say, to revert back to it.

1740 **Hon. Sir P R Caruana:** Mr Speaker, if that is your ruling so be it. I am sure in the context of this debate no harm will be done to anybody by just moving on.

I repeat – and I am grateful to the Hon. the Chief Minister for the clarification that he has made – a distinction has got to be drawn between the purposes of the chapter from which Erskine May has been cited. Registration of Members' interests in the contexts of parliamentary business means that, if you ask questions on a matter in which you have a financial interest, you could be called to order, or worse now with the new regime in the UK, if you have not declared an interest in it and if, as a Member of the Government or perhaps even as a Member of the Opposition, if you move legislation, in other words, that is the parliamentary business to which I believe that material read from applies.

1745 Whether it is capable of being extended simply to participating in a debate... but I think in my own personal view – and of course it is for Mr Speaker to rule and not for me; I am just expressing a view as an outgoing parliamentarian – that it cannot mean that in a case in which the Opposition wished to raise... Now, whether debate is the right place to do it or whether you would bring a motion or whether you should ask questions, that is another issue about the appropriateness of the procedure.

1750 **Mr Speaker:** I think that in the context of what has happened, if the matter had not been raised during Question Time and the Minister had in fact had an interest, he would have been obliged during his speech on the estimates to have declared the interest. That would have been the appropriate stage in the proceedings of this meeting. (*Interjections*) That would have been the appropriate stage in the proceedings of this meeting for him to have declared an interest. The matter arose earlier during Question Time and he disposed of the matter.

1760 **Hon. Sir P R Caruana:** Mr Speaker, it is just that I was just going to speak to that question and your own contribution prevented me from finishing.

1765 The point that I am making is that you cannot, by declaration of an interest, sanitise an act of improper Government conflict of interest decision. It is a confusion of one thing with the other. The question of the declaration of interest in terms of the conduct of parliamentary works so that you can then go on to do it, despite your interest, is a wholly different issue to the situation that would prevail, if it were to arise – and I repeat I do not say it does in this case – if there were a genuine case of ministerial abuse of power, it would not be either an obstacle to the Opposition to raising it, nor would it sanitise it on the part of the Minister that he had declared his interest.

I think there is a confusion of two wholly different issues here and that is the only point I want to make.

1770 **Hon. Chief Minister:** Mr Speaker, if I might? I think the hon. Gentleman's distinction is absolutely appropriate and there is no challenge on the part of the Government, but you see he is speaking to an issue which did not arise and is not the context in which Mr Speaker is making the point.

There was never any ministerial conflict because there was never an interest which gave rise to the conflict and that I think has been accepted in the context of this debate.

1775 There was, it appeared, the outside of an allegation that the Minister had spoken in Parliament about something in respect of which he had an interest, without having declared the interest. And the Minister's point was to say, 'When I had the interest I declared it; when the interest changed I declared it. I did that before I spoke on the subject.' What Mr Speaker is saying now is, under Erskine May's Rules, therefore he had nothing to declare in the context of a parliamentary debate. Forget the issue of a ministerial decision because the issue did not arise. And for that reason I think Mr Speaker is absolutely right to bring to our attention that particular paragraph.

Hon. Sir P R Caruana: If I could just add one thing and again, if I were to make criticism of the factual situation affecting the Minister of the Environment it would not be financial corruption. I mean you do not have to go that far to have a view that it might have been better done differently. And this is a genuine parliamentary debate.

1785 I know that Dr Cortes and his family and his wife have had a long standing and very successful – if I might say so for Gibraltar – association with the Alameda Gardens and many other things, and I suppose it is an extraordinary coincidence that might only happen in a small place like Gibraltar, that such a person could end up being the Minister for the Environment with responsibility for the very same Alameda Garden and other things that he has been interested with.

1790 But it nevertheless does provide with a legitimate area for political discourse in which different people, without making any accusations of impropriety against Dr Cortes, might well have different views. For example one bit just comes to mind to me which I think cannot be excluded by any idea of registration of conflict of interest is: some people might ask themselves, well, how is the Minister going to supervise this agreement?

1800 I mean Dr Cortes is on one side of the agreement and a member of his close family is on the other side of that. I have no doubt that he would find a way of doing it. He will delegate it to an official and the official will no doubt have... but there are issues which are of *bona fide* political debate which do not touch on whether there has been impropriety, either in the award process or in the Hon. Dr Cortes' status as Minister or in the fact that his wife remains a shareholder or whoever is the shareholder – some member of his family.

1805 There are issues of genuine political discourse about whether both sides of the contract are not so closely related that it makes enforcement and administration of a contract – which may not be necessary because it might all be so efficiently done, that there is never any disputes... but if there were, how would they be resolved? I suppose the Government will put in place some sort of mechanism to ensure that and that presumably would be the Government's answer in any discussion on the subject.

1810 **Mr Speaker:** Erskine May of course then goes on, in the section on the Register of Members' Financial Interests. There is provision there for any financial interests of the spouse or partner or any close member of the family. That is also covered in Erskine May and I do believe – I have not seen the Register of our own Register until I made my own declaration at the appropriate time but I have a feeling – that there is also provision there. There must be provision there because I was a Chairman of the Select Committee at the time – nearly 40 years ago – and it was based of course on the Register of the House of Commons.

1815 **Hon. Chief Minister:** Can I just deal with the – ?

Hon. Sir P R Caruana: I beg your pardon, Chief Minister.

1820 Mr Speaker's last intervention suggests that either I have not made myself clear in the point that I am making or that he does not agree with me.

If my point has any merit, the question of the Register of Members' Interests is irrelevant to this matter, to the extent that the Register of Members Interests is relevant, that's my point –

1825 **Mr Speaker:** No, no it is not. I tell you why it is not. It is not because the Hon. Minister, in answering the question the other day, made a reference to it and that was surely uppermost in the mind of the Hon. Mr Selwyn Figueras. He knows that the Minister did so.

1830 **Hon. Chief Minister:** Mr Speaker, if I might just deal with... (*Interjections*) The hon. Gentleman has raised a point which goes beyond the debate that we are having, which is the issue of Ministerial conflict, which I think is the point that I take from him.

What Mr Cortes was saying in the context of the answer to that question – I think the hon. Member was not here at the time – was that he had not been involved in the award of the tender. In other words, he was not involved in relation to the tender which could have given rise to a conflict of interest if he had also had an interest in the company and then he disclosed the issues which related to his interest.

1835 So both in terms of the determination of the tender the ministerial issue, he had not been involved and, second, in terms of the parliamentary aspect of the debate or the question about how that tender had been awarded, he declared the interest as it had been. And I think that deals with both heads.

1840 Now, what happens with enforcement? Well, very simple, Mr Speaker. I mean the hon. Gentleman will have come up against this issue on a number of occasions, I am sure, when he was in Government and there were issues which involved individuals who had relatives that were involved in business. And I am sure it is very easy for him to understand how it was dealt with. There are Rules which deal with conflict so if one is dealing, for example, with contracts awarded to one's brother-in-law, one enforces those contracts in a way that ensures that one's brother-in-law gets no advantage from the fact that he is one's brother-in-law.

1845 We had a number of instances where successful tenders – tenders is too generous a word – where direct allocations of contracts under the previous administration involved – and again I am not suggesting there was anything improper – people who had filial relationships and the rules as to how those contracts were managed would have been those that we adhere to as to conflicts of interest, which I am sure they were aware of, which is the codes on conflict which we looked at when we were preparing this ministerial code that we will be bringing to the Select Committee. It is actually quite easy to deal with those.

1850 The hon. Gentleman himself had a close relative working with him and there would have been issues there to be dealt with.

1855 So I think the rules are settled as to what you do in that situation. We are going to bring to the Select Committee those rules so that they become the Rules of the Government as a ministerial code of the Parliament as a parliamentary code and of the Public Service as a public service code.

Mr Speaker: May I just say, by way of conclusion, I was not making a definitive ruling; I was just drawing attention to the provisions of the Rules in Erskine May. And I think there is a need to be guided by this because otherwise there is a danger of overstepping the mark. That is all I was meaning to do.

1860 I can make a definitive ruling if Members should so wish, but that was not my intention. The intention was to warn the hon. Member to keep within the bounds of Erskine May. That is all.

1865 **Hon. D A Feetham:** Mr Speaker, I am not going to rehearse any of the arguments either by the Hon. Sir Peter or the Chief Minister but just simply to say this: that this is the second year in a row that the hon. my colleague, Mr Figueras, has been substantially interrupted in the presentation of his speech. That is the second year... May I – ?

Mr Speaker: Interrupted by whom?

1870 **Hon. D A Feetham:** May I – ?

Mr Speaker: Interrupted by whom?

Hon. D A Feetham: Mr Speaker, may I finish?

1875 **Mr Speaker:** No, no, no. Answer that question before you finish. Who has interrupted him?

Hon. D A Feetham: Mr Speaker, your... Mr Speaker has –

1880 **Mr Speaker:** The Chair has. The Chair...

Hon. D A Feetham: Mr Speaker interrupted him last year. May I finish –?

1885 **Mr Speaker:** The Chair is entitled to interrupt the most senior Member of this House, the father of the House, the Chief Minister, and anybody else, should the Speaker consider that he is transgressing the Rules of the House. That is what the Speaker is here for.

He does not have to wait for a Member to finish his intervention in order to do so, because the whole purpose was to draw attention. I thought that there was a danger that the Hon. Selwyn Figueras was skating on thin ice and he may not be aware. I do not think I was very much aware when I was a Member of the provisions of Erskine May, but I am today because it is my business to do so.

1890 So I would ask the Leader of the Opposition, because really my intervention... I mean I did not want to provoke a controversy this afternoon. That was not my intervention. I was giving sensible guidance and I

think the Leader of the Opposition must not transgress and go further than he should, because I am not sitting on either side of the House; I am here in the Chair to carry out my functions as required by the Rules, and that is what I have done this afternoon.

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Hon. D A Feetham: Mr Speaker, I –

Mr Speaker: I would rather he left it at that, but if he wishes to carry on I will not stop him.

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Hon. D A Feetham: Well, Mr Speaker, I have not suggested otherwise. Mr Speaker appears to have got the wrong end of the stick yet again in fact with the point that my hon. Friend, Mr Figueras, was going to make. (*Interjection*)

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Mr Speaker, the point, the sole point that I was going to make is last year there were substantial interruptions with my hon. Friend, Mr Figueras. This year, unfortunately, for whatever reasons, there again has been an interruption. Mr Speaker has read from Erskine May and the sole point that I was going to make, before Mr Speaker asked me the question that he did, was that in fact Mr Figueras was just simply going to make the point that the Hon. Sir Peter Caruana had made in the course of exchanges, and therefore he could move on.

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That is the only point that I was going to make, bearing in mind, Mr Speaker, that this is the second year that there appears to have been controversy. (*Interjection*) Quite frankly, I believe unrelated to Mr Figueras.

Hon. Chief Minister: Mr Speaker, if I may, can I just invite the hon. Gentleman to accept that we have listened to Mr Figueras and have not interrupted him because there has been no reason to? We would quite happily have interrupted him if we felt that there was.

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But can I just invite him and every Member of the House to consider that when we interrupt each other, we interrupt each other, but when Mr Speaker asks us to sit he is actually usually just giving us guidance or asking us to stick to the Rules. And can I just invite him also to think that the discussion I have had with the Hon. Sir Peter Caruana has actually been a very useful one about the issue and not one that we should have wanted to avoid.

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Mr Speaker: Perhaps Mr Selwyn Figueras would care to carry on.

Hon. S M Figueras: Mr Speaker, I am grateful, and will say only that, as the Hon. Leader of the Opposition has indicated, the arguments raised so eloquently by the Hon. and Learned Sir Peter Caruana are in fact the only arguments that I was going to be dealing with in that respect.

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As it is clear... and I was going to concede of course the point that had already been rehearsed; and only in reply, Mr Speaker – because this had not originally been in my set piece speech – only in reply to the comments that the Hon. Minister himself made yesterday and brought to this debate. It was the only reason why I was going to be dealing with that particular point.

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However, I am satisfied that the point is sufficiently well made and debated and will move on, Mr Speaker.

In relation to transport, I now turn to my... I had just dealt with planning – in case everyone else had forgotten, given that it has been so long since I was actually dealing with that particular point – I am now turning to my shadow responsibilities for transport.

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I continue to enjoy a very positive discourse with my hon. Friend, the Minister for Transport, and I turn first to our buses.

I am grateful for the announcement that the new buses will be with us in short order. As we have discussed, the current fleet has provided the community with a bus service to be proud of for coming up on 10 years, I think it was; and, despite the servicing needs of an ageing fleet, the service is still one we can mostly be proud of.

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In talking about the buses, however, Mr Speaker, a quick review of passenger numbers is quite *apropos*. There has been a decline in the number of bus passengers generally, Mr Speaker, in the order of about 13% year-on-year between 2012 and 2013. And this is taken from information that is available online and a brief comparison that I have made.

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It is interesting that there may be a variety of factors other than the buses themselves suffering from a general lack of appeal in respect of those figures, clearly. I mean one could speculate that the number of passengers on our buses might be detrimentally affected by the issues we have been experiencing since our neighbours to the north started applying additional pressure at the border.

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A review of bus passenger numbers suggests, Mr Speaker, if there has indeed been such an effect on the numbers, it was in fact a beneficial one, interestingly enough. Bus passenger numbers were, for the period of time between January and July of 2013, down on the same period in 2012. In fact, in July 2012, the number of passengers on the buses was 238,000 and, in the month of July 2013, a comparatively few

190,000 used the buses – a decrease in the order of 50,000 passengers in the same month year-on-year or 20% less. (*Banging on desk*)

1955 In August last year, however, one can observe how the numbers, year-on-year, equalise and how, from September to November, passenger numbers are indeed up last year, on 2012. I suspect this had a lot to do with the cross frontier workers and tourists are likely leaving more of their cars in La Linea to avoid the worst of the queuing following commencement of works on the artificial reef, which I note is forecast to have cost us in the region of £241,000 last year, but in respect of which there is only a token figure of

1960 £1,000 provision in respect of next year. I suppose that will have to grow ever slightly bigger to replace the concrete block we seem to have lost yesterday, Mr Speaker.

The above notwithstanding, the number of bus users overall is down 13% between 2012 and 2013. Again I only have the figures from January to May for this year and it shows that for the same period this year the picture has only marginally improved.

1965 I am hopeful that, with the introduction of the new buses – which the hon. Member has indicated today, but I can confirm that he had revealed to me in private earlier certainly – would start as early as September this year. We might see an increase in appetite for the use of public transport, because frankly, Mr Speaker, the more people we have in buses, walking or cycling, the less people we will have in their cars and that will accrue to the benefit of us all.

1970 As far as the expenditure on public transport is concerned, I would like at this stage to raise a point about the treatment of the contribution to the Gibraltar Bus Company at Head 44 of the Estimates Book. Mr Speaker, historically – which is to say until this year – we have always been provided with a breakdown of which company has received what – and perhaps the father of the House might be able to assist in this in terms of the Chief Minister’s reply whenever that may come – we have always been provided with a

1975 breakdown at Head 44 of which company has received what by way of contribution out of the consolidated fund.

As an example, we know that, of the £17.7 million that Government contributed to its own companies last year, £2.7 million went to the Gibraltar Bus Company for the 2013-2014 financial year. And that £3.7 million went to the Gibraltar Car Parks and so on. All we know this year is that the forecast outturn for this entire head at head 44 is £20 million and that the estimate for next year is £25 million. What we do not have is an analysis of where that has gone or is going.

1980

Another point I would make, Mr Speaker, is that the expenditure of the Government-owned companies is nowhere to be found and would add that, to see this information or at the very least have the breakdown I have just referred to, would be very helpful indeed.

1985 Having dealt with the buses, Mr Speaker, I will turn to talk about cycling generally and the GibiBike scheme specifically. Financial cover for this project is to be found at subhead 5(zq) within the Improvement and Development Fund, on a list of disappearing Heads – much to my dismay, Mr Speaker. There was no provision for this last year and it is disappointing to see its departure from the Estimates Book due for next year.

1990 You see, Mr Speaker, the Hon. Minister for Transport – a Minister with whom, as I have already said, I enjoy a very positive relationship and in whom I have discovered a politician genuinely willing to work with his counterpart in Opposition; there are others too – and I have been at loggerheads on this issue since the very beginning of this Parliament.

I have appreciated and continue to appreciate that he is happy to keep me informed of developments in a variety of matters without the need for those matters to come before this House on a monthly basis. But we do disagree I think on the importance of an urban bicycle rental scheme like GibiBikes was. You see, Mr Speaker, it is patently obvious to me and the rest of my parliamentary colleagues on this side of the House that part of the political strategy of this Government has been to dismantle those parts of the GSD legacy which could, in their view, reasonably be dismantled in addition to the other strategic elements of knocking what they could not and blaming us for all that may have gone wrong during their term of office.

1995

This is clearly not an indictment on the Minister himself, Mr Speaker, but on the policy that he has adopted as part of the Government, ostensibly in consultation with the Cabinet in relation to the GibiBikes.

Mr Speaker, I will concede that the scheme, as created in 2011, became problematic soon after launch. Its difficulties, both practical and contractual, which made it difficult for the scheme to succeed, notwithstanding its popularity and the growing membership it enjoyed, despite quickly becoming a sub-standard facility.

2000

I bemoaned and continued to bemoan its demise, mostly because I am of the view that had there been genuine political will to either keep it alive or to provide an alternative, not beset by the problems of the original, it could have been so.

2010 It would not have been without its costs, Mr Speaker. I recognise that. If one were to speculate, given the cost of the original scheme, that a new one might have set us back between £300,000 and £400,000, would it not have been a valuable and worthy investment, particularly in light of the many other projects where this Government is spending so much more?

2015 As a solution designed to get people out of their cars and on to an eco-friendly alternative for getting around, GibiBikes was ticking all the boxes and if they were willing to spend £3 million on Commonwealth Park, £23 million on a small boat berth marina and were looking at spending in the order of £5 million – well, that is pure speculation – for new buses, why then could they not justify the expense of a new urban bicycle rental scheme?

2020 I suspect that there may have been some concern for the Hon. the father of the House's health had he been approached for approval of an expense of that order for the survival or replacement of a GSD legacy project and that occupied, as he must have been, with the projects in his own manifesto, that the Minister for Transport was certainly not going to allow himself to be distracted further by something of our own making. I understand all that, Mr Speaker, I do, but it would have been the right thing to do and I would have done nothing but congratulate him and his Government for investing in that.

2025 It is unfortunate that I am standing here today and that Gibraltar has effectively in that respect taken a step back when such an important step forward had been taken in 2011.

I also note, from a review of the Hon. Minister's intervention last year, that the bus company had created a website – and this is a point that may be of interest to the Hon. Minister. He also mentioned that a Facebook page and a mobile-optimised version of that site had been created and of these things I know a thing or two.

2030 Whilst I congratulate the Hon. Minister and the bus company on the Facebook page, which is very convenient and very useful in terms of keeping its passengers up to date with information and impact on the service, I regret to say that the website – certainly from a mobile perspective when really it would be at its most useful when you are on the move and you need to get information about the routes and other relevant information – leaves a lot to be desired. From the fact that the information it contains is cumbersome and unhelpful, to the fact that the mobile optimisation has clearly – and this is important – been done using a freely/cheaply available online converter, Mr Speaker, it does leave a lot to be desired.

2035 In fact, I think a cursory review of it by the Minister, even now, will help him to see how third party advertising lumped in with the use of this kind of free mobile conversion tool online is present on the page and, frankly, does Gibraltar's image and that of our bus company probably no favours whatsoever. So I would urge the Hon. Minister to review that at some point soon.

2040 In relation to the issue of taxi drivers and the quality of the taxi service, Mr Speaker, I have been having a number of meetings with a variety of representatives from a variety of organisations – all of them stakeholders in the successful delivery to Gibraltar of an integrated public transport infrastructure in which we all work together to deliver the best solution for Gibraltar Plc as part of the Opposition's outreach programme.

2045 I share the Government's wish that the initiatives that they have set upon in consultation with the industry will prove successful. As part of our continuing outreach programme, I will continue to meet with these representatives from all sectors affected by matters of public transport and will clearly keep a watchful eye on developments in this area and raise those issues which I may consider worthy of note.

One thing is clear, Mr Speaker: it does this community no favours for the political representatives in this regard to be unnecessarily at loggerheads and I believe that working to assist rather than to hinder efforts in this area can help bring benefits to the community at large.

2055 I now turn, Mr Speaker – rather briefly I will admit, given the lack of an address from the Traffic Minister himself before mine – to traffic.

Fortunately on traffic, Mr Speaker, there really is very little of note to speak of, other than in relation to the Sustainable Traffic and Transport Management Plan. The Plan has been heralded as the answer to all the traffic questions this community may have, but it seems that only the Government and a few other select people actually know what is contained within it.

2060 As an example of the lack of activity there is a provision of £155,000 in the improvement and development fund for this year for traffic enhancements, yet only £10,000 has been spent. Why the lack of spending? Everyone else was doing it, Mr Speaker.

2065 I also note that nothing has been spent on motorcycle safety campaigning either which, given the implementation of the Driver Licencing Directive potentially allowing individuals access to large powerful bikes without the EU required level of experience, would I think be even more important. I am not persuaded and neither am I satisfied that the implementation of the third Driver Licencing Directive – a matter which I have raised in this House on a number of occasions, Mr Speaker – has been done in an EU-compliant way. It is a matter that I fully intend to have reviewed when the GSD is returned to office in 2015.

2070 The Sustainable Traffic and Transport Management Plan is a matter of some mystery and intrigue, when it should really be something that we are all aware of as an exercise that they claimed would be conducted in public. All that was done in public was to stop people by the roadside at peak travel times for a few weeks last year and nothing else has been heard about it.

2075 I said it last year in my address to this House and I will say it again: this is clearly about the GSLP Liberal Government applying taxpayers' money to the purchase of some inspiration for the traffic section of their 2015 manifesto. They had nothing left to give, Mr Speaker; hence the search for ideas.

2080 On that basis, and until such time as we have had sight of the initiatives that stem from the study – it may happen in five minutes' time – we will only be able to assess the value of this expense standing at around £340,000 when we know what impact we will observe in the daily traffic difficulties most in this community experience.

2085 I will certainly be happy to congratulate – and do congratulate, in fact – the Government for the construction and delivery of the multi-storey car park at Eastern Beach which, from personal experience, is a welcome addition in the area. The development of that site, prompting the construction of the parking, is certainly something for which many will be grateful. Just one cautionary note: given the Government's stance on all things Spanish and the current situation, it might do well to procure English language printed tickets for the facility.

In conclusion, Mr Speaker – (*Interjection*) Yes, yes, very droll. (*Interjection*) Indeed. Penny wise, pound foolish.

2090 Mr Speaker, I will now take a couple of minutes to conclude, in saying that this is the third occasion on which I have the honour and the privilege of addressing this House on the Appropriation Bill. An opportunity to speak to the electorate in a manner which enables the Opposition to express its view on all aspects of Government activity and, where appropriate and indicated, to provide the electorate with a glimpse of what they can expect from their Opposition, should they seek to entrust us with Government office in little more than a year's time.

2095 The Chief Minister, in his Budget address as Leader of the Opposition in 2011, accused his predecessor of being concerned with nothing but the Election. He said, and I quote:

'It is just plain and simple, plain and cynical election: election, election – using taxpayers' money to buy taxpayers' votes.'

He made that charge just three years ago from these Opposition benches and yet the last two and a half years their whole term of office have been characterised by a spending bonanza, Mr Speaker. (**A Member:** Hear, hear.) Buying votes from the off, '*y eso que no habia dinero*', there was no money.

2100 I suppose it is a case of easy come, easy go, Mr Speaker, because everybody knows that the reality is that this Government inherited a community with solid public finances and an economy growing steadily in difficult global conditions, so of course he embarked on his spending spree, exhibiting all of the hallmarks of the original GSLP administration with a vision for re-election and nothing else.

2105 The Hon. the father of the House must be beside himself with anger at the loss of control over the public finances. (*Interjection*) It pains me to say it, Mr Speaker, but I will. At least in this respect Gibraltar might have been in safer hands had he been able to hang on to the purse strings. (*Interjection*) It is almost as if the fox has been put in charge of the hen house.

2110 On another note, you will recall that, in my address to this House last year, Mr Speaker, I took the opportunity of raising a number of issues in respect of which I then offered this party's view of how they should and could be dealt with. I was, last year, the only Member – and it seems this year so far – to be interrupted in this House on a number of occasions – which interruptions, Mr Speaker, with respect, you rightfully declared inappropriate, given the Opposition's decorum during interventions by all other Ministers last year and generally in this House.

2115 Just today, Mr Speaker, the Hon. Minister has now announced the Proceeds of Crime Act that they will be seeking to pass during this financial year, which is a source of satisfaction for me, particularly in light of the reaction that a suggestion of such legislation received last year. In fact it was one of the causes of the interruptions, I seem to recall.

2120 The Chief Minister then took it upon himself to launch into a personal attack on me for having had the temerity to suggest that not everything about Gibraltar under GSLP liberal rule is as perfect as they would like for us to believe it is. He prefaced his attack by saying how he had still retained some affection for me, Mr Speaker. It is probably for the better that he had because I cannot imagine, or rather I shudder to think, how much more he might have embarrassed himself if he had not.

He makes a point of misinterpreting my light-hearted approach to all but the most serious issues that we deal with here, as a lack of seriousness or respect for the whole of this place.

2125 It was somewhat surprising, if I am honest, Mr Speaker, to observe how personally he had taken what I had carefully constructed to be as balanced and positive an intervention as I could muster, without being accused of laying the groundwork for crossing the floor.

His reply last year was in stark contrast with when the Hon. the Chief Minister was sat on this side of the House and yearned for things to be done differently. He would say things like, and I quote:

‘Would that we could do that, [Mr Speaker, in relation to the]... debate on the state of the nation, without having to watch the Leader of the House in his reply perform the spectacle of hurling insults to those of us assembled on these benches (A Member: Hear, hear.) and not answering the substance of any of the points raised.’

2130

Funny then, Mr Speaker, how just last week on Wednesday afternoon – and I am trying to be sombre just so that he gets that I am actually being serious about it and that I am not being light-hearted – (*Interjection*) a week ago, in relation to supplementaries being asked in respect of, I think, the first question of the day, the Chief Minister said from a sedentary position, ‘*deja que los coja,*’ – ‘wait ‘til I get them’, Mr Speaker, in English.

2135

In this morning’s session he said ‘*me voy a hartar con ellos*’, from a sedentary position – ‘I am going to have my fill with them,’ from a sedentary position. (*Laughter*) I cannot think of a better translation, if I am honest, Mr Speaker. It is rather a charitable one I think, frankly. But I mean really, what is that all about? (*Interjection*) A threat, of what exactly? A tongue lashing. I mean who does he think he is?

2140

I mean he is a man, Mr Speaker; no more. One who happens to lead this community, and proudly so he should, of 30,000 by virtue of which position he owes everyone in this Chamber and the rest of the community at large the duty of directing the community’s affairs for the benefit of everyone in it.

2145

But to hear him utter those words last week, Mr Speaker, as if they might strike fear in our hearts and dissuade us from our line of questioning, it was a sad indictment of what I fear he appears to have become – relishing the opportunity he would soon have to show everyone who is boss.

The thing is, Mr Speaker, that his reply last year, his general demeanour and approach to business conducted here, exemplified by his throw away comments last week, only confirm that in his brief term of office so far, the Chief Minister appears to have been consumed by the office which he holds, acting like he has been in that chair for most of his professional life and not, as is the case, a few short years.

2150

The Chief Minister has readily on a number of occasions sought to justify his venom in this House by saying that his predecessor sought to ruin him and that the Hon. and Learned Sir Peter Caruana had charged him with being unfit to be Chief Minister.

2155

Well, Mr Speaker, that was in response to precisely the same charge he levelled at the Hon. Sir Peter Caruana himself, quoting De Gaulle and saying that he had all the spite but none of the statesmanship. Mr Speaker, I wonder whether he considers his reply in the Budget debate last year was statesmanlike.

In reply to the hon. Member’s charge, the Hon. Sir Peter Caruana explained that, both by a combination of the ignorance he displays and the deceit to which he sees fit to resort, he is unfit to be Chief Minister of Gibraltar.

2160

If I have learnt one thing in the short time that I have had the honour of serving this community in this House, in particular during the hon. Member’s reply in the Budget debate last year is that separating personal from political is something that the Chief Minister is either unable or unwilling to do. (A Member: Hear, hear.) (*Banging on desk*)

2165

What is more, Mr Speaker, I have learnt that the Hon. and Learned Sir Peter Caruana’s judgement of the current incumbent of No 6 Convent Place may have been, but by reason of his venom and unflinching determination to eliminate anyone who may speak out against his politics, (A Member: Exactly) and frankly, to my disappointment, entirely spot on. (*Interjection*)

If last year’s reply by the Hon. the Chief Minister was personal, Mr Speaker, this year I expect nothing less from the hon. Member. I would have thought that he would want to denigrate insult and attempt to humiliate us even more.

2170

Judging by the reaction to last year’s diatribe, he should feel free to go ahead and do his worst. Each insult and every poisonous remark helps us to show the rest of the electorate the serious problem that afflicts our community at the heart of our Government: (A Member: Hear, hear.) (*Banging on desks*)

2175

The Chief Minister, Mr Speaker, might recognise some of those last few words (*Interjection*) He himself wrote and delivered the same words as part of his address in this House in 2011, on the eve of the last election. How fortuitous then that already we can use the hon. Member’s own words against him. That, Mr Speaker, appears to be the measure of the man.

Thank you, Mr Speaker.

2180

Several Members: Hear, hear. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, that might be a convenient moment, I think, to recess for a few minutes, but if I can just give the House an indication, it is my intention to sit late tonight because tomorrow there are a number of other engagements in the evening and the House will not be able to get through much business. It is my intention to stay tonight until about 8.30 p.m. or 9 p.m.

2185

I am told that there are refreshments and biscuits inside, *y deja que los coja, me voy a hartar con ellos!* (*Laughter*) and I think, with that, the hon. Gentleman and I can enjoy doing something together.

Mr Speaker: I think we should now recess until 6.20 p.m.

The House recessed at 3.55 p.m. and resumed its sitting at 6.20 p.m.

**Appropriation Bill 2014 –
For Second Reading –
Debate continued**

2190 **Mr Speaker:** The Hon. Joseph Bossano.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I am happy to report to Parliament that the number of Gibraltarians in full-time employment went up again in 2013 to reach a new record high of 9,225, the highest figure since employment surveys started.

2195 **(A Member: Hear, hear.)** (*Banging on desks*)

In October last year the Employment Survey showed 681 more Gibraltarians in full-time employment than in October 2011, and I anticipate that there will be a further increase in the current year.

To put this figure in context, I will remind the House of the performance of the Members opposite, who are so proud of their 15 years and so critical of our two years in this field. In the 15 years between October 1996 and October 2011, the Employment Survey Report records an increase in the number of Gibraltarians in full-time employment of 4.1%. In two years, from October 2011 to October 2013, the increase has almost doubled their 15-year performance, coming in at 8%. As I have said, I am confident that the survey for 2014 will produce a new record high.

2200 The GSD has always compared their performance with that of the GSLP when in Government, provided it suited them to do so, of course. Well for the record, the increase in Gibraltarians in full-time employment between October 1988 and October 1996 was also better than the 15 years of the GSD: 5% in eight years compared to 4.1 % in 15.

We beat their performance before, Mr Speaker, and we are doing it again. And there is a very simple reason for this. This aspect of our manifesto has always had a very high priority for us. What is the point of a growing economy and a growing labour market, if the jobs are going to outsiders rather than our own people?

2210 The GSD way was to deny what was happening, and to welcome the dependence on imported labour – at least it was like that until 2011. In 2011, Mr Montiel explained that the Government was now distributing construction works to building contractors participating in the scheme. These approved contractors, we were told, were getting work on condition that they co-operated with the Employment Service in securing jobs for its unemployed, and that this had ensured that jobs were available to those persons on the long-term unemployment lists who were willing to work in this particular important industry – his words.

2215 Mr Montiel was telling the truth when he told Parliament that the conditions attached to get into Government contracts were as follows:

2220 (1) All labour had to be duly registered prior to commencing work and throughout on terms no less favourable in any respect than CATA terms, and the use of Detached Workers was not permitted.

(2) Participants would be required to employ a certain number of workers specifically identified to them by the Employment Service from their client base. Such specifically identified workers could not be dismissed during the currency of the construction contract without the Government's approval. In the case of construction and labour contract companies, such persons – and indeed all other labour – had to be engaged on terms that were at least as favourable to the employee as CATA terms on every issue covered by CATA terms.

In the case of companies that participate in the Scheme, other than construction companies, pay had to be at least in accordance with the statutory minimum wage, and all other terms as per law.

2230 (3) The use of 'labour hire' companies would not be allowed, except with Government consent in its absolute discretion. Without prejudice to such absolute discretion, the Government will not consent to the use of any labour contractor that is not registered to participate in the Scheme.

Without prejudice to this absolute discretion, and subject to the aforesaid, the apportionment by value that the Government contractor had to carry out with its own labour, the Government would permit the use of the labour contractors that are registered under the Scheme, but the Government contractor would remain fully liable and responsible for their performance and compliance.

2235 (4) Any contractor or subcontractor who is found with any employee in breach of the law, unregistered for tax or social insurance, or in breach of the terms of the Scheme would be removed from the Scheme, and any outstanding contract terminated.

2240 (5) Any contractor, whose subcontractor or any other subcontractor or labour contractor, who is found on the construction project with any employee in breach of the law, unregistered for tax or social insurance or in breach of the terms of this Scheme would be removed from the Scheme and excluded from the contract.

2245 The onus thus on the Government contractor was to ensure that all the labour engaged in the project, whether employed directly by them or the subcontractor, or a labour contractor or anybody else, fully complied with the aforementioned conditions.

These conditions continue to be the same today – they still apply.

It is difficult to envisage a more comprehensive and watertight set of rules. It gives almost total control over the hiring and the firing of workers by private companies, on all Government contracts.

2250 There are two points I wish to make in relation to this, Mr Speaker. Firstly, although the conditions announced on paper were very tough, the theory and the practice were two different things. This is what is known as the GSD way of doing things: announcing just before the Election that you are going to take very tough action to give priority in the construction sector and elsewhere to the local unemployed, and then doing little or nothing about it.

2255 As far as I can tell from what we found from the records in December 2011, the net effect of this was that there were four approved construction companies with Government building contracts amounting to several million pounds who had taken on between them six unemployed persons – and given them work as labourers. It did not seem much of a result for such a tough policy.

2260 At the time, in 2012, I was prepared to give the previous Government the benefit of the doubt. After all, I had welcomed the initiative from the Opposition benches when it was announced as evidence that finally the Government was accepting my arguments of 15 years, that action had to be taken to increase Gibraltarian participation in the construction industry, which participation had been falling since 1996.

2265 So perhaps only six unemployed Gibraltarians were taken on as labourers because the unemployed could not be persuaded to work in this industry since at that time the GSD was theoretically forcing employers to take on labour whether they wanted or not, and Mr Montiel was telling Parliament the following:

2270 ‘Many areas of employment in the private sector are not attractive enough to the local unemployed. As I have stated in the past few, if any, are clamouring to replace foreign labour in the private construction market, catering, hotels, shops, bars or restaurants. Indeed, many of the long-term unemployed, offered the opportunity of a job under the construction or other supported schemes, have either rejected employment or simply been unable to sustain work on permanent employment’.

2275 As we now know, it *is* possible to provide employment for Gibraltarians in these areas, not least because if it were impossible, as the previous Government claimed, in effect almost the whole of the private sector would have to be operated on imported labour.

Mr Montiel, as well as having such views on the employability of Gibraltarians in the local market, had an expectation that returning graduates would find jobs by themselves. He told the House:

2280 ‘the reality is that of the vast majority of graduates, those who do not immediately find employment do not register as unemployed because they seek specific professional jobs. Other graduates that register for employment constitute a very limited number: currently there is only a handful of returning graduates registered unemployed.’

2285 Mr Caruana as Chief Minister in 2011 was even more specific than Mr Montiel. He said there were only six graduates seeking employment and that what the Opposition was trying to do was to patronise them with unnecessary offers of employment in manufactured non-existent jobs when the economy was entirely able to absorb them into real jobs.

2290 Well, we now know that none of this was true, Mr Speaker. As I have told Parliament in the past, we assumed that Parliament was being told the truth in 2011, and did not expect to find as many unemployed graduates as we did in 2012. If the Chief Minister of the day is saying there are only six, one can assume that maybe there are 12 – but what you do not expect to find is 60.

In fact, we have finished up taking on over 160 – 160 in the 27 months the Graduate Scheme has been in operation. All of them were unemployed when they were taken on – all 160. A hundred have now completed a period in the company and of these, 91 are currently in other employment and nine have left Gibraltar.

2295 What we found in December in the local workforce is the parallel of what we found in respect of graduates. There was a backlog of unemployed Gibraltarians, who had given up hope of finding employment. The very opposite of what the GSD was claiming in Parliament, namely that we had exhausted the supply of Gibraltarian employees and should be encouraging an increase in the number of frontier workers.

2300 So, at the same time as they were saying that there were no unemployed graduates, they were saying that there was no unemployment in terms of other persons interested in the available jobs and trying to justify this false statement by incorrectly quoting a number of statistics.

2305 The Parliament was told in 2011 that there had never been more jobs created for Gibraltarians than in the 15 years of the GSD. This in itself was a novelty in 15 years, because for the previous 14 years the hon. Backbencher regularly lambasted me for putting our people first, saying it was the worst type of jingoistic xenophobia – one of the very nice things he used to say to me when he was Chief Minister.

Chief Minister (Hon. F R Picardo): You must be missing them!

2310 **Hon. J J Bossano:** I do miss them! (*Laughter*) He can always call me jingoistic again today from the backbench.

But he claimed that there were in 2010, 1,316 Gibraltarians in jobs that had not been there in 1996.

So in 2011 when he said this was exceptional it was the year of his conversion to my jingoistic preference in wanting priority in employment for Gibraltarians.

2315 The number that he gave us was not true then; however, it became true in October 2012 when the increase between 1996 and 2012 reached the figure of 1,341. The 1,341 was made up of 861 Gibraltarians in full-time employment, and 480 in part-time employment, compared to 1996.

Since then, the 1996 numbers of jobs has increased even more to reach a figure of 1,467. I can well imagine the song and dance the GSD would have been making of this figure if they had achieved it.

2320 They arrived at the figure that they quoted in the 2011 Budget, Mr Speaker, by comparing the October 2010 total, which was the figure available in that year, from the previous year's survey, which was made up of full-time and part-timers with the equivalent figure in October 1996 of 9,390.

2325 But of course, as the Survey Reports make clear, these are the numbers of *jobs* not the number of people in jobs. So we need to distinguish between full-time jobs and part-time jobs. The 1,316 figure quoted in the Budget of the GSD by the then Chief Minister, then turns into an increase in number of Gibraltarians in full-time employment of 260 in the period, from 8,207 in 1996 to 8,467 in 2010, 260 full time, an average increase of less than 19 a year in a 14 year period – not much of a record to boast of, Mr Speaker.

2330 Part-time employment in the same period showed an increase from 1,183 to 2,239, namely 1,056. However most of the so-called 'part-time jobs' were not jobs at all: this was when the policy decision was taken that Community Officers should not be limited to unemployed males over 60, but be offered to any 60 year old male still in employment provided their income from their full-time job did not exceed £20,000. When this policy was introduced in 2009 it was immediately reflected in an increase of 196 more Gibraltarian in part-time jobs, and by 2010, as I told Parliament in 2011, the figure had reached 700. So in reality the additional number of jobs in part-time employment went up between 1996 and 2010 by 356, excluding the 700, an average of 25 part-timers per year.

2335 So their 14-year record was an average of 90 in full-time and 25 in part-time.

2340 The Surveys no longer include the 700 Community Officers as part of the employment market or part of the private sector, and therefore the figures that we are looking at in this year's and last year's Reports exclude Community Officers and provide a better and a more accurate picture of the increase of Gibraltarians in employment.

Central to the philosophy of the GSLP has always been the relationship between employment and economic growth.

2345 The party has always been committed to a high level of economic growth and as a consequence providing high levels of employment, given that the earnings from employment are an important contributor to the size of the GDP.

2350 Throughout our days in Opposition, the reaction of Mr Caruana was to belittle my contributions to the budget debates, expressed most explicitly in 2009, when he made clear that my absence for the first time since 1972 from this Parliament in the debate on public spending was not something the GSD lamented, since as far as they were concerned my contributions were not something that they missed. For them, everything I had to say was worthless.

For Mr Caruana I was an economic illiterate, not even an economist. In spite of spending longer than anyone else studying our nation's finances and participating in the debates, it seems I had learned nothing.

2355 In the 2007 General Election when we were debating the prospective economic situation I predicted that the GDP in that year would come in at around £800 million, and that it would grow to £1.2 billion by 2011 – figures which were included in our 2007 manifesto.

The GSD way was reflected in their leader's reaction sitting next to me in GBC, next door, on the eve of polling day. His reaction was to ridicule my figures as sheer fantasy. Eventually two years later, or so, the 2007 GDP was published – and the figure was £804 million. Now, seven years later we have the final figure for 2011 and the result is £1.16 billion: £31 million less than what I had claimed was possible in 2007.

2360 *(Banging on desks)*. (A Member: Hear, hear.) Not bad for an economic illiterate! *(Interjections)* Back of an envelope!

The rate of growth under the GSD between 2007 and 2011 has been 45.4% – impressive, 45.4% – and not the 50% I claimed in our manifesto.

2365 In 2011, the GDP estimates made by us whilst in Opposition was that the economy would come in at £1.1 billion and the result that we now have is, as I have said, £1.169 billion.

We are committed to achieving a 50% growth in 4 years and the published target figure is £1.65 billion, which as the Chief Minister said in his opening statement yesterday, is likely to be exceeded.

2370 This has been rubbished before, during and after the General Election. Such was the level of ignorance in such matters shown by the hon. Backbencher when he was Chief Minister, and in charge of our economy, that he kept on arguing that it was impossible to achieve annual growth of 10%, even when it was actually happening under his very nose. In 2011, it grew by 10.9%.

The growth achieved in the election year, was 10.9%, higher indeed, than we had suggested, but totally expected given the publicly funded public works programme and the housing construction programme in the run up to the election, that we are fuelling this growth.

2375 When I used to challenge the figures that the Hon. Mr Caruana used to quote and suggest that he might be wrong, he used to get very upset with me, Mr Speaker.

The idea that he could be wrong in anything he said or did was anathema to the hon. Member.

2380 The growth in the economy was happening not by design but as an inevitable consequence of borrowing and spending on capital projects, and it was highly dependent on the activity of the construction sector as I will demonstrate later on. And it is not exactly as it is happening now, as I will demonstrate later on. **(Several Members: Hear, hear.)** *(Interjection)*

2385 This was not the first time we had capital investment-led economic growth. The first time was between 1988 and 1992 under the GSLP, but in that period it was not financed by public debt increases and public works spending. It was much healthier, because it was the result of the largest foreign direct investment in Gibraltar's history creating infrastructure in land, buildings, housing and telecommunications which made possible the post 1992 restructure of our economy away from MOD dependence.

2390 Of course, when this was being done by investors from outside bringing in *their* money, the GSD way was to denigrate the result and call it an optical illusion. When it was done by them, by borrowing and spending our money in many areas where there was little or no return, simply to create a feel-good factor in advance of an election, it was an economic miracle.

The growth in the economy in 2007 to 2011 was, as I have said, more dependent on construction work than that of previous years. This is reflected in the share of the labour market taken by the construction sector which was as high as 15.4% in 2011 compared to 11.4% before 2007.

2395 In the last two years, construction has accounted only for 9.3% of the labour force, although it is likely to be higher in the current year. However, the average over four years will still be eventually less than in the period 2007 to 2011 – if I get my figures right again...

2400 As I pointed out last year when the Opposition generally – and GBC particularly – was making a big issue of the reduction in the number of jobs shown in the October 2012 survey, the reduction was not because we had an economic crisis as some would have it, but because the pre-election 'building boom' was over. The job losses were the inevitable result of the completion of a flurry of construction projects.

In 2014, we can expect a substantial increase in the construction labour force which will then be reduced after the current housing estates are completed.

2405 So if we look at our economy and how it is growing by reference to where the economic activity is reflected in job creation, we see the construction activity taking up a smaller share in 2012 and 2013 than it did in 2011, and the labour market growing outside the construction sector.

2410 Reflecting construction growth industry, in the non-construction sectors produced jobs of 18,813 in 2011, 19,511 in 2012, and 20,774 in 2013. So if we ignore construction – which can fluctuate depending on the volume of work that is going on – and we look at the rest of the economy, what we see is employment in the two years between 2011 and 2013 growing by 1,961 jobs, non-construction – 10.4% increase. Non-construction jobs in two years.

The employers providing these jobs increased in the same period by 158 and, of course, there was also organic growth from existing businesses.

By contrast between 2010 and 2011 the jobs created outside construction were 560 – just 3%.

2415 If we compare growth in the non-construction sector of the economy over 2 years – 2009 to 2011, so we have got two periods of 24 months – the growth is 5.1% in the two years of the GSD, or less than half what has been achieved between 2011 and 2013.

Excluding construction jobs, in fact the increase in the rest of the economy of 1,961 jobs is higher in the two years 2011 to 2013, than in the four years of the GSD from 2007 to 2011, when the non-construction sector went up by a total of 1,603.

2420 So, Mr Speaker, the remark from the sedentary position, as Mr... Selwyn likes to say, that we were doing the same thing is manifestly wrong! (*Laughter*)

The importance of this comparison is that it is indicative not just of higher growth but of more stable wider spread industrial coverage.

The other side of the coin in job creation is the level of unemployment.

2425 In January 2012, when we took over, the number of persons registered unemployed was higher than in the same month in the previous year. Throughout 2012, registered unemployment was higher than in 2011, and this continued to be so until mid-2013. It is only since the third quarter of 2013 that it has fallen below the level of 2011.

2430 This is as we expected and predicted during the election campaign, given that the numbers registered as unemployed did not reflect the real number of jobless. This was admitted by the Members opposite during the election, when they said it would cost £11 million a year to pay £1,000 a month to all jobseekers unemployed, implying that the numbers affected were in the 1,000 range, rather than the 450 range, the published figure.

2435 The fact that they knew this to be the case in 2011 did not stop them from claiming in 2012 that I had created the unemployment when I took office.

I put it to you, Mr Speaker, if Members opposite behave like this, is it that they do not realise that what they are saying cannot possibly be true? Is it that they are so incapable of understanding simple arithmetic in opposition, that they can no longer make the same calculation that they used to make in Government?

2440 The workforce, we used to be told, is made up of those in employment and those registered as seeking employment. So if one goes up, the other one must go down. If there is a relatively stable number of Gibraltarians available for work, then more unemployment in 2012 should have been reflected in less Gibraltarians employed – but Members know that the opposite is true.

In 2012, the number of registered unemployed Gibraltarians was higher, and the number of Gibraltarians with jobs was also higher. So how can this be possible?

2445 I remind the House of the argument used by the hon. Backbencher, when he was Chief Minister to prove it was impossible. He told us that we must understand that in a population that is not increasing in numbers as far as Gibraltarians are concerned, and which is getting older so that more and more of those numbers fall into retirement, it was hardly surprising that the number of Gibraltarians going into work cannot rise.

2450 In other words, since the total available number of Gibraltarians does not rise, the numbers entering work cannot rise, or can only rise very slowly. Mr Caruana informed us, it was impossible for him to increase the number of Gibraltarians in employment because in effect, he was telling us they simply did not exist.

He said:

‘I know they expect me to solve everything in this community, but this is something I cannot do anything about.’

2455 Those were his words, and he explained why it could not be done. He said it would require real mirages to produce more Gibraltarians of working age than the mothers and fathers have chosen to create through the normal procreation process – which we all understand what that is!

2460 Well, Mr Speaker, in 2012, the number of Gibraltarians of working age with full-time jobs increased, and the number of Gibraltarians registered as unemployed also increased – both increased. Unemployment did not go up because people who were working under the GSD lost their jobs in 2012, as the GSD propaganda machinery immediately started claiming at the beginning of the year. By their version, it seems as if in 2012 I had achieved what the former Chief Minister admitted was impossible for him to achieve.

Given that he has never, ever admitted to being wrong or mistaken about anything in the 15 years he was in Government, it gives me great pleasure to explain how, finally, I have done something which he said he was not able to do.

2465 Let me hasten to add that it is not the case that I was able, over Christmas 2011, to breach the normal procreation cycle, as he put it, and produce more newly-born Gibraltarians of working age in January, in excess – (*Interjection and laughter*) that is normal now, Mr Speaker (*Interjection*) – in excess of those that were already there in December.

2470 They were there then; and they were already throughout 2011, and it was hidden unemployment. They were there between 2007 and 2011 when the number of jobs in the economy was going up and the number of Gibraltarians with full-time jobs was coming down. They were there between 2010 and 2011 when Mr Caruana discovered that the cleaners in his office were frontier workers and introduced a requirement that all the cleaning contractors should employ locals, who clearly already had to exist unemployed in order to be given the job; and also, when the construction companies were told that if they wanted government contracts they had to employ Gibraltarians who were already unemployed. Or is it that all these new workers were suddenly going to come in existence out of nowhere in breach of the normal procreation process?

2475

So if I did not create a new generation of Gibraltarians of working age on 9th December 2011, how did I manage to do what Mr Caruana said he could not?

2480 Simple, Mr Speaker: I will now explain how many Gibraltarians of working age there were in 2012, who presumably were not in existence in 2011, according to the then Chief Minister; and I will tell the House how I arrive at my estimate of the numbers involved.

2485 As I have previously told the House, the practice before 2012 was to run vocational training schemes, the so-called VTS, from Bleak House and to have a quota of persons on the VTS work experience placements for up to 12 months. The opportunity to join was based on being on a waiting list until someone else finished and vacated the place. However, the numbers involved were allowed to go up in the second half of 2011 in the pre-election period resulting, at one point, in up to around 400 VTS placements. Even then there were still some 70 persons waiting to join in 2012. Those on these waiting lists were deemed not to be seeking employment and did not register as unemployed.

2490 We included them in the unemployment list and we offered them a placement in the Employment & Training Company after February 2012.

2495 The VTS Scheme paid those on it between £265 and £450 a month depending on age. We started the training programmes with a salary of over £900 a month, between two and three times the salary that was previously being paid, making it much more attractive and therefore encouraging more people to come forward.

Thirdly, there was a political commitment to encourage Gibraltarians to seek employment and we had an influx of long-term unemployed who had previously given up hope of finding work, which increased the numbers registering from lapsed, in the first nine months of 2012.

2500 In other words, the combined effect of our initiatives did not increase the numbers without a job, but the numbers available for work and registered that previously were unrecorded. Let me show some evidence of this.

2505 The House knows that I believe it is more accurate to monitor the labour market by reference to the numbers in full-time employment than by looking at the total number of jobs including part-time jobs. This was something that I consistently argued from the Opposition. The number of part-time jobs is misleading as an indicator.

2510 I have given the example of how community officers positions were extended from the previous practice of being available only to persons registered as unemployed, and moved to being offered to those already in employment, with wages below £20,000 – half of the private sector workforce is in this bracket. It enabled the GSD Government to claim that more Gibraltarians than ever now had jobs. If anything, what was happening was that more Gibraltarians than ever now had *two* jobs assuming the part-time role was accepted as employment which in fact it was not.

When the GSD was arguing that the number of Gibraltarians with jobs was going up but could go up no higher because we had run out of people, the numbers in full time employment was actually going *down* from 2007 to 2011.

2515 In October 2011, the position was that the workforce, made up of persons registered as unemployed and persons in full-time employment was 8,907. The position a year later, calculated on the same basis, shows that the workforce had grown by 600 persons to 9,588.

2520 This position in 2012, clearly demonstrates that Gibraltarians available for work, was being understated by about 500, because as I have pointed out, and as was previously argued by the GSD Government, the workforce is made up of all the people unemployed and all the people employed. So, when there are 600 more people employed and unemployed than there were the year before, it must follow that there were 500 people unrecorded and 100 recorded.

2525 If, in fact instead of using the full-time figure, we use the part-time figure, that the GSD prefer, we get a smaller increase between the two years, but not much difference. The comparable figure now goes up from a total workforce of 10,650 to 11,250, and on this basis the increase is just under 600 between 2011 and 2012.

2530 In 2013, unemployment started coming down as employment increased, showing that the unregistered supply of labour from 2011 was now considerably reduced. The total workforce still went up but now the increase was about 100 compared to the 600 or so between 2011 and 2012. This is what indicates that the 2012 increase was inflated because it included 500 persons already there from 2011 but previously not recorded.

2535 So the indications are that what we would expect in terms of normal, average year to year growth of the workforce is not zero as was argued before, but 100. And if you get in one year suddenly 600 more people available, which is made up of those working and those unemployed, then the 600 cannot all have been produced out of thin air in one year.

Lack of training in construction skills has been an element in the shrinking share of construction jobs held by Gibraltarians between 1996 and 2011. Although there is a cyclical element to the demand for construction skills and therefore some of that demand has to be met from outside at peak levels, the core

level of work should eventually be made up fully by local labour. Historical data suggests that this core workload requires around 1500 construction workers predominant on maintenance work.

The lack of Gibraltarian labour was established by the studies carried out by us in 2012 and later that year we set up a separate construction training company dedicated to providing the supply of local workers that the industry required. We set out to ensure that we could fill vacancies from the local unemployed and give effect to the policy put in place for Government approved contractors by the previous administration.

We need to start by looking at what was already there in terms of training.

The Construction Training Centre was built with the use of EU funding and took its first trainees in 1996. From 1996 to 2011 a total of 245 trainees were involved, for example in the wet trades, where the greatest skills deficit existed then and now – now worse. Thirty six out of the 245, in the whole of the 15 years, completed Level 1; 42 completed Level 2; and 6 completed Level 3. Six in 16 years.

As we were frequently told by the previous Government, the Level 2 is considered sufficient to obtain employment and be paid the craft rate in the industry – but it is well known that employers frequently argue that the trainees are not skilled enough to be able to work alone after completion of Level 2.

The output of 48 at Craft Level or higher – that is 42 with Level 2 and the six with Level 3 – 48 in 16 years equates to an output average of 3 a year. It is hardly surprising therefore that we discovered a chronic shortage in this area when we did our skills audit and found that only 7% of the wet trades in the private sector was provided by Gibraltarians and 93% were non-Gibraltarian.

Since our training is demand driven, it was obvious that this was the area to encourage people to take up training in. We also found that employers favoured City & Guilds as the awarding body and wanted masons, that is, people who could undertake all four skills: brickwork, rendering, plastering and tiling, rather than just one.

A third element in the strategy adopted to improve results was to place trainees in the industry *before* starting in the Training Centre so that it would hopefully result in higher numbers completing the course. This idea was like that which has been done in teacher training for years where potential candidates are introduced into the school environment before they start teacher training so that they can understand what is involved in the job.

Increasing the pay for trainees to the level of minimum wage – over three times the level at which it was being paid to a 16 year old under the previous scheme – also made the training more attractive. Of course the members opposite have criticised this just like they criticise everything that has been done so far to improve skills and increase employment for Gibraltarians.

Well I am happy to report, Mr Speaker, that in the first year 73 trainees took Level 1 City & Guilds in the wet trades, and 60 were successful in obtaining their Level 1 in one module, 53 in two modules, 50 in three modules, and 47 were successful in all four modules. Those completing all the Level 1 modules will be going on this year to obtain Level 2 and then will be able to enter employment on the craft rate. Those who were not successful in one, two or three of the modules will have the opportunity to do again the missing modules.

All trainees are currently in employment in the construction industry.

Clearly, this is only the start of a wide-ranging training programme which will progressively address the skills shortages we have identified which are not limited to the areas that I have just drawn attention to. It involves other construction trades and other industry areas.

I have said the construction industry has had a declining number of jobs held by Gibraltarians throughout the years since 1996. The table for all employees in the Employment Survey for that year, 1996, showed that in the private sector 541 of the jobs in construction were held by Gibraltarians – in 1996. By 2010 the Employment Survey available in the Budget of 2011, when the GSD finally admitted they had to do something and announce the requirement for Government contractors to take on and give employment to Gibraltarians, the figure had dropped to 479.

In the year to October 2011, in the run-up to the Election, when the huge construction boom was taking place, the Gibraltarians in the construction dropped even further to an all-time record low of 423 – October 2011. Clear evidence that their tough line with the construction companies announced in the Budget was a paper tiger, Mr Speaker. Little wonder they now attack us for carrying out what they promised to do but never intended to see through, because it was just a vote catching pre-election gimmick.

By October 2012 in our first 10 months we started recovering the lost ground. Gibraltarian jobs went up to 452 a 6.8% increase in 10 months. In this year's Employment survey report for October 2013 Members will see a further increase to 486, 14.9% higher than the level at which it was left by the GSD in 2011, and also higher than the level at which it was in 2010. Clearly we still have some way to go to get back to the 1996 where the level was 541 but I am confident that the 2014 Survey in October this year will show a further increase getting us closer to the target, and clearly shows that it is possible for Gibraltarians to get jobs and hold them in the private sector in the construction industry.

Important as this area is for the reasons explained above, it is not the only training taking place.

2600 Mr Speaker, Mr Bossino last month issued a statement which claims that there was a lack of good quality, or indeed of *any* training. (**A Member:** Shame!) The best is still to come! (*Laughter*)

This is a matter of judgment and obviously Mr Bossino is here reflecting (*Laughter*) the GSD way. The construction training, as I have spelt out, is providing training and jobs on a scale that never existed before, and which they previously said was not possible – not that they did not want to do it – because Gibraltarians did not want to work in this industry. That was their excuse.

2605 The skills deficit that he claims exists did not come about in the last two years: it has been the result of the previous 15 years and the facts are there to prove it, I have just given them to him. But I do not expect him to admit it.

2610 What is, however, totally unacceptable is that he should accuse me of something which is not true and he has made up. He said then that he had been sharply critical of the abandonment of partnership agreements which the GSD had negotiated when in Government with some of the major companies in the private sector.

Not true, Mr Speaker.

2615 Not true that he had been sharply critical of this, prior to last month, when he said it in May. To my knowledge he has never made any mention of this before, so he has not been critical of it, sharply or otherwise.

Not true that I have abandoned any such agreement because I have no knowledge of any such agreement having been in existence on 9th December 2011. I have not seen any list of any major companies in the private sector that have entered into any such agreements. I have not been provided with lists of trainees in any such major private sector companies out of the 400 who were in training in November 2011.

2620 The only training I am aware of, outside construction and the engineering in Gibdock, was provided by Gibtelecom who was 50% state owned. This training has continued for those already there. Initially the position was that the company felt it was not able to offer employment to those completing training, but subsequently it has agreed to offer contracts for a fixed period of time. The requirement for skills specific to telecommunications will be kept under review in the light of the expansion that may be possible for this industry from now on. Like all training it will be linked to known job opportunities.

The old VTS, which accounted for the bulk of the 400 or so trainees in 2011, was a work-based scheme. Training included a 12 month work placement with a local company to gain hands-on experience and training in real job situations. Typical placements included messenger work, manual work, retail sales, hotel and catering in the private sector, and office work in the public sector.

2630 In 2011 there were a number of individuals in the public sector who had already spent many years on VTS gaining experience, but had to compete with better qualified competition for jobs when vacancies were advertised. A number of these individuals are still in this position. Most of the others were in areas of the private sector where Mr Montiel had said that few, if any, were likely to want to work. I do not know why he was training them!

2635 The VTS was totally discredited, in our view, because employers treated employees as ‘parked’ with them, in many instances when they had no real need for them. In other cases, because employers were using them as free labour and recycling them with replacements every year.

2640 Although we had reports of this in Opposition we never came to the conclusion which Mr Bossino has now come, namely that the employers in question did not have their names published by the then Government, because they were GSD cronies subsidised by the GSD by being supplied with free labour. (*Banging on desks*)

I do not believe they were. (*Laughter*)

2645 Mr Montiel has admitted that there was abuse of the system by the private sector, in this Parliament – he admitted it here. However his defence was that it did not exist under the GSLP before 1996, it was because there was no VTS training in place. According to the GSD only 28 of this work experience trainees found employment at the end of the year. Of course, there was no requirement to employ them, nor was there a known vacancy prior to the placement being agreed.

The Employment Training Company has replaced this and has achieved to date, a much higher rate, of the order of 60% in trainees obtaining employment after the training period.

2650 Therefore 28% was very high quality and our 60% are dead end jobs. So what are they proposing? That we go back to the old discredited system?

2655 In addition to such placements there has been structured training provided in the following areas outside construction: Hairdressing NVQ Level 1; Literacy, Numeracy and IT; bus driving training; Introduction to Elderly Care and Dementia; Level 1 Basic Construction skills; ASDAN; Customer Care; Health and Safety; First Aid Courses; Book Keeping OCR; training courses for the maritime sector; Level 1 Basic Carpentry at HM Prison; Police Cadets Scheme; meetings with the Insurance Institute to set up online exams; and the Merchant Navy Cadets, which are funded by the bunkering companies and not by my Department.

There is an important contribution to the training programmes that we ran for the unemployed which is derived from the European Social Fund (ESF), especially in areas of identified categories such as the long-

2660 term unemployed. The person that has been co-ordinating this programme, Mrs Jenny Garcia, who was previously placed in Bleak House and previously to that in the Education Department has had long experience and expertise in coordinating with the UK, the allocation of European Social Funds for Gibraltar. As part of this work she has to ensure that the training we are giving qualifies with the EU funding criteria and qualifies as to content and the eligibility of beneficiaries.

2665 I hope the hon. Member opposite understands that the training programmes that are offered to the unemployed are put together by professionals who were there before 9th December 2011, and know what they are doing, and have got a lot of expertise. Therefore, if I have to rely on advice as to the quality of what is being provided I think I choose to be advised by the highly-respected professionals in my Department rather than the self-serving partisan views of the hon. Member opposite, if he will forgive me for saying so. *(Banging on desks)*

2670 The net movement of employers registered with the Employment Service is reflected in the numbers at the end of each month. This figure shows a regular increase on a year-to-year basis. In September 2011, the number of employers was 3,560 and increased to 3,972 a year later.

2675 There was another increase in the year to September 2013 when it reached 4,168 and a further increase to 4,321 by the end of March 2014.

This is supposed to be the net effect of new businesses coming in minus the removal of businesses no longer trading. However, I am not confident that this is the case and so we could be talking of in excess of 761 new business start-ups in the two and a half years from September 2011 to March 2014.

2680 My concern about the accuracy of the data is that it is quite possible, just as it is with employees, that records may still include businesses whose activities are no longer there, and have not been removed. Although I have been trying to get the system more up to date and accurate this has not yet been achieved to my satisfaction and I am hopeful that it will improve as we go along.

2685 An important source also of funding is the ERDF programme in which we have again obtained funding for business start-ups. The success in obtaining the allocation we have is entirely due to the efforts of the unit and in particular the accumulated expertise of the Director, Charlie Collinson, who is highly respected in UK and EU by his counterparts.

2690 The contribution that the unit makes in dealing with EU funding should not be underestimated. In the context of the level of capital and recurrent expenditure it may seem small beer, but it is quite unique. Most Government Departments spend money and a few collect taxes, but the EU programme unit brings inward investment. It facilitates and enhances the attractions of Gibraltar by topping up with EU funds private or public capital investments.

They are a small, self-contained unit. They get on with their job and they produce results. And I want to thank them for doing so well and requiring so little of my time to do it. *(Banging on desks)* The results they have obtained for Gibraltar – not me – are as follows.

2695 During the last financial year 14 EU co-funded projects were approved with a value of £5.3 million. The current EU co-funded programmes recently finished resulted in the following: 81 EU co-funded projects; 372 new jobs created; 39 jobs safeguarded; 41 new business start-ups; and £5,518,042 of private sector funds entering the economy as a direct result.

2700 The new programmes are currently under negotiation and envisaged to commence in September/October 2014.

Mr Speaker, progress with the Savings Bank continues and we hope in the current financial year to have in place, and in operation, the facility for the electronic use of accounts which will permit the Government to credit payments to accounts and for account holders to withdraw cash from ATMs. I would not wish to put a date on when exactly this will be in place because it is in the hands of the technical people whose brief it is to do it as soon as possible, subject to being confident that it will work as intended.

2705 As Members already know, the funding of the 100% commutation for Civil Service final salary pensions, on terms which I recently explained in detail in answer to a Question, is proceeding well with most people settling for commutation levels below 100%.

2710 I do not see why something that enables civil servants to benefit from more than 25% commutation if they so wish, should not be supported by Members opposite, especially when at the same time it helps to fund the returns to savers available from the Savings Bank. 100% commutation is now available for both public and private pension arrangements and it is only Members of this Parliament that are still subject to the old limitation of 25%.

2715 It will therefore be necessary to make provision for pensionable service in this House to be included in the new arrangements.

2720 The GSD Government, in fact, at one stage announced their intention to convert the Gibraltar Savings Bank into an annuity pension provider. They said they would be publishing details of the scheme within a few weeks on having made the announcement. This never materialised, but I recall the Hon. Mr Caruana telling us at one stage that it could become a very big business, bringing to the Savings Bank hundreds of millions of pounds – which presumably would not be considered public debt.

So the idea of expanding the role of the Bank in an area related to pensions, in principle, was acceptable to the GSD at one time before we came up with a similar idea.

2725 The GSD Government, in fact, at one stage announced their intention and we have now proceeded to do something similar in linking savings to the provision of the opposite of the annuity, which is in fact like a reverse annuity.

The forecast out-turn for the financial year 2013-14 was estimated at £50 million surplus and £45 million of this is to be transferred to the Social Assistance Fund to provide a grant to Community Care in order to increase the reserves of the charity. As the Chief Minister announced, we expect the figure in fact to be higher than £50 million.

2730 I need to remind the Members opposite again this year that they were responsible for deliberately running down the reserve of this charity in the 15 years they were in Government. This was defended on the basis that once the reserves run out, the work of the charity would be discontinued and the pensioners would receive an equivalent payment as a statutory entitlement from the statutory benefit fund which the GSD claimed would provide more protection for pensioners.

2735 Although at the time it was announced, I stated on behalf of the Opposition that we did not believe that what they were saying was possible, I confirmed we would support it if we were shown how it was going to be done. Since 2011 we have offered to proceed with the implementation of the GSD alternative if it is capable of providing the benefits to pensioners that they claim.

2740 I have found no trace of any such plan or legislation in preparation in my Department. This House was told by the then Chief Minister that there had been some slippage in the drafting of the necessary changes which would be implemented in 2012 after the General Election. If the House was being told the truth then I have to point out that the refusal to share with us the solution to what was described as a ticking time bomb is indefensible. If there is still a ticking time bomb time out there, then the responsibility for it rests entirely on their shoulders.

2745 Mr Speaker, I have taken note of the views expressed by the Leader of the Opposition which, as he said yesterday, happened when I was not in the House to hear them.

I hope he accepts that it was not that I was avoiding listening to him, and that I was away because I had not yet had time to put together my own contribution which I am now delivering.

2750 He does not risk my wrath by reminding me of the fact that he used to listen to me in the past and that he still subscribes – he tells me – to some of the policies I advocated; on the contrary I welcome it.

2755 I particularly welcome that he still believes in prudence in public spending and in looking after the interests of future generations by providing for a rainy day fund when we enjoy surpluses. That is certainly a major departure from GSD policy, whose former leader when he arrived in Government after 1996, ridiculed the concept and stated, ‘The rainy day is today’ – and started spending as if there was no tomorrow.

2760 What was a novelty in our days in the 1990s under the GSLP has now become a norm for many countries in the world and many have set up rainy day funds. I have to say that I am sorry that his deputy, who used to listen to my speeches in his youthful days, does not seem to have retained any of my ideas or think them as worthwhile any more. I hope he keeps him firmly in check and does not allow him to drag the GSD back to the spendthrift days of the hon. Backbencher. *(Laughter)*

In closing, Mr Speaker – *(Interjections)*

A Member: You certainly do need someone here, that’s for sure! I am not letting him go though!

2765 **Hon. J J Bossano:** There are a number of points I wish to make in relation to the areas of expenditure for which I am responsible.

2770 The number of posts shown in the Head 24 in the Employment Department shows a reduction of 24 AAs. This is for the reasons that I explained last year when the newly recruited AAs were initially charged to my Department pending their deployment during the course of the year. Of the 25 posts therefore only one has remained in the Employment Service, the others have been distributed to various Departments and are now charged to Personal Emoluments sub-heads wherever they have been placed.

2775 The two Government owned companies, Gibraltar General Support Services and Gibraltar Cleaning Services previously shown under Head 14 Environment are, in this financial year, included under Head 24 Employment and Labour. All three Heads of Expenditure, 23, 24 and 25 – Hon. Members opposite will be happy to hear – have kept within their approved budgets in 2013-14 and show little change in 2014-15.

2780 Mr Speaker, there is a final thought I want to share with Members opposite. I am proud of what I am doing to help people into employment, and proud of the fact that we are providing ever more training opportunities to increase the number of Gibraltarians in jobs in key areas of our economy. Proud that we have given help to some more mature, long-term unemployed to set up their own small business and earn a livelihood. I am grateful for the co-operation we are getting from many employers and proud of the

commitment shown by trainees and the success rate we have obtained. Though I will not be satisfied for as long as there is somebody able and willing to work and still unemployed through no fault of his or her own.

2785 The work that I do, Mr Speaker, is sufficiently rewarding for me to be happy to devote seven days a week, 12 hours a day to the task. This kind of commitment is the GSLP way of doing things, abandoned by the Leader of the Opposition – partly, it seems – when he converted to the GSD way. Early in 2012, when he joined me on a television debate, he was still talking the GSLP way when he said he wanted what we were doing to succeed, and that he would be the first one to welcome it.

I am still waiting for this to happen.

2790 I can tell Members opposite that if they cared for our country and our people half as much as I do, they would be happy to see success. They would be happy to see our efforts succeeding and get as much satisfaction as I do. Every day with one single Gibraltarian less on the dole and one single Gibraltarian more in employment, irrespective of his or her political view, should be a source of satisfaction to all members on both sides of this House.

2795 Let me therefore share one final statistic with Members. Last Friday was one of my happiest days in Government since 9th December 2011. On Friday, three Gibraltarians registered as unemployed and 20 registered their terms of engagement as employees. This means more than a drop in unemployment. To me this is more than a statistic. This means there are 20 fellow citizens who will be taking home a pay packet at the end of this month and three whom I will have to do my best to find a job for.

2800 Even though it is abundantly clear that more is being done now than has ever been done before, the only thing the hon. Members opposite do is try and find fault. Well, I have to say to them that if they put partisan political interests before what is in the best interest of our people it does them no credit, and it does not say much for them, Mr Speaker, as sons and daughters of our nation. (*Banging on desks*)

2805 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, it is an honour and absolute privilege to present my first Budget address in what is our Government's third Budget since the General Election of December 2011 in relation to the areas that form part of my ministerial responsibilities – namely, Financial Services and Gaming.

2810 But before doing that, Mr Speaker, I hope you will allow me to say that it is an even bigger pleasure to be speaking after the Father of the House, a man who has again today demonstrated his total commitment to Gibraltar and its people, and has been doing so, Mr Speaker, for an incredibly long period of time. I was proud to have sat in this Parliament with him and indeed, Dr Joseph many years ago, and I am equally proud today to still listen and learn from everything he does.

2815 Mr Speaker, in effect, the Father of the House is the architect to the economic system that we have enjoyed ever since he first stood in Government in 1988. From entering with an MoD spending of over 70% in our economy, to leaving it with less than 10%, introducing home ownership to Gibraltar, introducing the Europort investment which many across the floor described in those days as a white elephant, to the introduction of community care, in all of these things today, Mr Speaker, we still enjoy the fruits of his labours, of his thinking and of his sheer care and dedication for Gibraltar, (**A Member:** Hear, hear.) and for that, Mr Speaker, I shall always be grateful. (*Banging on desks*)

2820 At the same time, Mr Speaker, I think it is only right to make an observation on a number of the things that have been said from Members opposite, if I may. The Leader of the Opposition who obviously will have agreed with everything I have said, because whilst all these things were happening he was on the same team, yesterday referred to, Mr Speaker, to illustrate in effect the doom and gloom that the Members opposite wish to paint the Gibraltar of today in, quoted some numbers which I thought were quite staggering. Mr Speaker, he said that tourist sites were down 5%; bunkering charges 33%; ship registration fees 17%; Eastside anchorage 45%; Upper Rock visits 3%; yacht arrivals down 13%; coaches arriving 33%; and Gibraltar Museum revenue 27%. This to give a picture to the people of Gibraltar, Mr Speaker, of an economy in sharp decline, despite, as is usual, everything that he had heard for the three hours previously from the Hon. the Chief Minister hitting a quite realistic and accurate depiction of a totally different scenario.

2830 Mr Speaker, why issue or deal with these numbers to give an impression that everything is going down, especially so, Mr Speaker, when the Museum entrance charges that the Hon. the Leader of the Opposition refers to in its totality is £22,000? He tells us that £22,000 is going down by 27%. In fact, Mr Speaker, his numbers are totally wrong, because like him, I am not very good at maths, (*Laughter*) so I asked somebody else to have a look at the maths –

Mr Speaker: I am prepared to give the Hon. Member some lessons, if he wishes!

Hon. A J Isola: I would be grateful, sir!

2840 And I sought some advice from my Department and asked them to have a look at these numbers, and what they came back to me with, was in fact the real figure, in terms of the Museum entrance charges being

down, is that it is not 27%; it is 0.17%, which amounts to the grand total down of £39, Mr Speaker. (Laughter) (A Member: Ruined!)

2845 When you consider that he also said the bunkering charges were down 33% and in fact, as my Hon. Learned Friend, Mr Costa corrected, and said it was up actually 21%, that £122,000 extra kills the £39, the £4,400 that were short on coach terminal fees and the £52,000 which were short on tourist site receipts. So much, Mr Speaker, for the Big Lie.

2850 Mr Speaker, when they then come and tell this Parliament that the spending is out of control – 1,000 homes – clouded in improvements to all the estates, £100 million; small boats marina; Gibraltar International Bank. Mr Speaker, I struggle to understand how they can say those things, when those very things were in their own programme and manifesto in 2011.

2855 Indeed, when we issued a press release, Mr Speaker, on 16th December announcing the Bank, the first thing the Opposition did was come back and say, it was their idea to do the Bank. But they seem to complain when we come to Parliament and vote for £25 million share capital into the Gibraltar International Bank, because we want the Bank to be strong and secure, and well above the regulatory capital that is required.

2860 Mr Speaker, I have always held the view that to be involved in politics there are two fundamental criteria that you require to have, the first of which is a good sense of humour and the second to do the right thing for the right reasons. Over these past months, Mr Speaker, the Members opposite in Opposition have issued a series of very interesting policy documents in three areas which I believe will test anyone's sense of humour and certainly, Mr Speaker, they tested mine.

2865 The first of these is the policy document on education and training which my hon. Friend the Minister for Education, Gilbert Licudi, has already highlighted and considered. Well, Mr Speaker, the Leader of the Opposition can pant, but he has got a little way to go!

2870 If one then considers, Mr Speaker, the Members' opposite recent policy paper on housing, it is equally staggering, equally inconsistent and equally amusing because having spent 16 years in Government, having built houses for sale and indeed for rent, and at the end of that process having allocated many, many hundreds of flats, when they finish, they then come to the people and publicly say that the allocation of houses from now on should be means tested.

2875 Mr Speaker, it is almost like complaining your steak has not been properly cooked after you have eaten it. Another staggering statement to make, Mr Speaker, and frankly a little late to have such a thought, if in fact that was a genuine view and not just an attempt to say something new.

2880 But Mr Speaker, the most staggering policy document of all is one that they launched recently entitled 'Enhanced Democracy'. Because, Mr Speaker, this is the party that in their election manifesto of 1996 promised more meetings of Parliament, talked about a democratic deficit and promised the people of Gibraltar many things which in 16 years they simply failed to deliver.

Mr Speaker, I quote from their 1996 manifesto:

2880 'House of Assembly; there will be regular and frequent meetings and question times... The House of Assembly must be the true expression of democracy at work in our community.'

Mr Speaker, when you consider that in 2007 there were two sessions; in 2008 three; in 2009 three; in 2010 three; and in 2011, Mr Speaker, barely two, how on earth can we take them seriously and how can they now talk of 'enhanced democracy'?

2885 This in effect meant that the Opposition could only ask questions of the Government, as we now do on a monthly basis, twice in one year. And now these same people are coming to the people of Gibraltar and saying that they want *enhanced* democracy. Mr Speaker, I do not know if they have woken up one morning and suddenly learnt what the word 'democracy' means, but assuming they understood that word these past 16 years, I would be intrigued to discover what they mean by 'enhanced'.

2890 But Mr Speaker, 'Enhanced Democracy' does not stop there. They also call for a Public Accounts Committee, and I quote:

'to have oversight on how our money is being spent'.

Well, Mr Speaker, I then wondered what, if anything, they thought of this idea in 1996. Surely not. Surely not, Mr Speaker! Well yes, I am afraid so and again I quote from their 1996 manifesto:

'We will appoint a Public Accounts Committee in the House of Assembly to scrutinise Government expenditure of your monies.'

2895 (Interjection) Sixteen years later, whilst they were in Government, Mr Speaker, has there been a Public Accounts Committee?

So Mr Speaker, one thing is very clear: they are only interested in democracy, enhanced or otherwise, when they are in Opposition, because they had 16 years to do it and they chose not to. Why now do they seek to copy their policies of 1996 and try and sell them to the people as new? Why was it not important when *they* were in Government, Mr Speaker?

2900 In truth, if you scroll down through their policy document, what in effect they are seeking under the umbrella of democracy, is a bigger role for the Opposition. They call it a broader role, Mr Speaker.

But Mr Speaker, there is still more. Point 2 of their proposal contains their idea – now in Opposition – to have a member of the Opposition sitting on statutory bodies, and they suggest having a seat on the Development and Planning Commission, because they believe that that would be, and I quote, 2905 ‘appropriate’.

So what did they promise the people in 1996? Yes Mr Speaker they did, and I quote again from their manifesto of 1996:

2910 ‘We will initiate an open and modern planning process...’

And they also said this:

‘Gibraltar is our home. It is wrong that decisions which radically affect our surroundings should be made so secretly that you only learn about demolitions...’

– and then it talks about construction and developments –

‘...once it is too late.’

Well, Mr Speaker, I like to be fair and they did indeed introduce a requirement – as the Hon. Mr Selwyn just mentioned, if I may call him that (*Laughter*) – to provide for a requirement for public notice of all 2915 applications and the right to object, but they still maintained secretive meetings behind closed doors and they never instituted an open and modern process.

But they had no need to worry, Mr Speaker, because we have now done what they waited for 16 years to do. Mr Speaker, they obviously like the system and they now want a seat.

Mr Speaker, for a party who when in Government allowed the Opposition to ask questions twice or at 2920 the very best three times in a 12-month period, when the meetings of the DPC were held behind closed doors and in secret, and when the Members of the Opposition were not even extended the courtesy of an invitation to a Government drinks party, it is staggering how in such a short period of time they have come to the view that in fact the Opposition has a real and much more important role to play in local politics – and of course, Mr Speaker, in the exercise of our democratic system.

2925 Well how very convenient, Mr Speaker. What they really mean is ‘enhanced opposition’, not democracy – and after 16 years in Government with little democracy and nothing enhanced, now that they are in Opposition they have suddenly remembered they forgot to set up the Public Accounts Committee. *Pa'lante*, indeed! (*Laughter*)

2930 Finally Mr Speaker, before I move on, I believe it is entirely appropriate to congratulate my Hon. and Learned Friend, the Chief Minister on his recent appointment to Queen’s Counsel, but particularly so, Mr Speaker, because it has been granted on the recommendation of our recent visitor today, the Minister for Europe and I quote:

2935 ‘in recognition of his distinguished role as an advocate for Gibraltar both internationally and domestically, and his commitment to the rule of law’.

Well, Mr Speaker, so much for the noise from the other side of the mishandling of our affairs this past year. Maintaining my sense of humour, Mr Speaker, I make that two QCs for the Government and one for the Opposition, all of course, Mr Speaker, richly deserved.

2940 Moving to Financial Services, Mr Speaker, I have to say that what this Government found in December 2011 was that in financial services there was a total lack of adequate resources of the office of the Finance Centre, and a lack of adequate funding, which in effect meant that we had a huge amount of catching up to do as opposed to other jurisdictions, like for example Malta, who had been investing heavily in resources and funding to raise the profile of their jurisdiction.

2945 Mr Speaker, the estimate for this year for marketing is £350,000, but will be reviewed and I believe will result in the highest investment spend in our history for the financial services sector, quite apart from the huge investment already made in our Senior Executives tasked with the marketing of our jurisdiction.

Mr Speaker, the financial services sector accounts for some 14% of total employment and contributes around 20% to our GDP. Overall, there has been an increase in employee jobs in the finance sector this past 2950 12 months of some 123 jobs.

Mr Speaker, I have always believed that it is important to give credit where credit is due and certainly the previous Government's Income Tax Act of 2010 delivered to Gibraltar a conclusion of the transition from the offshore to the onshore, which is absolutely fundamental to our success as a financial services jurisdiction. The industry has grown consistently these past years, but the problem was, in my opinion, Mr Speaker, that without an effective plan to review our product range, be innovative in the creation and exploitation of new areas of business and then not, most importantly, have a serious plan to develop our international presence and raise our profile, we were running a risk that we were simply slipping further and further behind. That is our assessment, Mr Speaker, of what has happened and of what we intend to put right.

As a result, Mr Speaker, when I took over from my Hon. and Learned Friend, Mr Gilbert Licudi, some 12 months ago, I carried on the work that he had started and focused on a number of areas.

Firstly, Mr Speaker, we continue to listen and engage heavily with the Finance Centre Council, the individual associations all the professional bodies, and indeed individual firms engaged in financial services business, to gather from them what they believed our core products were, which markets they believed we should be focusing on and indeed how we should be attending to the raising of our profile in this space.

Mr Speaker, that threw up a whole raft of different issues including, I must say, the need for a five-star hotel, curiously, as clients of these firms were dissatisfied with the quality of the hotel stock as the lack of a serious five-star proposition was prejudicing the ability of their clients not just to visit Gibraltar but indeed to host conferences and functions here.

Mr Speaker, the financial services community and indeed the gaming community were delighted by the arrival of the Sunborn and very many conferences and functions have already been hosted on it, to the betterment of Gibraltar Plc.

Secondly, Mr Speaker, we engaged as promised the four 'Jimmy's', as they were then known, Senior Executives working in the finance centre in specialised areas and one based, working from Gibraltar House in London.

Thirdly, we reviewed our product range and this of course is an ongoing process – the introduction of QROPS which is proving to be a successful and profitable area of business for our sector. We are shortly, in fact in this session of Parliament, introducing QNUPS, after further discussions with HMRC. We have also introduced the new Companies Act and Insolvency regulations, superbly driven by the Hon. Mr Licudi, and we will also shortly be introducing a series of legislation requested by STEP in 2010, which we are now finalising. All designed to enable our sector to keep up with competing jurisdictions and indeed stay ahead in certain areas.

Fourthly, Mr Speaker, we refreshed and rebranded the Finance Centre, now known as Gibraltar Finance, with for the first time its own website, social media connectivity, new branding, all of which now give the professional look and feel the sector has been calling for.

Fifthly, and perhaps most importantly, Mr Speaker, we have completed our first ever business development plan. A business plan developed hand in hand with the sector, having first heard in detail from them what we should be promoting and where they thought we should be going and finalised with their total support.

Why, Mr Speaker, is this so important? Well, for the first time ever, the financial services firms know exactly 12 months in advance what we are going to be doing during that year, which conferences we are going to be attending, supporting and indeed speaking at, and of course, Mr Speaker, which jurisdictions we are focusing on and in what areas.

So, Mr Speaker, the insurance community know where we will be all year, as do the funds and the private client community, also. This has involved a complete review of every single conference and event in the market, and selecting the events we believe will be of most benefit to our players.

Finally, Mr Speaker, we will shortly be announcing that we propose to engage the services of an international public relations firm to assist us specifically in the promotion of our financial services industry by addressing the trade media for each of our sectors, better informing the public of what we have to offer and raising our profile in the right places.

Mr Speaker, I strongly believe that the combination of the new Gibraltar Finance team working to our Business Plan, with our innovative website and social media outreach, together with the private sector supporting all of these efforts and now a leading PR firm beating the drum for Gibraltar, we will at last be equipped to support this important sector of our community like we have never done before. This investment is and will continue to pay dividends for the benefit of all.

Mr Speaker, I believe it is appropriate at this stage to express my thanks to the Senior Executives for their work, expertise, innovation and support in these past 12 months, Mr Speaker, as well of course as the remainder of the team at Gibraltar Finance who each in their own way play such a critical and pivotal role in the work that the financial services sector depends on us to do, across a whole range of areas, both in Gibraltar and abroad, in dealing with our marketing and logistics, as well, of course, as handling all our Cat

2 and HEPSS applications. They are the ones who ensure that all of our events go as smoothly as those members of the public that have visited will know they do.

3015 Mr Guy Canessa, Mr Speaker, is a quiet man in the team who with very much care and attention to detail cares for all of our exchange of information matters and is our much valued technician. I must also, Mr Speaker, thank Mr Jimmy Tipping, the Finance Centre Director who drives Gibraltar Finance forward, working with the remainder of the team and always having an uncanny ability to pre-empt so many of the issues that come across my desk on a very regular basis. He has been especially good in his support to me in my dealings with HMT and HMRC, as well as of course with all OECD matters. He has been in the game for some years and his knowledge, expertise and calm approach have been invaluable to me. I am
3020 grateful to each and all of the team, who do a stunning job for the sector.

Mr Speaker, we have repeatedly said that our philosophy of compliance with international standards is one area that we are committed to and believe strongly in. Our position on exchange of information, TIEAs, FATCA are all well stated, as is our desire to ensure notwithstanding these, that a level playing field with our competing jurisdictions is maintained. There is no question that the environment in which our financial services sector has worked and will work in the future continues to change at a pace that few would have
3025 dared to predict.

However, Mr Speaker, that is the brave new world in which we work and it is essential in our view that we remain in the mainstream in implementing and adopting these standards. Every challenge brings with it opportunity and I have every confidence in the ability of our professionals to embrace and benefit from these challenges.
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The Parliament will also be aware, Mr Speaker, that we have recently had our Phase II review by the OECD which will report back at a meeting in Paris in September, which follows on from the Peer One Review in 2011.

Mr Speaker, as at 21st March 2013, Gibraltar had implemented all of the recommendations contained in the Phase I review and we now await the results of the Phase II review, which we expect later this year. We will continue to work closely with the OECD until the completion of the Report. I must also report that we are shortly to issue a full consultation document on the merits of the central register of beneficial ownership, as has been announced previously and contained in our published action plan, and further Mr Speaker, as to whether such a register should be public or otherwise. Mr Speaker, although we have already
3035 engaged in direct consultation with the sector, we have felt it appropriate to extend this consultation process more generally, and the documentation will shortly be released to the public.

Mr Speaker, as the Chief Minister has already mentioned, the Gibraltar International Bank was announced last December and the works are ongoing to make this a reality later this year. Although for a number of reasons the building works have been slightly delayed, all other aspects of the new Bank including its technology platform, its management team and its systems and operations are on course to be concluded in anticipation of the building works being completed.
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Mr Speaker, there is no question that the number of credit institutions not just in Gibraltar but around the world are reducing and therefore more than ever, Mr Speaker, there is a need to ensure that Gibraltar will have the banking facilities that it requires and deserves not just for our people but for our business community as well. I am grateful to all those associations and professional bodies that have welcomed and supported the announcement of the establishment of this Bank, and I look forward to continuing to work with them in the months ahead. In particular, Mr Speaker, the Gibraltar Bankers' Association and the Finance Centre Council have been most helpful and supportive in this process.
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My sincere thanks also, Mr Speaker, to the Banking Committee who have supported and advised us in putting this project together, and to all those professionals who are working with us to deliver this to our community, including of course our CEO and COO.
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Mr Speaker, over the past 12 months – dealing now with funds and asset management – our Senior Executive in this field, Mr Philip Canessa has worked very closely with us and of course, Mr Speaker, with GFIA, the Association, and has exhibited, attended and/or delivered a presentation at a range of conferences and events, including Invest 13 in Geneva, the Bloomberg Hedge Fund Start-up in London, the Fonds 14 in Zurich, the Euro Hedge Summit in Paris and the Hedge Fund Start-up Forum in London. In addition to those, Mr Speaker, we also attended in early June the highly regarded GAIM 2014 event in Monaco, where I was afforded the opportunity to deliver the opening address at its plenary session.
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Further, Mr Speaker, in April this year, Gibraltar Finance supported a hugely successful private sector organised funds conference, here in Gibraltar, on board the Sunborn which was sponsored by several local financial services firms. Mr Speaker, around 50 Swiss asset managers attended, and the feedback on the conference received from delegates, sponsors and local firms was enormously positive. A further conference for Swiss asset managers will be organised in the future, and I was particularly pleased by this initiative, which we were delighted to support.
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3070 Mr Speaker, it has always been our Government's desire to attract conferences to Gibraltar, particularly when we are able to bring so many Swiss asset managers to see the jurisdiction, as they did, meet the professionals and understand our unique strengths in this area.

3075 Mr Speaker, moving forwards, Gibraltar Finance will further be attending and exhibiting at the Hedge Fund World Asia Conference in Hong Kong, at Invest 14 in Geneva and the Hedge Fund Start-up Forum in Zurich.

Mr Speaker, I am sure Members will agree that no effort is being spared to raise the profile of our funds sector internationally, whilst at the same time maintaining very close contact with all local professional firms to ensure that our product range is updated and relevant in this sector.

3080 Mr Speaker, in the area of private clients, the Senior Executive has been actively involved both domestically in working closely with the sector, as well as internationally in raising the profile of our jurisdiction and promoting Gibraltar as a place to do business. I am delighted to report, Mr Speaker, that significant progress has been made in a number of long outstanding initiatives such as, for example, concluding the Capital Requirements Directive, the Customer Safeguard Accounts legislation and work continues, Mr Speaker, on the STEP legislation which I referred to earlier. Five pieces of legislation which
3085 have been pending since 2010. Mr Speaker, it is appropriate also to thank those professionals who have and continue to assist us in the drafting and preparation of this important legislation.

3090 Mr Speaker, I am also grateful to my Hon. and Learned Friend, Mr Licudi, for steering the introduction to Gibraltar of the Companies Act 2014 and the regulations relating to the Insolvency Act. I have only partially been involved in that process, which he has driven with some skill and patience, in bringing all the various parties together to complete the passage of that Bill and which has delivered to Gibraltar a consolidated, modern and updated piece of legislation which has been welcomed by all practitioners in the private sector.

3095 Mr Speaker, with regards to business development, our Senior Executive has also attended a series of conferences in London, Birmingham, Manchester, Geneva, as well as numerous privately arranged forums and meetings in Leeds and privately arranged meetings in Amsterdam and Rotterdam in support of private sector initiatives. In addition, Mr Speaker, a number of seminars have been hosted in London at Gibraltar House.

3100 Mr Speaker, you will note that our marketing in the United Kingdom has not been limited to London, at the specific request of the private sector, and we have now extended this with visits to Birmingham, Manchester, Leeds and these will most certainly continue.

3105 Mr Speaker, I would also like to refer at this stage to the work of Mr Paul Astengo in driving through the entire re-branding of the project that Gibraltar Finance has been through, as the contact point in delivering this very well received change not just in relation to the branding, Mr Speaker, but also of course to the website and our presence in social media. To give you an example, our combined social media audience has grown from some 50 persons in 2013 to now in excess of 3,000. This is an important medium, as our ability to communicate with some 3,000 people, cheaply and efficiently enables us to keep all of these participants updated and in many cases enabling the recipients of these messages, Mr Speaker, to further distribute them through their own systems and networks. Our database, Mr Speaker, has also increased to some 2,800 contacts who can be contacted and sent updates as and when developments arise in
3110 the sector. This interaction at every level is a vital component part of the work of Gibraltar Finance, which is most certainly not limited to attending functions, conferences and events.

3115 Mr Speaker, since September of 2013, our Senior Executive in London has been in post and has proactively marketed Gibraltar not just in London, but using this as a base to meet financial services players in the north of England, in the south of England and indeed in the west of England. Mr Victor Galliano has hosted and attended a series of events at Gibraltar House, both individually and in support of other members of the Gibraltar Finance team. He has been involved in actively promoting Gibraltar as a jurisdiction for credit institutions and has succeeded in attracting interest in this area, one of whom, Mr Speaker, will be arriving in Gibraltar next week to engage with our regulator in discussions.

3120 In addition to marketing in the UK by making direct contact with professionals there, he supports the other Senior Executives whenever necessary and indeed attends events and conferences with them.

Mr Michael Ashton is the Senior Executive in Insurance and Pensions and we have worked closely together in considering new areas of business for the insurance and pensions community, in diversifying our existing insurance base and exploring how better Gibraltar as a jurisdiction can service the insurance and pension sectors.

3125 Mr Speaker, Gibraltar has been hugely successful as a motor insurance jurisdiction and that growth has continued from the work undertaken by the previous administration and now accounts for some 16% of the UK motor market. We are keen, Mr Speaker, to continue to develop this sector, not only in the United Kingdom, but indeed on a pan-European basis and enquiries in this area are increasing. But Mr Speaker, we must also work to diversify our insurance offering to other areas where we hope to replicate, in time, the
3130 success of our motor community.

Mr Speaker, there has also been an enormous effort both on our part and on the part of Gibraltar Finance to finalise discussions with the United Kingdom to allow portfolio transfers of run-off or legacy insurance to take place between the United Kingdom and Gibraltar. This has been a long process and has been pending for too many years. I believe, Mr Speaker, that we are close to finalising these discussions and I believe that I will be able to announce shortly that this type of business will soon be able to be managed from Gibraltar.

We believe, Mr Speaker, that there is an opportunity for Gibraltar to develop expertise and attract new business in this sector, as we have done with other EU jurisdictions, including the Republic of Ireland. We believe the timing is right to engage in this business, as the implementation of Solvency II will undoubtedly lead to a greater interest in transfer and legacy portfolios to run-off specialists.

Another area, Mr Speaker, which excites us enormously is the rapid growth in the global insurance linked securities market (ILS). This market, Mr Speaker, looks set to see the catastrophe bond and insurance-linked securities sector hit a major milestone before the end of June with record issuance of over \$10 billion coming to market in a single 12-month period. We have been working hard, Mr Speaker, since last summer to position Gibraltar as an alternative jurisdiction within the European Union and have been greatly encouraged by the support and contribution that a number of the major ILS participants in the world have extended to us to ensure that our guidelines, when formally published, will be fit for purpose, competitive and attractive to the users in this industry. I expect before the end of the summer, Mr Speaker, that we will be able to issue our own ILS guidelines, and I very much hope that this will be yet another significant new sector that we will introduce for our insurance, legal and accounting community. Mr Ashton's work in this area has been extraordinary.

Further, Mr Speaker, our QROPS sector continues to grow with a record number of schemes now in place and with these showing every sign that they will continue to grow well ahead of one of our competing jurisdictions, being Malta.

Mr Speaker, we are also consulting the sector and the regulator closely in relation to legislation that we hope to introduce to further improve and enhance our regulatory environment in the area of pensions, and I hope before the end of the summer to also have these proposals available for consultation.

Mr Speaker, as you will be aware, there is an amendment to the Income Tax Act which will be considered during this session and which seeks to introduce to Gibraltar the new product of QNUPS.

Mr Speaker, in addition to these areas, Mr Michael Ashton has attended a series of events and conferences in Hong Kong, Bermuda, Manchester, New York, the recent Gibraltar Day in Bermuda which he put together, all of which continue to raise in a serious and professional manner Gibraltar's appetite for business in the insurance sector.

I have to say, Mr Speaker that the visit to Bermuda was extremely successful, and I am delighted to report that a number of the people that we met during our visit have already been in contact with our regulator.

Mr Speaker, I believe it is also important at this stage to ask you to note that our regulator currently has before it a number of new insurance company applications and indeed an insurance intermediary application. I have absolutely no doubt, Mr Speaker, that these numbers will increase as Gibraltar's profile in this area continues to grow. I must thank Michael Ashton for his professional and expert knowledge in this area who continues to drive the marketing sector of this effort with such great style and success.

In conclusion on financial services, Mr Speaker, there is no doubt that as a financial services jurisdiction, we will need to work harder than ever before to catch up on the lost years where unfortunately – and I genuinely mean unfortunately – our investment in business development and raising Gibraltar's profile fell short of where we believe it should have been. However, Mr Speaker, with the renewed vigour and energy that this Government has brought to the Finance Centre Department, now known as Gibraltar Finance, we will catch up and we will maximise our ability to attract new business to Gibraltar. **(Several Members: Hear, hear.) (Banging on desks)**

Mr Speaker, I must thank Mr Marcus Killick our outgoing CEO of the FSC for his 10 years of work in driving the Commission forward in the manner that he did and also welcome Samantha Barrass who joined us in February. We will be working closely together to improve what we have and how we deliver these functions, but more of that on another day. I must also thank the members of the Board of the Financial Services Commission and the Chairman for their work. They enjoy our confidence and support.

Mr Speaker, moving on to gaming, Gibraltar continues to be established and recognised as a world leader in remote gambling. It is an industry undergoing constant change, development and challenge, and those principles apply as much now as ever before. We have continued to operate as the Members opposite did, in carefully scrutinising new entrants and believe this is in the best interest of our community and operators.

In October last year, this Government hosted the first business breakfast for remote gaming industry professionals in the City of London. The initiative was built into the Gibraltar Day in London programme of events, which for the first time was extended to include this community. Over 80 key players in the

industry, including chief executives, directors, lawyers, accountants and telecommunication providers attended. We look forward to revisiting the event again later this year.

3195 Mr Speaker, the Government has been attending the ICE Conference in London for a number of years now. This year I attended in February and met a series of operators and suppliers with interests in Gibraltar. In particular, I met with representatives from four companies who wish to pursue licensing in Gibraltar. Two of these have now completed that process and the other two are in train. It is my expectation that at least two further licence applications will be submitted in the near future and others may well follow.

3200 In the last year, we have continued to strengthen the base of the industry with the addition of six more licensees, and we expect that pattern of modest growth of high quality suppliers to continue, but also for some further consolidation of businesses to take place as markets mature and more and more jurisdictions seek to directly licence and regulate the industry.

3205 As of 31st March 2014, there were 30 licence holders in Gibraltar, although since that date two of our smaller licensees have been subject to takeover by other Gibraltar licence holders. Five of the remaining 28 are pure game software suppliers to customer-facing operators located here and in other places; 18 are exclusively or almost exclusively customer-facing operators; and five are 'hybrid'. The distinction is not just a matter of detail. I mention it because it is an illustration of the increasing diversification and complexity of the remote gaming industry and why we will look to develop and amend our arrangements in the near future, as other jurisdictions amend and adjust their own.

3210 More and more companies providing specialist business services to the traditional remote gambling companies are seeking to establish themselves in Gibraltar. These are significant and equally complex industries, which support the industry. They look for the traditional benefits of doing business in Gibraltar and to use the internationally recognised Gibraltar brand as leverage. We should look to ensure that we properly and effectively embrace these industries, where it is in our mutual interest to do so.

3215 Mr Speaker, it will not have gone unnoticed that there have been significant changes with regards to the land based casino. Its acquisition by a world-leading group of gaming companies earlier this year reflects again the quality and status of this facility and they are most welcome to Gibraltar. The casino continues to employ in the region of 160 management and staff, and the House will be aware that it remains a viable and popular venture, offering a variety of services to our community.

3220 Mr Speaker, as at the end of March this year, there were over 3,000 employees in the remote gambling sector in Gibraltar. This is an increase of 387 on the same date last year and a similar increase to the preceding 12 months. In terms of GDP contribution, gambling and betting activities are estimated to contribute 25% to GDP and represent some 14% of total employee jobs. This includes all employers trading in gambling activities.

3225 The Government revenue from remote gaming tax for 2013-14 has decreased slightly to £11.6 million from £12.1 million in 2012-13. This is attributed to the consolidation of licences held by one licensee from four to two. Without this consolidation, the tax would have increased by approximately £500,000.

3230 PAYE from remote gambling operators totalled £22.8 million for the year – an increase of some £4.6 million from the previous year, which can be attributed to the substantial increase in employees as a whole in this sector, with particular reference to three of our larger licensed operators.

Corporate tax received from gaming operators for the same period currently stands at £28 million. This represents an increase of £10.8 million from the figure stated last year, which can be attributed to notably higher corporate tax payments effected by four of our licensed operators during the financial year.

3235 Mr Speaker, I would highlight, that under the current rules, corporate tax payments are requested twice a year – in February and September. These payments could reflect both payments based on actual profit, with submission of accounts, or on account payments based on the previous years' profits which could result in over or underpayments in the numbers that I have given the House.

Overall, direct Government revenues from gaming, PAYE and corporate tax from gaming operators have again increased this year.

3240 It goes without saying, that as we host and licence most of the world's major remote gaming operators and suppliers, we must ourselves ensure that our legislation and regulation keeps pace with industry and global developments. We are working closely with the GBGA and having regular meetings with them to ensure that our legislative framework remains fit for purpose, and reviewing generally our gaming proposition with operators.

3245 All will be aware that during the last year, and continuing to date, discussions and representations have been taking place about the impact of the UK Government's proposals to licence, regulate and tax remote gaming operators located outside Great Britain, but supplying services to consumers in the UK. I will not repeat the arguments, but I will say that we would be affected by this course of action, since the supply of the lion's share of such services emanates from Gibraltar.

3250 This Government has continued to make clear to the authorities in the United Kingdom that these proposals, individually and collectively, have serious weaknesses in their development and delivery, and have the capacity to cause irreparable harm to what is currently a world leading industry. But these

representations are not just for the benefit of the industry in Gibraltar or its consumers, who also stand to pay a heavy price as regulatory standards lessen and more poorly regulated jurisdictions become the new baseline for others to follow. The loss of business to unregulated markets and an increase in the grey market will harm not just Gibraltar, but of course the UK Government and its consumers, which the Act is intended to protect. We know Gibraltar operators will comply with the law, but the further fear of other operators not complying with the UK proposals makes the position even more challenging, as the level playing field reputable operators seek will fail to be achieved.

I should also mention the continuing licensing and regulatory demands faced by the Gambling Division. Earlier this year, two vacant regulator posts were filled. The unit is now up to its full complement of six staff and the Gambling Commissioner. The Division will shortly be moving into new accommodation at Europort that will better cater for their needs. Regulators from across Europe and indeed, the rest of the world, regularly visit Gibraltar to see our set-up. Gibraltar is probably the best regulated jurisdiction in the world for remote gambling activity, and we are very happy to share our ideas and best practice in regulatory ethics.

Mr Speaker, characters no less eminent than the Governor of New Jersey lays claim to Gibraltar's status, with his wish that his own state may soon become the primary remote gambling hub for that continent. The challenge of course is to bring the rationale and method to fruition, which is something we wholeheartedly support, as it improves the reputation of the industry worldwide.

We have all seen, Mr Speaker, the very many steps forward taken by the industry since the inception of gaming as far back as 1996. We must, nevertheless, be prepared for and be sufficiently flexible to accommodate steps back. Although, even at this very late stage in the development of the UK Government's proposals, their impact on the Gibraltar-based industry is still unclear, with the industry continuing to grow in terms of licensees and employees against this highly visible and well publicised series of proposals.

Mr Speaker, whilst some companies will trim back operations at a particular point in time for a particular reason, we also see expansion amongst other operators. This is the dynamic nature of the Gibraltar gaming community, and one which we are now accustomed to and embrace. We will continue to work closely with the GBGA and indeed the individual operators with whom I meet regularly. We are a listening Government and the gaming operators will bear testament to that statement, as we continue to work together to meet the challenges and opportunities that lie ahead.

I must, Mr Speaker, thank our regulator, Mr Phill Brear and his team for their complete professionalism in working with the industry and providing us with practical and incisive advice on the sector at all times. We are privileged and most fortunate to have him with us.

The Licensing Authority under Lorraine Britto must also be thanked for their consistent and quiet good work in keeping everything to date and to the greatest detail. I cannot understate the importance of this sector to our community, or indeed our Government's commitment to it.

A further innovation this year, Mr Speaker, has been the introduction of a Liaison Department within my Ministry. The thinking behind this was to facilitate, originally for the gaming community, all the interaction between the operators and Government Departments. We were keen to improve the efficiency of our Departments when dealing with operators to avoid delays and assist us in resolving any difficulties they experienced, such as for instance with work permits, residence permits, detached worker permits, the Hospital or indeed any other Government Department. The initiative was warmly welcomed by the gaming sector and it has proved to be most helpful to them.

As a result of this success, Mr Speaker, we have decided to extend this function to include the financial services sector, where it has been equally well received and being used more and more. The Liaison Department is managed by Lizanne Olivero and is now considering many of the processes we have to see if these can be improved to facilitate the process further. The detached worker permit is one example of this having now been completed. I am grateful to Lizanne and Tania for their continued great work and commitment to this function.

Mr Speaker, I cannot close without thanking Julian Baldachino my Senior Officer, Lourdes Piri my Secretary and the remainder of the team, who 12 months ago welcomed me into the offices of my Hon. And Learned Friend, Mr Licudi, which has been my home this past 12 months. With no fuss and complete professionalism, they have just got on with the job, and I am extremely grateful to each of them.

Mr Speaker, in conclusion, we have made huge strides in all of these areas since December 2011. We face challenges across all areas, as the world of commerce is more competitive and more mobile than ever before. But today, Mr Speaker we have the assets in place, the will to move forward, and the commitment to invest in making our growth a reality. In real partnership with the private sector I believe we have a good story to tell and it really is incumbent on us, Mr Speaker, here and now, to leave no stone unturned in the delivery of that message. We intend to continue to work closely with the GBGA and the operators, and the Finance Centre Council and all professional firms, to ensure that these two areas of enormous importance to our community are given every possible support and opportunity to continue to grow.

Thank you, Mr Speaker. (*Banging on desks*)

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Chief Minister (Hon. F R Picardo): Mr Speaker, may I with a short congratulations to the Hon. Member for his maiden speech, invite the House to recess for five minutes, for a comfort break, before we come back and take one more speech before we adjourn?

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Mr Speaker: The Hon. Mr Bossino will take the floor? (**Hon. Chief Minister:** Yes.)
Very well. We will have a short five-minute break.

The House recessed at 8.05 p.m. and resumed its sitting at 8.24 p.m.

**Appropriation Bill 2014 –
For Second Reading –
Debate continued**

Mr Speaker: The Hon. Mr Bossino.

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Hon. D J Bossino: Mr Speaker, this is a debate on the Appropriation Bill and as such, it is not purely a debate on the figures. It is in reality, as the Hon. the Chief Minister I think said in his first Budget speech when he was on this side of the House, an opportunity for all of us to take stock as to where we are and where we are going in respect of our respective areas of responsibility. In effect, it amounts to a State of the Nation debate.

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In relation to areas of responsibility, Mr Speaker, I have many. Since I assume responsibility for Financial Services when I was appointed Deputy Leader by the Leader of the Opposition, I shadow now a total of seven areas, spanning four different Ministers, or 40% of the Cabinet. I promise that the speech will not be as long as it ought to be, given the time that we are still in this House.

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Mr Speaker, as has been a constant theme in the contributions made by my hon. friends, recurrent expenditure in each of the Departments which I shadow have been the subject of increases, save for Social Security where the payments to the Social Security Fund no longer features as an item of departmental expenditure to the tune of £9.5 million as explained by the Hon. the Leader of the Opposition.

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The Leader of the Opposition on Monday has already made a reference to the astronomical increase that there has been in terms of recurrent expenditure. All of this from a Government which electioneered on the strength of an argument which said that we were in the midst of financial ruin. Who can forget the Hon. the Chief Minister's statements frantically describing what every man, woman and child would owe in debt, or his Ministerial Statement to the nation on 18th January 2012, which he claimed he was forced to make from No.6 given the seriousness of the position as he put it? Who can believe them now?

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Who can accept that with the very little new and real investment which has come to the economy in the wake of the arrival of the New Dawn, something which the Chief Minister promised when he was first interviewed as Leader of the Opposition in 2011 would arrive shortly after December 2011, which is the date that the election was held? Is anybody able to accept that they are able now to relish in a spending spree?

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Does the answer not lie or not rest in the fact that they were less than candid at the time of the election and that in fact, what they inherited was not financial Armageddon, but a treasure trove which they are showing no compunction in spending at will? (**A Member:** Hear, hear.) (*Banging on desks*) That is the answer, Mr Speaker, they know it to be true and the electorate know it to be true.

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We were served on Monday morning with what can be described as nothing other than an apology, an excuse by the Hon. the Chief Minister for the first, I would say, 80% of his almost three hour speech, for the continuing high level of expenditure to which he would be subjecting this community in this financial year.

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Mr Speaker, I was criticised last year by the Chief Minister for not dealing with the figures as well. Well, that of course is not true. I reviewed diligently the Budget Book at the time, as indeed all my colleagues have, but if I had not, then he should have been well advised not to have encouraged me to look at it again, because it makes very depressing reading for him.

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It is not directly one of my areas of responsibility, but I will be permitted just for one moment to dwell and refer to one particular item of expenditure. It was indeed referred to by my hon. Friend the Leader of the Opposition in his delivery: Head 2(13) relating to protocol and entertainment, where we see that there is a forecast outturn for 2013-14 of £1.05 million, when the estimated expenditure was £320,000 – a difference of £730,000. Talk about sticking his snout in the trough! (*Laughter*)

This was from a man who used to analyse like a forensic accountant the former Chief Minister's travel arrangements. Whether he used the VIP lounge became matters of national importance for him. Of course, we now know that he was not necessarily behaving in this way because he wanted to make political mischief, but in fact because he was green with envy. He was probably thinking, **(Several Members: Hear, hear.)** 'You just wait until I am Chief Minister!' because he really is making the most of it, isn't he?

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Let us look at some of the Departments, just some of them for which I have shadow responsibility.

(1) The contribution to the Borders and Coastguard Agency has increased by £887,000 from an actual expenditure of £3.8 million to £4.7 million.

(2) Civil Aviation had an estimate of £2.5 million with a forecast outturn of £3.2 million.

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(3) In Employment and Labour, the actual expenditure for 2012-13 to the estimate for 2014-15 has increased by £2.5 million. A Department which itself has seen a 15-fold increase in expenditure. **(Several Members: Oh!)**

(4) The estimated figure for 2014-15 for the Port and Shipping Head is also up from the forecast outturn for 2012-13 by £713,000 and as indeed the Hon. the Minister for the Port said earlier today during the debate, the market budget is up by 13% of the GMA.

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(5) Financial Services too, there is an increase whichever way you look at it, but the comparison between the estimate for 2014-15 and actual expenditure for 2012-13 amounts to £340,000.

Finally, Mr Speaker, (6) Tourism had an overrun for 2013-14 of £485,000 with a difference of £740,000 between the estimated figure for this year and the actual expenditure for 2012-13. Figures which had themselves already overrun last year by almost half a million pounds.

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And that is, Mr Speaker, without even mentioning the £14 million expenditure expected from the IDF fund under the Boat Moorings – presumably that relates to the small boat marina for this financial year. And these are not matters which are outside the Government's control. The Hon. the Chief Minister referred to, I think, fuel costs and tuition fees. These are all matters which are very much within the Government's control. *Proof* that just in my areas of responsibility they have been able, in two years, to spend their way through this Parliament when there was apparently no money in the first place. **(Several Members: Hear, hear.)** *(Banging on desks)*

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Mr Speaker, in relation to Tourism, one of my areas of responsibility, what we have heard of the Minister's contribution has to be seen in the backdrop of the very much increased expenditure that I referred to. I mean, it would really be a very sad and worrying case of ministerial incompetence if he was unable to account for some measure of success, because he really is throwing money at it, isn't he? But one is duty bound to remove the spin and look at the hard facts as shown by the statistics, as best we can.

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Because there is certainly one attribute which the Minister has and that is the ability to use fantastically sounding adjectives to hype things up. We see them time and time again during the course of his previous speeches and in press releases, and we saw it again today. We have heard how 'satisfyingly dynamic' his year has been, or how he has been in 'hot pursuit' of new airlines, or how he has pursued a 'vigorous policy' in this and that –

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Chief Minister (Hon. F R Picardo): That was last year.

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Hon. D J Bossino: 'Resounding success', 'very exciting measures' – that was this year **(Several Members: Hear, hear!)** *(Banging on desks)* The man has really lost his true vocation in life.

But let us look at the hard facts, shall we? I think that is important to do so, if one is going to have any objectivity, as he referred to during the course of his intervention. A constant, irritable – I am sure for him – reminder on the occasion of each of the Budget speeches I have given in this House, in my three years in this House, is my reference to the cruise line industry figures.

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The Chief Minister last year patronisingly pointed out to me in his reply that my exposition of the poor cruise industry figures was misconceived because, silly me, I should have realised that cruises were booked a year or so in advance, so that I was being critical last year of the last Administration's performance. Well, quite apart from the fact that that particular argument is no longer available to the Minister, because two years in and despite the Minister's much vaunted one-to-one meetings and marketing strategy, the figures in comparative terms to when the GSD was in office have in fact gone down.

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But you see, it was the Minister himself in his first Budget speech in 2012 who used what he described as improved cruise passenger arrivals as a result of his new found marketing policy. At that stage, i.e. May 2012 the figures were indeed looking as if they were on the rise. Little was he to know at the time that the final figure for 2012 was going to be 33,253 in terms of passenger arrivals lower than in 2011. You see the figures cannot be used when they suit you and not when they do not – 2011, Mr Speaker, being the benchmark. Are we going to have agreement in relation to that, because that is certainly the benchmark which the Hon. the Chief Minister used during his intervention?

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So let us make those comparisons and I will do so during the course of my intervention in relation to Tourism. Because the *hard fact* based on the figures is that as far as the cruise passenger arrivals are

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concerned for 2013, there is absolutely – borrowing the Hon. the Chief Minister’s phrase – nothing to write home about. Cruise liner arrivals, although higher in terms of cruise vessels arriving than in 2012, at 179 compared to 173, the figures still represents eight less than the position in the benchmark year, 2011. And such a distance away from the top figure of his predecessor at 238.

As I have told him before, in this House and outside of it, the magic is not in the total number of cruises, welcome as a higher number may be, but in how many passengers they bring. It is here where the picture is not as rosy as he would let us believe with his ‘spin-escape’ use of language. The total figure for passenger arrivals for 2013 has come in at 278,129 – a full 47,000 less than when we left it and 13,700 less than in 2012. And even his expected figure for 2014, let us see if it materialises, which is around the 290,000 mark, will be less than 2010 – the lower figures which he quoted with a lot of drama which actually came in at 303,000.

I am sure the Minister regrets much of what he said in 2012. You see, a much more politically mature – if I may so – position to have adopted is to have recognised the sterling work of his predecessors when the GSD was in office and then said, ‘Look, I will try my best and improve on that, on very firm foundations’, and then say, ‘Look, it may take me two or three years before we reap the results of my one-to-one marketing strategy, my new found marketing strategy.’

But he has placed so much store on his personal contact form of marketing and was so quick to attribute the success of that policy to the misleading increased figures he saw when he gave his first Budget speech in 2012 that I feel compelled again this year, Mr Speaker, to expose the fallacy of what he has been arguing up until now. (A Member: Hear, hear.)

He really needs to work out something else to reverse a potential downward trend, which I have referred to. This is all the more so when we look at the lower figures coming through the frontier. We saw about 657,925 less people arriving by land in 2013 than in 2012. If you look at land frontier visitor arrivals, the position in 2014 does not promise to get any better, if a comparison is done with the positions in April 2012 and April 2013: 222,000 less motor vehicles coming through if one compares the April to April figures for the two years I have just referred to as well. There are also less visitors to the nature reserve, which actually brings me to a point which I have made previously in press releases, about the need to devise a well-thought-out strategy to get more people here.

The cruise liner industry is certainly a potential revenue earner, as is of course our airport, but more thinking needs to go into how to bring new markets here, especially and precisely because of the difficulties that we are facing at the frontier and the intention behind it, which is to put pressure on us economically.

This issue came into sharp focus with the small business Saturday campaign which the Hon. the Minister referred to and was conducted during last Christmas. Whilst a welcome initiative, it cannot be a replacement for new fresh markets coming to our shores. What that initiative brought was really the same market, the Gibraltar market to our streets. I mean there are so many articles which one same individual can buy.

Roundabout that time, interestingly I came across an article from the UK Travel Association, which reported that an estimated, I think it was something like almost four million Britons would be heading overseas during that Christmas and New Year period, with Morocco interestingly being one of the favourite destinations. Could that market not somehow, if there is forward planning and a proper marketing strategy, not be marketed to bring those visitors here on a short-stay destination, and I offer that to the Minister for his consideration.

In terms of revenue raising, the Minister has stated quite boldly in the past in this House that his aim was and I quote, ‘to make the GTB self-funding so that the savings made to the taxpayer can go towards social essential services such as health, education, social services, etc.’ The fact is, despite what the Hon. the Minister for Financial Services has just said, that site receipts are estimated to be £3.5 million for 2013-14, whilst the estimated expenditure for that same year is at £4.4 million. He is out by £1 million!

Whilst the position of the last GSD year was that revenue stood at £3.3 million and expenditure at £3.2 million. A more balanced position indeed and more in tune with what *his* own stated aim is.

Mr Speaker, I take the opportunity now to comment on some of the figures revealed in the Tourist and Hotel Occupancy Survey Report of 2013, which were laid before Parliament only last week. But here too, we see some figures which seriously challenge the spin which we have heard the Minister deploy in his speech.

We see that the tourist expenditure in Gibraltar from those coming via cruises has gone *down* again from the position in 2012, from £10.5 million to £9.97 million. A figure in 2012 which had itself reduced from 2011 which showed expenditure at £13.16 million.

The expenditure from yacht visitors is also down from 2012 and many of the previous years to that one. Expenditure from visitors from Spain is, as one would expect, considerably down from 2012, bringing the overall tourist expenditure down from 2012 from £245 million to £207 million. Interestingly, for the period between 2003 and 2013 covered in the report, it is still the 2011 figures which are the highest – again that benchmark.

Although I have covered these figures in detail previously, these show also that the overall air, sea and land arrivals are down by 1.1%, 5.1% and 5.8% respectively in each category.

3490 Just pausing there for one moment, in relation to land arrivals, when I heard the Minister for the Environment say that he had every intention to continue with his reef laying programme, you could almost hear the entire community groaning, ‘Oh, please don’t! Please don’t! Spare us!’ People are not staying here, Mr Speaker, because of his wonderful parks. People are staying here because they are *locked* in Gibraltar – or does he not appreciate and realise that?

3495 Although the hotel occupancy survey will be the subject of greater analysis over the next few days, I would point out that the room nights sold, albeit higher than in 2012, remain lower than the position in 2011. It is welcome to see that the room occupancy rates are slightly higher than they were in 2012 as the Hon. Minister mentioned earlier – I think it is about 61% – although still not as buoyant as they were in 2003 to 2005 where the average for those three years stood at 67%. That is the benchmark he should be working towards, under the GSD Administration. The number of arrivals is also slightly up on 2012 but still slightly lower than in 2011.

3500 Given the figures I have referred to, they really do put into perspective, the hon. Member’s statements at last year’s Budget, where he said the Government shares the Chambers’ view, i.e. the Chamber of Commerce, that tourism is the lost pillar of the economy, which can remain resilient in times of economic hardship. If it was lost, I am not sure that the Minister has found it and if that is his definition of resilience, then please God, I hope he is with us on this one.

3505 Last year, the Minister announced that a project would start soon and one which had been planned for some time now, which was the Lester Hotel. This is what he said last year – I am not sure if it was featured in his speech on this occasion – explaining that this would add to the current four-star hotel offer in Gibraltar. I know that we have had many debates in the past in this House, certainly in the time that I have been here, but references have been made to previous Parliaments about what the word ‘soon’ means. But again, the Minister’s statements need to be questioned when a year on, there appears to be no movement in relation to this particular project.

3510 Mr Speaker, I take this opportunity in relation to my Ports areas of responsibility, the appointment of the new Gibraltarian Captain of the Ports, Mr Bob Sanguinetti. We all know that from this side of the House, that he has a very hard act to follow in Captain Roy Stanbrook and we wish Mr Sanguinetti all the best in his endeavours.

3515 But in relation to the Ports, I am afraid that I also have to report to the House bad news, because the figures simply do not support the picture, again, which the Hon. Minister seeks to paint and there are some warning signals in respect of them which I would ask him to heed.

3520 The number of ships which have called for bunkers has dropped as at May 2014 from the comparable position in May 2013, the figures being 2,300 compared to 2,576, with a difference in gross tonnage of some 11 million. Although I note that the forecast outturn for 2013-14 in respect of Port arrival and departure tax and bunkering charges are up from the estimated amount, the overall expectation appears to be that the GPA, the Gibraltar Port Authority, will be less of a revenue earner than previously if one goes by the estimate figure for this coming financial year.

3525 The Minister has denied in the past when I have asked him questions in this House, that there is any political pressure from Spain and I trust therefore that this is the case. But the Government should do everything within its power to reverse what appears to be a downward trend, given the importance of this particular area of activity to the economy.

3530 I take this opportunity too to acknowledge the sterling work which has been done by the Gibraltar Maritime Association led by Mr Richard Montado. Here we have seen increases – it is true – in the number of vessels registered in the last two years, (*Interjection*) which is a continuation of the increases which can be seen since 1997, after we came to office. The figure then was 27 vessels with a gross tonnage of 330,000. The figure now stands at 332 vessels with a gross tonnage of 3.4 million.

3535 But here too, Mr Speaker, the Minister is still to beat the increases presided over by the GSD between 2001 and 2002 when, for example, there was an increase of 45 vessels and between 2008 and 2009 with an increase of 38 vessels being registered. His increases were 11. (*Interjections*) This is from the information which is published on the website.

3540 However, where we are also seeing a downward trend is in the number of ships calling. The overall figure, which includes bunkers, for 2011, stood at 275 million gross tonnes and for 2012 it was 277 million gross tonnes and for 2013 it stands at 254 million.

Yacht arrivals are also seeing a dip from the 2011 figures with an almost reduction of 1,000 between 2011 and 2013.

3545 In aviation, another of my areas of responsibility we see how there has also been a reduction in the number of scheduled flights, at least on the 2013 figures that I have seen. I have seen, although it is gratifying that there has been a greater use of the airport and, other than as a very attractive backdrop to the

Chief Minister's appearances on Spanish TV, given the slight increase in the number of passengers arriving in it from 2012 under the UK scheduled flights for seats used. Here too, more must be done.

3550 The Minister has previously referred to widening links to other destinations. These need to be established. We have seen how the Marrakesh flights, which were welcomed with so much fanfare by the Hon. the Minister for Tourism and if I recall correctly and accurately, also the Hon. the Chief Minister, it appears to be faltering with very low factors.

3555 But I take this opportunity to refer to the recent press reports, and indeed to the Deputy Chief Minister's comments yesterday, regarding the despicable actions by the Kingdom of Spain with regard to the Gibraltar Airport's exclusion now in relation to the Association Agreements with Georgia, Moldova and the Ukraine. These actions on the part of Spain represent a flagrant breach of her obligations under the Cordoba Agreement for 2006 and we in the Opposition condemn them wholeheartedly.

3560 Mr Speaker, I now turn to my other area of responsibility Employment. The Minister for Employment, the Hon. Mr Bossano, appears not to realise that I am now charged with this responsibility on the Opposition benches. He appears not to realise that the former Hon. Mr Lewis Montiel is no longer in this House. He appears not to realise that the former Chief Minister is now a former Chief Minister, he is a backbencher. We are now led by the Hon. Mr Daniel Feetham. Why does he continue to lambast these two individuals? (*Laughter and interjections*) Is he living in the past? Is he unable to look into the now and into the future?

3565 And I must say just by way of comment, when I heard him say at the end of his intervention, it really sounded like a political swansong on his part. I mean is he leaving us? Is he retiring? Is he not standing for the next election? (**A Member:** No, no!) I was getting somewhat emotional almost! And we had it also from the Minister for Financial Services.

3570 **Hon. Sir P R Caruana:** Now, that would sound like a pitch for the Chief Minister's job.

Hon. D J Bossino: Or perhaps indeed, a pitch for the Chief Minister's job, if he is not in fact resigning.

3575 **Hon. Chief Minister:** He would only have to ask. (*Interjections*)

Hon. D J Bossino: And just as a final comment, Mr Speaker, in relation to what he said again at the end of his speech in connection with his policies, (*Interjections*) any criticism on our part would be interpreted almost like an act of treachery. But that is the nature of the man. Those of us who have seen him and observed him politically for many years know that to be the case.

3580 The hon. Gentleman will no doubt recall when during the course of my Budget intervention last year, the first time that I made an intervention in relation to Employment, I described him as a leopard which never changes its spots and his retort, under his breath – he will recall, he is already nodding – was that those were good spots. Well, I and indeed the majority of the electorate on eight out of the eleven elections in which he has stood – and he is very fond of statistics – 73% worth of elections have agreed with my assessment and not his, that those spots are not good spots. (*Interjections and laughter*)

3585 The Hon. the Chief Minister and the Deputy Chief Minister – (*Interjections*) Exactly, the Hon. the Chief Minister and the Deputy Chief Minister agreed once upon a time with my assessment when we supported the Gibraltar National Party in the 1992 and 1996 General Election, (**A Member:** Hear, hear!) (*Banging on desks*) or has he forgotten that, Mr Speaker? (*Interjections*) Oh, Mr Speaker, very few.

3590 On the last occasion, I referred to his many outlandish statements which he made, which included some like Gibraltar being at the time when there were 12 nation states in Europe, the 13th nation state. I also referred to a statement he made publicly during this term of office, that he would *eradicate* – those were his words – he would eradicate unemployment. I think it was in a debate he mentioned earlier in January 2012.

3595 Those of us who have observed the hon. Member in his political career for many years will know that he is prone to making such statements, even if he then fails to deliver. But you see, the same happens with his manifesto commitments. The parties now in power have made a song and dance of the primordial importance which they lay on the delivery of, as they have described them on umpteen occasions, they are very specific, time sensitive, manifesto commitments. But when it comes to the hon. Member, what he does in practice very rarely reflects what it says on the tin. It was therefore important to analyse what was in fact promised to the electorate at the last General Election – an electorate which in many respects was hoodwinked into believing that what was promised would be delivered.

3600 At page 25 of their New Dawn manifesto, under the title 'Future Job Strategy', it states very clearly that as from 1st February, there will be a new dedicated training strategy with a maximum of three years and a guaranteed full-time job on completion. It then goes on to read, and this is the purposely confusing bit, that all trainee employees will be covered by contracts of employment with a wholly owned Government company.

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3610 Just dealing with that last point first, for those of us on this side of the House who were following employment matters very carefully at the time of the election, it was very clear that the impression that was sought to be given was that the full time job on completion would be within a Gibraltar-owned company. Ask the Hon. the Leader of the Opposition and the PDP, Mr Elliott Phillips, who had participated in a debate during the course of the election and put that interpretation to Mr Licudi, who was in that debate – and that was not challenged by the Hon. Mr Licudi during the course of that debate. (**A Member:** Absolutely.)

3615 But you see, this is not what in the event was rolled out on 1st February 2012. But perhaps, let us give them the benefit of the doubt. On the very strict analysis of those words, Mr Speaker, it is possible that what in fact has been rolled out is what was described in the manifesto – although this is rather odd, is it not, given that the hon. Member clearly falsely describes himself as being a plain speaker and borrowing one of his favourite phrases, calling a spade a spade? Why did he not use clear language in this case? The answer must lie in that he wanted people to give the words the alternative and more electorally favourably interpretation which I described earlier.

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The important part of the text is that, however, which refers to and I quote again, ‘a dedicated training strategy’. This it clearly is not, despite what I have heard the Minister say barely two hours ago. There is nothing in the nature of a strategy in the Future Job Strategy. It would have been different, Mr Speaker, if the hon. Member had set out a detailed plan from day one on how he was going to provide training, training with proper qualifications within a certain period of time, which would give our young people the opportunity to better themselves and acquire transferrable skills, to obtain real and sustainable jobs, with good prospects for the future. Proper vocational training that is what they are asking for and that is what is required. But this alas, was not what has been on offer and the fact is that there simply is no strategy for this.

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The House will recall when the hon. Member claimed that initially the trainees would be employed for a period of 11 months. Three years, albeit set out in terms of a maximum period, but suddenly three years did not quite sit well with the hon. Member. It then became a variable period: it was not quite three months, it was six and depending on how long the training would be required and now it is pretty much a standard three-month period. No evidence, Mr Speaker, there of any forethought of any forward planning of any, dare I say it, strategy.

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And why do I say supposed training, because in the main, based on the information which has been provided to date in this House, there is simply no substantive training involved in the FJS. What the hon. Member is providing at great expense, and he knows that this is a dividing line between his party and my party, given that it has been the subject of public debate, this is nothing other than a very expensive placement programme running just in salaries – just in salaries, Mr Speaker, and there are added costs – as at April 2014 at £12.606 million.

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Then he claims that there are all these companies in the private sector that are so infused by his strategy that they are almost queuing up outside his offices at the ETB or Town Range or wherever he may be in any given moment, eagerly awaiting to sign his partnership agreements with him. I have asked him, both in this House and outside of it, for details of who these companies are, but he flatly refuses to provide them. (**A Member:** Hear, hear.) (*Banging on desks*) What evidence, Mr Speaker, can he show other than numbers on a piece of paper that the private sector is genuinely engaged?

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On the basis of the anecdotal evidence that I have from speaking to people in the private sector, and not just in the construction industry, because we cannot forget that although the hon. Member has an almost obsession with the construction industry, according to the manifesto commitment the FJS is not limited to that particular industry. There is no evidence, Mr Speaker, that this has been welcomed by them.

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Speak to the stakeholders out there, speak to the retailers up and down Main Street: it would seem that those companies which he is referring to as being participant in the scheme are simply doing so because in the main they will be receiving Government work. Indeed he has said so himself. He has admitted so himself, quite blatantly, that as part of the deal, if you want to set up a company and have it registered in Town Range at No. 6 – although we see very few of those companies being added on to that list – and yes, Members of this House will remember that nobody knew about this until we carried out a search in Companies House, of the existence of such companies – the quid pro quo is that you do take on these trainees but there is no genuine effort –

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Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker. Point of Order.

That is not true. I have not said so and I challenge him to say when and where.

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Hon. D J Bossino: Mr Speaker, this is not a genuine effort. This is not a genuine effort by the private sector to engage with the state in assisting our young and unemployed in bettering themselves, by obtaining recognised qualifications. It is far from it. The scheme, on the basis of the evidence that we have, is nothing

3670 other than an artificial scheme supported with large amounts of public money, millions of pounds as I referred to earlier, in order to get people into jobs without any regard or account being taken of their medium to long-term future. What a shoddy way of dealing with people's lives! What short-termism and lack of foresight!

3675 Mr Speaker, just to deal very briefly with the final paragraph of his page 25, under 'Graduate Employment', it is in very clear terms on this occasion. It says:

'Gibraltar graduates who have decided not to take up the statutory entitlement of a Post Graduate Scholarship and wish to return to Gibraltar...'

3680 That is the qualification. It does not say 'graduates who are also registered as unemployed'. Did he not expect that there were going to be more than six or more than a handful?

Hon. Chief Minister: So you could apply.

3685 **Hon. D J Bossino:** No, because it has to be returning graduates. I returned some years ago, as the Hon. the Chief Minister knows. (**Hon. Chief Minister:** Exactly.) And then he says that they will be given a three-year contract as research assistants and will be involved in undertaking the research work of the Department... Many of these – I certainly know of a few – all they are doing is filing. What type of research work is involved there, Mr Speaker? (*Interjections*) Again, it does not do what it says on the tin, Mr Speaker.

3690 But he does not need to hear this from me. He does not need to hear this from Members of the Opposition. Does he not realise that very few people are with him?

3695 I refer in particular to the very courageous move made by the Young Members' Committee of Unite the Union who put their heads above the parapet and criticised the fact that there is simply no vocational training in Gibraltar, and what were they treated to, Mr Speaker? (**A Member:** Hear, hear.) They were treated by the Government to a rather despicable statement suggesting that this was done under the influence of the GSD. That was the implication, pointing the finger at one of these young individuals, accusing that person of having GSD affiliations – a very sad state of affairs indeed, but one which forms part of the political make-up of the hon. Member.

3700 Mr Speaker, he has questioned that the GSD entered into partnership agreements with the private sector. Has he not seen them? It was publicly available in the press. They may not have been the subject of a formal written agreement with a seal on it, but they were certainly... He himself mentioned the Gibtelecom Scheme, but there were others, with electrical companies. I have got them here: with electrical companies, with gaming companies. What were they if not agreements, Mr Speaker?

3705 And in relation to the Health Service as well: the Minister for Social Services portrays the *three-week* courses as a revolution in training, if I quote her. But there were in fact agreements with the relevant entities which provided participants with NVQs.

Only last week, we saw how the Editor of *The Chronicle* had this to say about a part of the Government's policy and how it impacts on expenditure generally. He said:

3710 'The provision of summer jobs, the graduate schemes, are great for short periods and keeping these youths out of the true unemployment figures, but true employment for young Gibraltarians, especially graduates flowing back home, requires sustained development of the economic machine.'

3715 And that must be right. It is the private sector which can best provide real and sustainable jobs for our young people.

3720 But there is no real engagement with the private sector, as I said earlier, and instead of using public money in the manner that he is doing, he should encourage and enthruse a *willing*... because that is what we found when we were in Government: it was a *willing* private sector to participate in the investment in real and proper training and sustainable employment. Only then will they go some way to plug the skills gaps he is talking about. And we are not against good workplace-based training which subjects trainees to rigorous assessments. What we are against are expensive 'make work' schemes.

3725 I would encourage the hon. Member to re-engage with the private sector as we did when in Government, where we entered into the partnership agreement with companies which I referred to earlier. And Mr Speaker, the hon. Member is very fond of describing the GSD scheme as the 'so-called' Vocational Training Scheme. Well, I am equally as fond of calling his scheme the so-called Future Job Strategy, or as many are describing already as the 'failed job strategy'.

3730 But going back to the question of whether there is any proper and real engagement of the private sector, if that had been the case, why is it that his Department has been unable even to persuade the Sunborn to take a substantial number of trainees, in an area where he himself has recognised as being one where there is a dearth of local people wanting to engage in this type of work, in an area in which, if all the promises made by the Minister for Tourism are to be believed, will see further hotel growth in the immediate future –

from a private sector employer who has been the beneficiary of public money in a very big and real way. Money to the tune of an excess of £30 million and yet not even they can be persuaded to participate freely and willingly and enthusiastically in their training scheme. Mr Speaker, what a joke!

3735 Why is it that despite the promise by the CEO of the Sunborn that he was placing 200 foundation jobs, whatever those are, with the ETB where the CEO was wanting to embrace the local – as he quotes in *The Chronicle* piece on this – the local employment market, talking of providing training locally and yet a mere 46 Gibraltarians had managed to secure jobs as of May this year. Does he not recall his words in this House when he said that he was and I quote:

3740 ‘totally committed to ensure that every single Gibraltar resident that, as a result of the policies of the government, has been faced with an avalanche of competition from out of Gibraltar will not be put in that situation from 1st Feb on...’

3745 i.e. 1st February 2012. Another cast iron guarantee which seems made of a more malleable metal than he professes.

But let us go back to page 25 of the manifesto, under the heading Skills Audit. There is another promise to carry out a full skills audit of the labour markets which they claim would be undertaken in the current financial year, i.e. 2011-12, to prepare the final action plan of the Future Job Strategy from April 2012. What a renegeing of such a clearly worded manifesto commitment – one which is not open to any possible alternative interpretation than what it actually says! And I am not sure whether the Hon. the Deputy Chief Minister’s duties as the box ticker of manifesto commitments include the crossing of some of them out. (Laughter)

3750 Because I am afraid, Mr Speaker, that there is simply no wriggle room out of this one. They are in such difficulty that the hon. Member, who is not a particular fan of lawyers, actually had to rely on the Hon. the Minister for Justice on one of his interventions to defend him, by using as much legal imagination as possible in defence of the indefensible. Why do they not just admit it, they pulled the wool over people’s eyes and they continue to do so?

3760 And all this begs the question: what is the final action plan of the FJS which we were all waiting with baited breath would be implemented by April 2012, because the skills audit was not finished by then? Or is it just that what has been dished out for the last two and a half years is not in fact the final action plan after all?

3765 Mr Speaker, I have noted in the Budget Book that it is proposed to reduce quite considerably – and the Hon. the Minister for Employment mentioned it earlier – and dramatically the staff complement at the Employment and Training Board from 38 to 14 and he explained the reasons for that. (Interjections) But what is going on at the ETB? What is going on at the ETB? It actually, for the first occasion featured in the Ombudsman’s Report this year, where the Ombudsman said:

3770 ‘I have to make special mention of the Employment Service where there has been a significant increase in complaints during this year. The average complaints for the years 2010 to 2012 were 6 per annum, whereas during 2013 we have recorded a total of 23 complaints. The nature of the complaints has ranged from lack of replies when seeking information to alleged unprofessional treatment and dissatisfaction regarding claims for payments under the insolvency fund.’

3775 (Several Members: Oh!) And it goes on:

‘It is hoped that this increase has been due to a transitional period of staff changes and/or shortages. As Ombudsman, I will closely monitor the trend over the coming months and if there is no change I shall have to meet with senior management to express my concerns and offer the assistance of my office to identify and address pockets of concerns.’

3780 What is going on at the ETB which requires a dedicated public officer to liaise between it and the gaming industry?

3785 The Hon. Member for Financial Services will recall that he made the announcement in a debate which I had with him on GBC back in January and this is something which I welcomed on the spot. But does the fact that this is required in the first place not speak volumes as to the lack of service which has been provided by the ETB for which the hon. Member is ultimately ministerially responsible?

Hon. D A Feetham: There is the Ombudsman on the unemployment list next week! (Laughter)

3790 **Hon. D J Bossino:** And then we will move on to the Labour Inspectorate. No mention made of that. Here there very clearly is a difference in approach, but perhaps more importantly Mr Speaker, in mind-set between them and us. We have seen how the Minister has no compunction whatsoever to appoint, by gazetted notice, some six individuals as labour inspectors under the statutory authority of the Employment Act. These individuals have quite important and draconian powers under the Act as Labour Inspectors – but yet they are trainees. They are trainees and I make no comment as to their competence or otherwise, but the

3795 fact that they are trainees suggests that they do not have and have not had the benefit of a fully-fledged appointment and should have had a fully-fledged appointment under law.

They are not professional public servants, for example, who were the ones doing the job before. Who is to stop any of these individuals from exercising the right to enter premises or seek the disclosure of documents? There is absolutely nothing to stop them. And this coupled with the fact that the original complement of civil servants, Mr Speaker, is no longer there.

3800 And all of this combined together must result in a poorer service being provided and therefore, importantly, unscrupulous employers getting away with much, much more than they would otherwise have ordinarily do, (A Member: Hear, hear.) (*Banging on desks*) because the Minister has suggested that the intention is that the trainees are to be limited, even to carry out research. Who is doing the inspecting then?

3805 And finally, in relation to this area of responsibility, just to comment on the employment survey again tabled last week of 2013: what we see here is a continuing increase in public sector employment, to the tune of 7.8% from last year, which itself had already grown by 9.1%. It is interesting to note that, despite the Minister's stated policy, the growth in the number of Gibraltarians in jobs has been reduced from 5% in 2012 to 1.2% in 2013 – i.e. 126 more.

3810 Although we see more Gibraltarians in the construction industry, for example, than Spaniards – a bee in the Minister's bonnet – one would need to see how many of these are employed, or rather one would need to see that many of these are employed for the public sector, we see a considerable jump from 162 to 261 in 1999 in the number of full-time Gibraltarians employed in the construction industry under the wholly owned Government company section.

3815 Interestingly, there is also a jump under the same section in the Public Administration industry bracket, between 2011 and 2013 from one – yes, *one* – to 150 for Gibraltarians employed. So the totality of Gibraltarians employed in wholly owned Government companies, i.e. in the public sector, has grown from 491 in 2011 to 908 in 2013, with in excess of 500 more Gibraltarians than in 2011. Again, I need to repeat – in wholly owned Government companies. Many of these, Mr Speaker, I assume will be accounted for by the fact that they are employed by the FJS scheme companies, which rank as Government companies.

3820 Yet the total for full-time jobs in the private sector, and using football speak, shows Spain beating Gibraltar 581 to 452.

3825 So, Mr Speaker, the conclusion to make, is that the increase in the number of jobs for Gibraltarians in the construction industry is being driven by the public sector and therefore with public money. Arguably, even those in the private sector could actually be driven by public money, given our view of the reality of how the FJS actually works.

3830 Mr Speaker, I will deal briefly with one of my other areas of responsibility, which is financial services. I must say that I was somewhat surprised by the Hon. Minister for Financial Services' adversarial approach at the beginning of his speech. One would have been forgiven for thinking that he was venting his frustrations, I think, dating back to 2000, when he was last a Member of this House, going back to 1996. (*Interjection by Hon. D A Feetham*)

The fact is his areas of responsibility are I think something which – one of those areas I think which ought to enjoy cross-party support. I think it is important to dwell on some of the main areas which are impacting on this area.

3835 In relation to gaming, one of the threats which we continue to face is that of the point of consumption tax, I think it was referred to by the Minister in his intervention. The issue must be one of the central ones of concern for the local gaming industry, an industry which continues to be very much welcome in Gibraltar, as he rightly pointed out.

3840 The need in my view to ensure a steady and responsible growth in this area has been the subject quite rightly of cross-party consensus. We did it in our time and the Government now continues to follow in that policy, and I welcome that.

3845 The Opposition notes recent press reports which revealed that the Gibraltar Betting and Gaming Association had written to the UK Government and the Gambling Commission a letter before action. Mr Howard, the President of the GBGA was quoted as saying that the new law, which reportedly seeks to establish the UK Commission as the industry's world-wide regulator, would, with the planned tax changes, drive consumers to the un-regulated or poorly regulated market. The hon. Member will recall that was the subject matter of our debate on television back in January.

3850 This issue of course is a central one in the analysis which the GBGA also made in its study of the impact of the UK Governments point of consumption proposals, I think if the hon. Member has had an opportunity of reading that particular document.

3855 I encourage from this side of the House the Government to do all it possibly can to assist in ensuring the industry's continued presence locally. In this regard, it is of, I think, crucial importance – and the softer issue has actually come into sharper focus – and to ensure that these continue to work well, for example the broad band connectivity, electricity supply, banking, accommodation and frontier flow. All these things need to be addressed by the Government.

3860 One further development has been the setting up of the Gibraltar International Bank, also referred to by
 the Minister. We have debated at some length in this House matters relating to the regulation of the Bank,
 as well as its setting up. The Chamber of Commerce has said in the press, by emphasising the importance
 that the Bank operate on an arm's length basis, independently of the Government and under proper
 3865 management and subject to all the rigours of FSC regulation and supervision that would apply to every
 other bank in Gibraltar. We on this side of the House agree with this analysis and will be keeping as far as
 we can and are able, a watchful eye, particularly in relation to the Bank's lending terms and whether they
 are commercial, especially in the light of the expected demand and requirement that there will be for
 lending once the new housing estates come on-stream. We will also be looking at how the Government
 Bank seeks to invest its retail deposits and regulatory capital.

I also raise briefly, Mr Speaker, the imminent arrival into our Statute Book of the Solvency 2 directive
 on insurance which regulates, amongst other things, the amount of capital that insurance companies in the
 EU must hold to support its business. The concern here is how the more stringent capital requirements will
 impact on smaller Gibraltar insurance companies. This is an important consideration, because whilst the
 3870 Gibraltar insurance industry has grown considerably over the last 14 years in particular, it has still
 predominantly, I understand – I am not an expert in the field – but made up of small insurers operating
 within the constraints of a lower capital base and the larger players operating either in Gibraltar or
 elsewhere.

3875 According to the latest statistics, in relation to insurance, the sector employs 240 people, the majority of
 whom are in fact Gibraltarians. The industry is obviously also an important net contributor to Government
 coffers in terms of corporate and PAYE tax and other fees such as rates and rents. For all these reasons, this
 is a matter which will require considerable sensitivity in terms of approach from both the Government and
 indeed the regulator.

3880 The issue as reported in the press is of concern to those in the industry locally. One of our local
 insurance stakeholders has openly accepted the logic behind Solvency 2, but equally has concerns about the
 timescale to achieve compliance with the requirements that, to quote him, 'some people in the industry need
 to have a wake-up call.'

3885 I note that the Government is working with the Gibraltar Insurance Association and the FSC in a Joint
 Steering Committee, dealing with the transposition of the directive. We welcome this on this side of the
 House.

We also note that the industry has recently been asked to contribute towards the regulatory costs of
 implementation of Solvency 2 through a direct levy which they have agreed to.

3890 Just pausing there for one moment, Mr Speaker, in relation to the FSC, I take this opportunity to
 welcome the arrival of Samantha Barrass as its new CEO, who replaces Marcus Killick, who I know was
 well known to the hon. Member opposite. Mr Killick's work over 10 years on the job has to be recognised
 and acknowledged and we do so from this side. The ability to secure a fine but crucially important balance
 between proper regulation, but at the same time the flexibility which is required to make our financial
 services industry work, is one which we hope that Ms Barrass will be able to emulate.

3895 And Mr Speaker, to conclude, the Hon. the Chief Minister said, going back to the beginning in his
 budget intervention, that this was a ground-breaking budget and indeed game changing. Indeed it is –I had
 better get it right! *(Laughter)* It is game changing in three respects. First, it is the budget with the highest
 level of expenditure ever. **(A Member: Oh!)** Secondly, it does not give us the full picture of where our
 finances are. **(A Member: No!)** Thirdly and finally, the net public debt in monetary terms is the highest
 ever.

3900 Perhaps the Hon. the Chief Minister should gloat less about his record and start to govern this
 community responsibly before it is too late.

I am grateful, Mr Speaker. *(Banging on desks).*

3905 **Hon. Chief Minister:** Well, Mr Speaker, actually I have been looking forward to that one, but I feel
 very let down and disappointed. Mr Speaker, after that damp squib of a speech, can I suggest that the House
 adjourn to 9.00 a.m. tomorrow morning?

ADJOURNMENT

**Thanks to parliamentary staff;
 Thoughts in memory of Sir Joshua Hassan**

3910

Mr Speaker: Before we adjourn to tomorrow morning, there is a couple of points I want to make. One
 is to thank the staff of this Parliament who have arrived here this morning well before we did and who will

not be able to go home until after we have left, on what has been a very unusually long day. (*Banging on desks*)

3915 And secondly, this afternoon while I was looking through some papers in connection with the manuscript of my memoirs, I came across the fact that on 1st July 1983, Sir Joshua Hassan and I were travelling back from London that day after a historic meeting with Margaret Thatcher, and half an hour earlier, the Hon. the Leader of the Opposition had drawn my attention to the fact that today, 1st July, is also
3920 17 years since the death of Sir Joshua Hassan and he who was described as the Father of the Gibraltarians, perhaps we might spare a thought for him.

I now propose the question which is that this House do now adjourn until Monday at 9.00 a.m. (*Banging on desks*)

I now put the question which is that this House do now adjourn until Wednesday 2nd July at 9.00 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

3925 The House will now adjourn until Wednesday 2nd July at 9.00 a.m.

The House adjourned at 9.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 1.19 p.m.

Gibraltar, Wednesday, 2nd July 2014

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The Gibraltar Parliament

The Parliament met at 9.00 a.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

GOVERNMENT BILLS

Appropriation Bill 2014 – For Second Reading – Debate continued

Clerk: Sitting of Parliament, Wednesday, 2nd July. Second Reading of the Appropriation Bill 2014. Budget speeches continue.

5 **Mr Speaker:** The Hon. Paul Balban.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, It gives me great pleasure to stand here today to deliver my third Budget address. Time and tide wait for no man and this is becoming so evidently clear now. How time flies. One would be forgiven to think that on this side of
10 the House one should be getting increasingly nervous, as our end of tenure looms ever closer. Surely, our political shadows should already be rubbing their hands together in view of this waning time, before what they feel should be a feeding frenzy on a banquet of unfulfilled manifesto commitments, but alas for them there should be no left-overs, not even a morsel to be devoured.

We are doing well, Mr Speaker. This Government, true to its word, is doing extremely well. I will only
15 speak for the ministries that I am responsible for but everywhere we turn change is now most definitely in the air. Gibraltar is being transformed and it is there. Change is now glaring in our faces.

Mr Speaker, a year on from my last Budget speech where I announced the construction of low cost affordable housing as being one of our major flagship manifesto commitments. Well, I am now happy to report that this has now become a reality.

20 Ground was broken only months ago and the Aerial Farm Site, soon to become Beach View Terraces, is already there looming right in front of our very eyes, growing day by day. I do not think that people prior to this summer were so aware that we had progressed so far in such a short amount of time, but now, as we follow our daily exodus to the beaches, it is there – Beach View Terraces. Truly affordable homes! Something which was born during our last tenure in Government – a concept that was sadly never equalled
25 successfully by our predecessors.

Mons Calpe Mews is also on track and running on schedule, as announced. In no time at all we will also see this starting to take shape. Both of these new estates are truly low-cost and affordable. Where else
30 would someone be able to buy a one-bedroom flat for £27,600 or a 4-bedroom flat for £73,360. Surely, the only complaint would be, and has been, that people want more of these types of flats, the demand has been that great! There were over 3,000 applications for these 895 flats. The demand has been so great simply because of the dismal record of our predecessors when in Government. People who have been given the chance to purchase are truly ecstatic, and are now eagerly awaiting their new homes.

35 Mr Speaker, as a result of the success of these new projects, it is clear that we cannot stop here. In fact, we will not stop here, we will carry on building low-cost homes as there is clearly a need and demand for this type of housing initiative, not only for those who are on the waiting lists but for the many upgraders who have also shown a clear interest in purchasing as they have outgrown their homes and now require larger accommodation. These families have shown an interest in releasing their properties to Government for subsequent sale.

40 Mr Speaker, this Government does not give priority to those who wish to purchase 100%. There is already a housing market out there for speculators – but not this market. We work strictly by the criteria that we announced and hold firm by this. Priority has been given to those applicants who were on the housing waiting list on or before the 9th December 2011; after this, those who were on the pre-list on these dates, followed by those who were on the Housing List after 9th December. Then those who are currently tenants of Government flats will be allowed to purchase and then upgraders will also have an opportunity as
45 long as flats are still available.

Our counterparts may criticise, as they would have done things differently. They did in fact do things differently – very differently. They sold to the highest bidder. They sold to those who chose to buy 100% over and above those who could only purchase 50%. That was their policy. Nevertheless, they were very successful in one other thing – and I think that no one could deny them of this – and that was allowing the waiting list to rise and rise to around 1,500 – the level that we inherited on 9th December 2011, when it was this Government who had brought the housing waiting list to an all-time low of 459 back in 1996.

Mr Speaker, also in keeping with our manifesto commitment on the construction of flats for the elderly in the style of Albert Risso and Bishop Canilla House, we have already announced two more blocks which will be purpose built for these specific needs. The professional opinion of occupational therapists and other relevant professionals have been consulted so that these flats will suit these exacting needs. The flats will be spacious and completely wheelchair accessible. As already announced, one block will be within the Mons Calpe Mews Development and will be known as Sea Master Lodge. The other will be Charles Bruzon House constructed at Europort Avenue. A total of 143 flats will be available within these blocks. We are also working on new Albert Risso-style accommodation on the site of the old Queen's Hotel.

60 Mr Speaker, our policy of holding regular meetings with the Tenants Association continues. Either I or senior members of my Ministry continue meeting with the established Tenants Associations on a regular basis. These meetings reinforce our contact with the tenants and many issues are highlighted and sorted out during these meetings. This keeps my Ministry in touch with the real issues that concern our tenants and affords early warning of existing and impending problems for immediate remedial action. Tenants Associations express their appreciation for this platform from which they can communicate their problems directly to senior Housing ministry officials who are truly empowered to assess such matters and take swift corrective action. In this way, tenants may have more regular contact with the ministry by way of its ground staff, who are the ones who deal with all the important day-to-day issues and this greatly speeds up the process of getting work done.

70 Mr Speaker, a complete restructuring exercise of the Reporting Office was carried out last year in order to maximise this Office's efficiency and effectiveness in dealing with the numerous day-to-day reports and counter enquiries from members of the public. The Reporting Office has established a close relationship with the Housing Works Agency's Customer Services Support Office, resulting in an efficient exchange of information that truly benefits Government tenants.

75 All customer enquiries received at the Reporting Office are dealt with within the same working day, where possible, and the success of this endeavour is evident in the significantly reduced incidence of customer calls directly to the Agency.

Mr Speaker, I am happy to say that since we addressed this matter we have not received one single complaint relating to the non-reply of phone calls. On the contrary, we have now received praises for the way that the calls are being handled.

80 We keep monthly phone statistics to ensure a good and efficient service to the public. We now also have an email address where persons can make reports directly to the Reporting Office without having to make a phone call or coming to the counter in person.

85 Mr Speaker, El Turno has now been in operation for over a year and tenants are happy with this new service being provided. Government is now considering the possibility of extending this to other estates in the near future. A team constantly oversees that the service runs smoothly and are quick to tackle any emerging queries so as to ensure a seamless operation. This is yet another commitment which this Government has fulfilled, making the lives of residents more comfortable.

90 Mr Speaker, as I announced last year, Her Majesty's Government of Gibraltar is committed to targeting practices of anti-social behaviour within Government Estates that affect many law-abiding residents. One key issue of major concern resulting in anti-social behaviour was directly related to tobacco concealment, especially within Glacis and Laguna Estates. In this respect, the Government has embarked on a programme of placing CCTV cameras in strategic locations within these estates. This scheme is in its initial stages but will develop as the refurbishment works of the estates progress.

95 The Government has also introduced a number of measures to eradicate the sale of tobacco from within these estates. The collector of customs has exercised his discretion in keeping with the Government's declared policy and views on the public interest. This has been applauded by tenants and their respective associations alike.

100 It was very disconcerting, evoking strong feelings of fear and insecurity, witnessing individuals stripping to their undergarments or dismantling their vehicles in order to conceal tobacco. Tenants feared for their safety and that of their children, and rightfully so. These persons on many occasions would challenge anyone who tried to detract them from their activity, at times showing violent or threatening behaviour to those who complained or even challenged them. These estates, Mr Speaker, are now a better place. Furthermore, tobacco can now only be sold at reduced quantities between the hours of 8am and 8pm, 105 and there is an increased presence of both RGP and Customs personnel in what are known as hot spots around Gibraltar and other Government Estates.

At Mid-Harbour's Estate, CCTV cameras have already been installed both in the garage and podium levels in order to curb anti-social behaviour at these locations too.

110 Mr Speaker, in last year's Budget speech I announced the erection of scaffolding to signify the commencement of a massive investment in the external refurbishment of our existing housing stock – housing stock which had been forgotten and neglected for many years.

115 Today, I can proudly announce that the rewards of this investment are becoming increasingly apparent as projects gather momentum. Indeed, my staff and I receive encouraging feedback from tenants of the estates undergoing refurbishment. No-one could possibly deny, irrespective of which side one sits, that this will totally transform Gibraltar. The estates being tackled at the moment will be visible from afar and are the first buildings one sees shortly after crossing the frontier into Gibraltar. The first block to have been unveiled at Laguna Estate, Rodney House, shows the impressive and remarkable change that Gibraltar was crying out for. It was most definitely time for change.

120 The change within these estates will also see the installation of lifts in the vast majority of blocks, which will make life to the many residents so much easier. These works are not simply aesthetic but they will tackle the serious issues that rip right into the fabric of these ageing blocks: water penetration, dampness, lack of ventilation and other symptoms of neglect.

125 Mr Speaker, the rolling programme to refurbish and embellish Government's historically neglected housing estates has also now seen the complete refurbishment of Kingsway House in Alameda Estate, including an upgrade of its lift facilities as commenced by the GSD Government. True to our word, we have respected and continued with these works. The refurbishment of Red Sands House is now well underway and is estimated for completion in October this year. Picton House, Victoria House and Alameda House will successively undergo the same treatment in due course.

130 Mr Speaker, at Laguna Estate the refurbishment of Rodney House, as just mentioned, is only awaiting its lift, which will be fully operational in a few weeks. Smith Dorrien House is at an advanced stage of refurbishment and Mallard House, Forbes House, Landport House, Orillon House and Bayside House are well underway.

A further four blocks – these being Maidstone House, Blackwatch House, Nelson House and Causeway House – are currently in the initial phases. We are on target and we will deliver as promised.

135 At Moorish Castle Estate, Castle House, Ince House and Wall House are in the intermediate phases of refurbishment and the construction of the first monopitch roof is soon to commence at Castle House. Works on Tarik House are also scheduled to commence shortly.

140 Mr Speaker, at Glacis Estate, George Jeger House is already in its intermediate stages. The refurbishment of Referendum House and Constitution House, which includes the provision of individual lockable storage compartments along each communal corridor, is currently in the initial to mid-phase and progressing well.

145 Work has also been carried out at Varyl Begg Estate as part of the continuous embellishment programme. The Ministry for Housing has carried out the refurbishment of the internal courtyards of Alert House, Repulse House, Valiant House and Royal Sovereign House. These consisted of the repairs of spalling concrete to the corridors and staircase slabs, the repainting of all balustrades and letterboxes and the cleaning and re-fixing of the existing gutters.

150 The demolition of the existing access ramps and the construction of new ramps, which complies with all current regulations and disability requirements, are also being undertaken. All existing bin stores have been extensively refurbished and upgraded throughout the estate and are now completely waterproof, tiled, painted and have self-closing and lockable doors.

The pending refurbishment of Varyl Begg Estate includes an upgrade of its surface water drainage systems, road resurfacing and re-paving. Also included is the demolition of inadequate access ramps to be replaced by new disability access ramps constructed to approved specifications. The area will also see the re-painting of its parking bays, which have now worn away.

155 Mr Speaker, not only has this Government concentrated on the projects and commitments announced within its manifesto and in the run-up to the 2011 General Elections, but we have also tackled other building refurbishment projects that have been seen to be in need of works and maintenance.

Other Government housing stock undergoing or scheduled for refurbishment include: St. Joseph's Estate, Anderson House, Sandpits House and New Police Barracks.

160 The external refurbishment of St. Joseph's Estate is now complete. Essential external repairs have been undertaken to St. Joseph's Estate, which includes a much-needed toddlers playground in the area, the re-surfacing of pavers to access walkways to the middle and upper area of the estate, the upper east area parking bays to the estate have also been re-surfaced and the drainage rationalised to prevent ponding.

165 Extensive repairs to retaining walls within the estate have also been undertaken including the rearrangement to the slope angle of the stairs to the common areas. The replacement and re-levelling of the pavers throughout the estate to improve the drainage of surface water has been completed.

This is currently phase one of several refurbishment phases to be undertaken to the estate. Subsequent phases will include extensive repairs to several roofs in order to eliminate the long-standing water penetration problems being experienced by some tenants of the estate.

170 These works are scheduled to commence shortly. Other phases will include the redecoration of the building façade, railings, staircases and extensive repairs to the entrance doors.

Mr Speaker, Bado's Building is now completed.

175 Gibraltar General Construction Company Limited (GGCCL) has been engaged to assist in clearing the historical inherited backlog of external works, pensioners' bath to shower conversions and GHA Occupational Therapy conversions; and I am happy to say that there is a marked improvement in the turnover of works. In this way, it is possible to make allocations allowing people to acquire their much-awaited home sooner.

180 The GGCCL has extended its role to provide further assistance to the Housing Works Agency (HWA) in tackling the most labour-intensive internal repairs. Close co-operation between these two Government entities has seen the secondment of experienced HWA operatives to optimise GGCCL's growing industrial-operations capability.

185 The current Self-Repair Scheme represents a vast improvement over the scheme in operation under the previous administration, in terms of accountability, financial control and service delivery. Whereas before tenants were issued with local purchase orders which could be easily abused – exchanged at suppliers for unrelated items of similar value – the current scheme requires a site visit by a senior Housing Works Agency operative to assess the requirement, type and quantity of materials to be issued. The senior operative also provides professional advice, care and attention throughout.

190 Following the initial assessment, the requisite paperwork is raised to draw the required materials from Housing Works Agency stores and materials are delivered to tenants' homes at a pre-arranged date and time. The paperwork provides an audit trail to verify proper accountability for all materials issued under the Self-Repair Scheme.

195 Indeed, the success of the current Self-Repair Scheme is reflected by increase in demand and the positive feedback received from tenants availing themselves of this service. Government has increased funding substantially this year to satisfy growing tenant-demand. This shows our ongoing commitment to all Government tenants.

200 Mr Speaker, the activities of the Housing Technical Division and those of the Housing Works Agency will, at long last, be amalgamated with the transfer of Housing technical staff and assets to the Housing Works Agency. This will facilitate a seamless flow of activities across the full spectrum of construction disciplines from conceptual, through planning stages to final execution of works. It is envisaged that this merger will create a synergy that overcomes the typical operational barriers that exist between competing organisations to augment the value of services extended to Government tenants.

Mr Speaker, I will now turn to my other areas of responsibility as Minister for Traffic and Technical Services.

205 As part of this Government's projects, a further two car parks were opened in 2014. Firstly, South Pavilion car park, which offered 43 parking spaces on a monthly rental basis. This facility has been greatly welcomed by residents of the area.

210 Without a doubt, the one building that I am proudest about so far – and I say so far because Beach View Terraces could, in my opinion, surpass all expectations – has to be the high quality construction of Eastern Beach car park and its completion in record-breaking time, on 9th June 2014 (*Banging on desks*) just before the bathing season. Mr Speaker, this is a sign of the times – a sign of a new Government with a new style of working.

215 As most stood in awe and disbelief at how remarkable GJBS had constructed this splendid parking facility in time and on budget, and where absolutely no compromise had been taken on the quality of materials and workmanship. This car park stood, offering a total of 436 parking spaces on three different levels, of which two floors are protected from the unrelenting summer heat.

Users are delighted to be able to find free parking at the beach, mostly out of the scorching sun. Parking will be free during the daytime hours for beachgoers from 8am and 10pm. After this time there will be a charge to ensure that the intention of this car park remains – that is as a beach parking facility and not a long-stay free car park.

220 In the future, the new contactless e-ID card will provide the access key to this parking facility. Parking facilities at Catalan Bay have also been extended onto an area of reclaimed land adjacent to the present car park – allowing for a further 100 parking spaces, bringing the total to 328.

225 Western Beach car park was opened 21st August 2012, providing a total of 109 free parking spaces. A further 78 spaces were gained at the New Air Terminal car park by extending the available space by successfully relocating Air Terminal staff to an alternative parking facility within the confines of the Terminal Building itself.

230 These spaces will operate as Pay & Display during the busy hours when aircraft arrivals and departures place a large demand on parking space. After this time, these very spaces will become free to allow overnight parking for persons wishing to avail themselves of this facility – hence, despite the closure of the old Air Terminal parking facility, a net gain of 70 overnight spaces have been gained in this area.

235 Mr Speaker, turning my attention to traffic now, I would like to report that the new criteria for granting frontier passes to those persons who have a medical condition has been a great success. The assistance of the blue badge Medical Advisory Panel reviewing the medical conditions of frontier pass applicants ensures that the information provided is accurate and up to date. This new Government development secures the integrity of the scheme.

240 Mr Speaker, the introduction of the Motorcycle Compulsory Basic Training Course for riders is now well underway and being delivered in-house by our qualified driving and vehicle examiners. The course structure covering a mix of verbal instruction and practical training is a tremendous success. Feedback from the public at large has been extremely positive.

245 Notwithstanding, as part of Government's initiative to further reduce motorcycle accidents, the Reach for Life campaign will very shortly be introduced. This campaign will offer essential tips to our riders so that they ensure that pillion passengers, especially and specifically small children, sit appropriately on the seat with both feet on adequate and secure footrests.

250 The demand for the issuing of the new photo card driving licences continues to be on the increase, yet the waiting times for the issuing of these driving licences is at an all-time low – around five to six working days. This, combined with an extra business counter being provided in the offices, will ensure an improved service for businesses and the public at large. On the technical side, the Vehicle Licensing Department has also recruited two new vehicle testers, replacing promotion and retirement. This recruitment has reduced the roadworthiness appointments immensely to around nine days.

255 Mr Speaker, notwithstanding the above, the Driver and Vehicle Licensing Department continues to use information and communication technology as a tool to achieve better customer services. The general public is now able to access a number of online services and applications via the new e-Government portal; to name but a few are: roadworthiness test bookings – the MOT, driving test and theory test bookings. Furthermore, the Department is also working on a service to purchase personalised number plates online.

260 These services will allow people to access and pay for such facilities at any time and from the comfort of their own homes. This comes as a wealth of new market footprint coverage opportunities for the Driver and Vehicle Licensing Department that will appropriately cater for market demands and service requirements.

265 As part of Government's initiative to provide personalised support to assist applicants wishing to undertake the new driver certificate of professional competence, initial qualification training provided by the Department is ongoing and continues to be a success. In the past year, 18 drivers have successfully passed the bus licence and eight drivers have successfully passed the lorry licence.

270 Moreover, Government, in an effort to ensure that all directive requirements are met, is continuing to deliver the 35-hour periodic training for existing drivers. 2014 is seeing the delivery of both the bus and lorry CPC.

275 Government is confident that all the outstanding training will be brought up to date by August of this year, shortly before the directives deadline of September 2014.

280 Mr Speaker, the carriage of dangerous goods by road can involve the risk of traffic accidents, taking into account the safety requirements of vehicles transporting dangerous goods and, in accordance with the Transport (Carriage of Dangerous Goods by Road) Regulations 2010, Government has taken the initiative and provided training to a number of the Department's technical staff in order to qualify them for the issue of an authorisation certificate to vehicles carrying dangerous goods within Gibraltar under conditions laid down in these Regulations.

285 Qualified persons from the Vehicle Operators Services Agency in the UK have delivered this course. At present, seven officers have taken and successfully passed the course and are now authorised to issue ADR certificates, the other five officers will be attending the course throughout 2014.

290 Mr Speaker, further to and in keeping with our manifesto commitment, I am satisfied that all the relevant outstanding EEC regulation and amendments have now been transposed. Furthermore, and in anticipation, the Department is now studying future directive proposals in order to expedite their swift

280 implementation as and when the need arises. To this end, I can proudly state that to date the Department has successfully completed all the commitments as set out in our manifesto.

Mr Speaker, as stated in our manifesto, there is a great need to extend and regulate the provision of parking bays for disabled persons in Gibraltar. In this regard, Government is planning on introducing meaningful changes to the blue badge scheme. Part of these changes is to ensure that the badge holder is
285 aware of his/her responsibility in guaranteeing its proper use.

This review has formed part of the Traffic Plan. As stated, Government is always looking for ways in which to improve the blue badge scheme and therefore in consultation with all relevant authorities and associations this system will be looked at on a yearly basis with the initial and first year of operation being based on overall statistics and feedback from users of the scheme.

290 This system will look into the individual use and highlight any misuse of the blue badge permit. Government is confident that the data gathered will suggest whether these changes to the blue badge parking scheme have been a success, in addition to highlighting any need for further improvement.

Furthermore, in an effort to support our citizens with mobility problems, Government is presently looking at increasing the number of disabled bays and also increasing the size of the present parking bays in
295 order to assist and facilitate those persons with severe mobility problems. The number of disabled bays available has increased since December 2011 from 92 to 115.

Mr Speaker, I would now like to turn my attention to Technical Services. During the past financial year, the Technical Services Department has, as is customary, been involved with a number of projects covering a wide range of areas under their defined responsibilities, such as highways maintenance and works to the main sewer, as well as coastal protection and rock fall prevention works and works for other Government
300 entities.

On the coastal works side the main project, which Technical Services has been responsible for delivering over the past year, has been the beach protection and regeneration works at Sandy Bay. Two curved groyne have been constructed on either side of Sandy Bay, joined by an underwater breakwater
305 which has completed, with the last few quantities of rock armour being placed along the central section.

In addition, the regeneration of the beach is now complete through the importation and placing of 55,000 tonnes of sand. The Department has had to overcome a number of challenges to deliver this project, some of which were non-technical in their nature and I give credit to them for the manner in which this has been seen through to completion. Sandy Bay has seen a major transformation arising from the completion
310 of this project and in so doing we have honoured yet another of our manifesto commitments.

Turning now to cliff stabilisation and rock fall protection projects, the Department completed the project to clear the rock fall protection bund at William's Way. This area had suffered a major rock fall and landslide a few years ago and, even though the bund did its job at the time, it required clearance in order to fully restore the retention capacity of this protection measure. This has now been successfully achieved.

315 Assessments and designs for slope stabilisation works above Windmill Hill Road were also completed and works have recently started on this project as part of the Government's on-going cliff stabilisation and rock fall protection programme, which will continue during this financial year.

Mr Speaker, with regards to Highways Maintenance, the works programme has continued apace over the past year with ongoing repairs to roads, footpaths and retaining walls.

320 Resurfacing works have been carried out during the past year to Fountain Ramp and City Mill Lane, as well as the surfacing of a new car park on Devil's Tower Road. The replacement of pelican crossing lights and equipment has been undertaken in a number of locations working jointly with the Gibraltar Electricity Authority and this programme will continue during the coming year. The Department also continues with its ongoing annual programme in liaison with the GHA Occupational Therapy Department and the new
325 Equality Department, with regards to undertaking improvements to our roads, in particular pavements, with a view to making pavements more disability-friendly.

As in previous years, the Department continues to successfully manage road closures and diversions on the public highway, both for its own in-house works and for all other utility companies and contractors, in a manner that balances the need to undertake works against allowing vehicles to circulate. The increased
330 construction activity generated by new projects makes this task ever more difficult. Road closures are avoided during peak times wherever possible, and after hours and weekend work is the default condition imposed on contractors in order to minimise inconvenience to the public.

Mr Speaker, as stated last year, a comprehensive major resurfacing programme has been prepared by the Department, aimed at tackling the under investment in road maintenance over a number of years. Work on
335 the first phase of this programme has already started. This first phase involves the full resurfacing of Rosia Road and Line Wall Road – two of our main roads which have not seen full resurfacing for countless years.

The works will be undertaken at off-peak times and weekends, thus avoiding the traffic disruption that would inevitably ensure should these works be carried out during normal working hours.

340 The second phase of the highways resurfacing programme will include the resurfacing of Queensway from Ragged Staff roundabout up to and including Waterport roundabout, as well as the Sundial and Harbour Views roundabout.

345 This Government has been well aware of the constraints posed by the importation of asphalt via the land frontier and this has been the traditional method used in the past ever since the production of asphalt ceased back in 1990. Hence, this administration was clear that if a highways resurfacing programme was to really work then we would need to revert to local production which would allow us to dictate when resurfacing work took place and not only when it was possible to import. In this way, it is possible to keep traffic disruption to a minimum by working during the quiet hours. Advance notice has been given to utility companies so that all non-emergency works could be carried out prior to the commencement of these works to avoid the re-opening of newly-resurfacing roads.

350 Road users will no doubt be able to feel the difference after so many potholes and uneven surfaces, which we have tolerated but never got used to.

Mr Speaker, true to our manifesto commitment, we were surprised that Dudley Ward Tunnel, which had remained closed for many years since a tragic accident caused by rock falls, had re-opened at a cost to the taxpayer of £10 million, yet certain essential works which would make the tunnel safer were simply ignored.

355 Mr Speaker, I am happy to state that we are now putting these things right. We have worked closely with the essential services to ensure that their needs and general health and safety concerns were addressed. Works have now started in providing a new firefighting main and emergency telephones along the full length of Dudley Ward Way tunnel in line with our manifesto commitments. Mobile phone coverage will also be provided and during the coming year the ventilation requirements will be assessed with a view to improving the current situation as much as possible, working within the constraints imposed by this ex-military tunnel. Yet another manifesto commitment box is in the process of being ticked.

360 Mr Speaker, moving onto sewers, during the past year works to provide flood prevention measures along the southern end of Fish Market Road were successfully completed, as well as the second phase of similar works at Wellington Front. The third and final phase of the Wellington Front project will be completed during this financial year and, once finished, the habitual flooding that affected this area during periods of concentrated heavy rainfall will no longer be a problem.

370 The state of Gibraltar's main sewer and storm water drainage networks remains a matter of great concern for this Government. The lack of investment and neglect in the past of this unseen, yet essential aspect of our infrastructure continues to cause problems, as evidenced by the need to undertake major repairs to a collapsed storm water culvert on Europort Avenue. This has now been completed and the road reopened.

375 Funding is once again being provided this year to continue with the sewers rehabilitation programme started last year. This involved, amongst other works, the de-silting and inspection of the main sewer along Line Wall Road. Arising from this, work will start shortly on the relining of a section of said sewer and this will be progressively extended to other areas.

Funding is once again being provided for the purchase of equipment in order that the operational ability of the Garage and Workshop is enhanced. They will continue to provide a service to maintain the fleet of Government vehicles, including the refuse collection vehicles.

380 Over the past year, the Department has also delivered other projects including the demolition of the old air terminal complex, which was completed, as was the conversion of the magazine located at Ragged staff car park into what will become a transport museum.

385 Mr Speaker, a major project which Technical Services has been instrumental in delivering is the new Commonwealth Park. Even though this is under the remit of the Ministry for the Environment, it has been driven through all its stages by Technical Services in yet another example of inter-ministerial co-operation. Everyone is justifiably proud of what has been achieved in creating this oasis in the centre of our city for the enjoyment of all. (*Banging on desks*)

390 Mr Speaker, this brings me to a major manifesto commitment under my Ministry, working in conjunction with the Ministries for Public Transport and the Environment, in the form of the delivery of a new Sustainable Traffic, Transport and Parking Plan for Gibraltar. Work on this project continued throughout the past year with the completion of the data collection stage involving a variety of public surveys ranging from interviews at car parks, on buses and at the roadside right up to individual households throughout all of Gibraltar. Online questionnaires were also available.

395 The data obtained was collated and analysed and then used to create a traffic and transport model for Gibraltar as existing. From this, potential options to bring about changes in the way Gibraltar moves have been developed and assessed. These will form part of the Plan, which the Government will be making public in the near future.

Mr Speaker, as can be seen, Technical Services Department will this coming year continue to deliver on their defined responsibilities maintaining public infrastructure and will continue supporting and providing

400 technical input across the board throughout all relevant Government Ministries and Departments in all manner of projects, large and small, in order to deliver on the Government's extensive and comprehensive programmes.

Mr Speaker, I am fully confident that the Ministries under my responsibility are right on target to fulfil all our commitments as set out in our manifesto and in our pre-election campaign. We are on target, Mr Speaker, and I am confident that we are on target to complete all of them.

Mr Speaker, finally, I would like to conclude my contribution to this budget address by thanking all of my staff who have worked hard to see our dreams and ideas slowly become a reality. Thanks go not only to those who ensure the rolling out of our commitments, my senior members of staff, but also to those who go by unnoticed, who perform the valuable function of assisting at counters, having to put up with difficult situations, carrying out MOT's, repairing our Government fleet of vehicles, repairing and maintaining our housing stock, managing our car parks, maintaining our highways and our sewage infrastructure, to ensure our construction projects progress to schedule, all my technical staff and all office and clerical staff helping to make our essential departments tick.

In particular, I would finally also like to thank my personal ministerial staff for all of their help and support during the past year.

Thank you. (*Banging on desks*)

Mr Speaker: The Hon. Steven Linares.

420 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have been a Member of this House for 14 years. It is a great honour and privilege for me to deliver my third budget speech as the Minister for Sports, Culture, Heritage, Youth, Utilities, Postal Services, Fire and Rescue Services, Refuse Collection and Civil Contingencies.

I will commence with Culture and Heritage. The House will recall that during my last budget speech and more recently in my contribution during the Second Reading of the repeal of the Gibraltar Culture and Heritage Agency Act in March, I explained the mess that we inherited in relation to the Gibraltar Culture and Heritage Agency. I outlined, amongst other matters, the way in which the previous administration gave wage hikes to people just weeks before the last General Election. (**Two Members:** Shame!) (*Interjections and laughter*)

430 I cannot help but mention to the Hon. the Leader of the Opposition that when he mentioned the fact that the Culture and Heritage budget had increased this year from £3.8 million to £5 million, which represents a 31.6% increase, he should consider the fact that the forming of the Agency, which was their doing, it cost the taxpayer an increase of 100% – i.e. from £1.9 million to the £3.8 million. (**Two Members:** Oh! Shame!) It has been a long process to undo the structure that we inherited.

435 I need to say that the Government is conscious of the fact that it was not the fault of those who signed up to work for the Agency, since I would have signed up too. It is the previous Government that must take the (*Interjections and laughter*) Absolutely – yes, you laugh, of course! (*Interjections*) Yes. And now I am a Minister and I have inherited that. It is the previous Government that must take the political responsibility for their actions. (**A Member:** Hear, hear.)

440 So undoing this mess took courage and good will from all parties. I am pleased to say that we will be signing contracts within the next few weeks, which will map out the future for the Culture and Heritage in Gibraltar.

The Heritage Division part of the repealed Gibraltar Culture and Heritage Agency will be run by Knightsfield Holdings, as it has been for the past 20 years. The Ministry for Heritage will be responsible for other heritage issues. The Government is happy to say that we now have an archaeologist employed in the Ministry to help us with our now well-established heritage filter. I explained this last year.

We will also count on the professional expertise at Knightsfield Holdings, should we require it.

450 Since the heritage filter on Government policy was established and given that the Development and Planning Commission became an open forum, there was a need for an in-house archaeologist to advise us on these matters. On a day-to-day basis the Ministry will also be charged with upholding the issues that will arise after the coming into force of the new Gibraltar Heritage and Antiquities Act. The indications are that this Act will be in our statute books some time this year. We have been working very closely with all stakeholders on this Act and it is very encouraging to see that at last there is light at the end of the tunnel. This is something that the Heritage Trust has been pushing for years before we came into office. They have been fully involved and consulted.

455 The Government's relationship with the Gibraltar Heritage Trust is a positive one. There is plenty of contact between my Ministry and the Trust. I regularly meet with the Chairman and the CEO and they know that my doors are always open for them.

460 We have been able to work closely on many projects. These include: Hardings Battery, the Giralda Gardens, Grand Battery and many others. The Gibraltar Heritage Trust can now also boast new modern,

state of the art offices and retail premises in the centre of town. The Main Guard has been restored with the contractor working very closely with the Trust throughout. I am happy to say that their new premises have been able to successfully blend the old with the new.

Our manifesto states:

‘HERITAGE TRUST

We will re-establish a relationship and co-operation between the Heritage Trust and the Government. We will not seek to interfere in the business of the Trust at all.’

465 We have delivered on this promise.

The restoration of a number of other sites have also taken place during the last financial year. These include: parts of the Charles V Wall; the bunker at Eastern Beach, which is being put into good use by the Blue Fin Club; the ARP Shelter opposite the Museum, which was totally abandoned. This Second World War Shelter had debris inside from when the King’s Bastion Leisure Centre was constructed. Little or no regard was had at the time of the heritage value of this particular place. It has already been refurbished.

470 The Montagu Bastion Chambers on Line Wall Road is yet another place of historical interest which was abandoned. Many people were not even aware that it existed. By liaising closely with the Trust we have been able to not only restore this beautiful place but also to house in it the Gibraltar’s Exhibition of Modern Art (GEMA). (*Banging on desks*) It is currently holding the Little Constellation project.

475 Another project which has already started is that of Wellington Front. It is yet another of our manifesto commitments that is well on its way. Wellington Front will be restored to its original glory. All outhouses that were constructed after the original period will be knocked down. Some of the Second World War features will remain. Work on its historical problem, which was flooding of the area, has now been completed. All the area will be beautified and the vaults will house some clubs, scouts premises, and other leisure amenities.

480 Our Manifesto stated:

‘WELLINGTON FRONT

Wellington Front needs to be entirely refurbished in order to make the most of the City Walls and provide premises for clubs and societies that need to be centrally located. This will also involve having to deal with the problems of flooding in very wet weather.’

We are on the way to delivering this promise.

The Northern Defences was put out to the public for expressions of interest. These have now been gathered and the Government is in the process of looking into the possibilities that this site can offer. 485 Needless to say that the heritage value of this whole site will be taken into consideration together with its commercial potential as a tourist and leisure area.

As is now known, my offices have moved to the City Hall. This iconic building which housed the housing department is yet another building which had been left to deteriorate. It will now be restored.

490 The fact that my offices are now there is in line with our commitment to heritage and fulfils a manifesto commitment which states:

‘CITY HALL

We will move the housing department out of the City Hall and into purpose built offices. The City Hall will then be exclusively used for cultural and historical events.’

We have delivered on this promise.

The bid for the UNESCO World Heritage Status will be an important area of action during this financial year. The nomination will be put forward in January 2015 and the process of inspection and evaluation will follow.

495 We are currently engaged in the process of preparation of the nomination dossier, management plan and accompanying documentation. The House will be aware that the nomination will be put forward on our behalf by Her Majesty’s Government in the UK. We are in close contact as partners in this bid.

500 UK advisers have been out to Gibraltar and form part of a Steering Committee, which we set up last year. The Steering Committee is made up of members of the Government Departments and other stakeholders, including the MoD, GONHS and the Gibraltar Heritage Trust. It meets quarterly to evaluate progress with the bid – the next meeting being this Thursday, tomorrow.

505 I should first tell the House that Government, following the recommendation of the Steering Committee, and taking into account comments made by the UK Technical Evaluation Panel, agreed earlier this year to an extension of the site’s boundaries. The site to be nominated now includes the cliffs above Gorham’s Cave, right up to the peak at O’Hara’s Battery, and the Catalan Bay Sand Dune. Put together, this area represents an exceptional landscape, which has survived since the time of the Neanderthals.

We are working on stabilisation of the cliff area directly above Gorham's Cave to ensure the safety of persons working in the caves. We are removing all metal and other rubbish, which has accumulated on the beach as a result of winter storms, and the old scaffolding has been removed and will be replaced. The steps leading down to the site are being repaired.

510 There are caves along this path, which have been vandalised over the years and we will be undertaking works to remove graffiti. I sincerely hope that the importance of these caves comes to be appreciated by all.

It will be possible to view other areas of the site from various vantage points on Sir Herbert Miles Road. It is not intended to open Gorham's or Vanguard Caves to a large number of visitors. These caves are too sensitive and would be adversely affected. However, the Government will consider limited viewing by small groups with guides.

515 In addition to this, the plan is to provide viewing platforms at the 1st, 2nd and 3rd Europa Advance Batteries, so that visitors to Gibraltar can enjoy the sites without causing damage. Similar arrangements are in place in a number of existing World Heritage Sites. It is also part of our strategy to encourage tourist visits to the site by boat. The best view of the site is from the sea and it is from here that it is best understood. We will offer the possibility of small groups landing to see Gorham's Cave with professional guides.

520 During the course of this financial year we will be opening Parson's Lodge as an interpretation centre. Here we will offer interpretation for tourists who can then visit the caves either by road to the Europa Advance Batteries or by boat from a future refurbished Rosia Pier.

In addition to the Neanderthal story, Parson's Lodge will tell the story of the relationship of people and the limestone of the Rock – from caves to tunnels and batteries. This financial year will see a number of projects to restore and bring to life other sites and areas of historical and heritage interest. We will be announcing these, as and when they are completed.

530 A new company has been formed by former employees of the Agency. Gibraltar Cultural Services (GCS) is based on the same principles as the Environmental Agency Ltd and Land Property Services Ltd. They will be able to organise and maintain cultural services.

Properties such as the Ince's Hall Theatre, Gustavo Bacarissas Galleries at Casemates, Central Hall, the Fine Arts Gallery, the John Mackintosh Hall Complex including the theatre, committee rooms, etc, the Mackintosh Hall Library, Casemates Square, The Mount for bookings only at this stage, and changing room vaults at Casemates will now be under the auspices of this company. They will also be responsible for the administration of a number of committees, for the management of the art collections, and for the management of the premises held by clubs and associations.

540 GCS have been and will be running, supervising and monitoring the events which have traditionally been in our social and cultural calendar. These include: the New Year Celebrations & Fireworks; Young Artists Art Competition & Exhibition; Drama Festival, in which we now have international groups participating; Logo Competition for the Spring Festival; Short Story Competition; Spring Art Competition & Exhibition; the Miss Gibraltar Pageant; Spring Festival, which now extends to eight weeks; Zarzuelas which are now four; Book Crossing Days – maximum of three; Summer Nights increased from six to eight or even ten weeks; supporting the SDGG in all celebrations to do with National Day and week; National Week Classical Concert, which will be reintroduced this coming year; the International Art Competition & Exhibition; Poetry Competition; Autumn Cultural Programme; Saturdays Arts & Crafts market at Casemates.

545 They will also be responsible for the Calentita night and fireworks. The House will know that the date of these events was changed to a Saturday, so that our Jewish community could also take part. The event was improved even further this year. It was extended into Market Place, where a long table and benches were introduced and even marquees were put, for the first time. The Government has received very positive feedback on the Calentita night.

All the above improvements to events fulfil the manifesto commitments which states:

‘CALENTITA

We will maintain and improve community events such as Calentita, which are already taking place.’

555 Once again the Government has delivered.

GCS has during this time of change been involved in many new and exciting events and projects. The Little Constellation project is proving a very useful forum with which to foster cultural links with other nations. The Ministry of Culture is fully participating in this event, which comprises other comparatively small countries, such as Andorra, Cyprus, Iceland, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro and San Marino. It also includes European geo-cultural micro-areas, including Canton Ticino from Switzerland, Kaliningrad from Russia, Åland Islands, Faroe Islands, Jersey, Guernsey and Gibraltar.

560 The project is based on an intensive dialogue between these two identities through the privileged eyes of contemporary art practice, by the Little Constellation Network. This is an international network of

565 contemporary art – based in San Marino – which aims to organize and promote projects with a specific focus on current artistic research activity in these small states of Europe. It networks with all these countries to find out how Modern Art is influenced by their size.

‘Listening to the Sirens’, which is the current project underway in Gibraltar, is of a cultural dialogue between two territories – San Marino and Gibraltar – that share a common path of research and interest in contemporary visual culture. The Exhibition is currently open at Montagu Bastion, which I said before, will
570 now house the Gibraltar Exhibition of Modern Art (GEMA).

The GCS has also been involved in a number of other events such as: this year’s Holocaust Memorial Day; the Queen’s Baton Relay in May, together with the Gibraltar Commonwealth Committee; the Literary Festival, working closely with the Gibraltar Tourist Board that leads on the event. Through the good offices of members of the Gibraltar Tourist Board and the GCS, it is now possible for local artists to participate in
575 the Royal Academy Cultural Exchange that has seen local artists enter into competition for participation at the Royal Academy Summer Exhibition 2014; participation by local artists at the Biennial of the Young Artists from Europe and the Mediterranean – *Mediterranea 16* – Summer 2013; Organising Festival of Lights, which will now include the switching on of the Christmas Lights, that will now become an annual event. The GCS will also be charged with supporting the Cavalcade Committee for this January event;
580 organising the Small Business Saturdays in December as they did in 2013, in conjunction with the Ministry for Tourism.

In all these events we strive to emphasise the environmental awareness and more importantly to make all these events inclusive to all our community. Very recently the Government was gifted by the MoD the entire content of the HMS Rooke Library. Soon these books will form part of the John Mackintosh Hall collection. I would like to thank the MoD for this and I am sure that it will definitely add more value to the already vast collection at the John Mackintosh Hall. We would also like to thank the John Mackintosh Hall Trust who have funded books which students at GCSE, AS and A2 levels can use. This has been achieved by working closely with the Department of Education who were able to advise on the books that were required.
585

There has been a vast improvement in the facilities at the John Mackintosh Hall over the past couple of years. All the changing rooms and dressing areas for the theatre have been refurbished. All the committee rooms have been transformed into bright, pleasant areas with the state of the art equipment. The Charles Hunt Room is used to hold meetings of the DPC in public. It is also used by others as a conference room. The reception area has been painted and new furniture has been purchased. All the wooden and metal balustrades have been restored and painted.
595

The John Macintosh Hall celebrated its 50th anniversary this year. It is therefore very fitting that all these refurbishments have been carried out at this time.

Mr Speaker, an exhibition took place in April to celebrate this occasion. During this financial year we intend to continue to improve and maintain the John Mackintosh Hall. There is in the estimates, waiting for the approval of the House, an amount specifically for purchasing artwork. The Government was recently able to acquire six artworks by Gustavo Bacarisa, which will now form part of its collection.
600

The Garrison Library has also been able to develop. The staff there have been able to secure a project called ‘Bordering on Britishness. What it means to be a Gibraltarian’. They have been able to help in the organisation of many cultural and political events. Events such as the Literary Festival and the meetings of the Foreign Affairs Committee. They are further involved in the digitisation of documents.
605

Mr Speaker, the reforms and changes that have been made were carried out in full consultation with the employees. At all times, we have been able to work together to unravel the great mess that was the Gibraltar Culture and Heritage Agency. (**Several Members:** Hear, hear.) I wish to wholeheartedly thank all those at GCS, Knightsfields Holding Ltd and the Garrison Library for having engaged on this matter in such a positive manner.
610

Moving on, Mr Speaker, to events which are being organised by the Ministry for Culture. It can be seen that our commitment to have an annual mega-concert is well and truly fulfilled. This will be the third year in which the Ministry will be involved in organising of what is easily the biggest event of our music calendar. The Gibraltar Music Festival is attracting many top international artists to Gibraltar. (*Interjections*) I can take it, it is okay. It is just that they do not like what they are listening to, it is okay. Never mind!
615

The brand name of the Gibraltar Music Festival is attracting international attention. This year we have a line-up which is second to none: The Script; Rita Ora; John Newman; Tony Hadley, from the very well-known Spandau Ballet; James Arthur; Roger Hodgson, from the famous band Supertramp; Clean Bandit; Maxi Priest – a legend in the world of music; plus our very own Adrian Pizzarello, Headwires, Georgia Thursting, and Orfila. The Festival will run as it did last year from 12.00 midday to approximately 12.00 midnight and it is geared for all ages. This year again children under the age of 13 will be able to go free, when accompanied by their parents.
620

625 The Gibraltar Jazz Festival, which continues to attract people to Gibraltar, will now also go into its third year. Last year we saw the Blues and TV Jazz star, Jules Holland and his band perform in the Queen's Cinema. This year the production team is working to have a great line-up, which will be announced soon.

630 Mr Speaker, another event which is attracting a lot of interest abroad is that of the Gibraltar World Music Festival. This is a festival that exposes music from around the world. This year the Festival's theme was Chindia. The festival saw musicians from Japan and China, who played eastern music with traditional instruments from the east, from Israel with musicians playing percussion instruments, and from the UK, which had a fusion of Hindi and modern music. This Festival attracted interest from abroad and I would say that more than half of the audience that filled the Cave came specifically to Gibraltar to see this show. It also exposes the multi-cultural aspect to Gibraltar, of which we are so proud.

635 All the above and all the sport events which I will mention later are in line with the policy of the Government of Events-Led Tourism.

We have been able to work closely with the Gibraltar Tourist Board so that these events are marketed abroad with the GTB network. We also use social media websites and other marketing tools to be able to announce these events in order to attract people to Gibraltar. So the above fulfils the following manifesto commitment:

'JAZZ FESTIVAL

We will promote a jazz festival in which the Government will sponsor an international act. This will also help to showcase more widely the great talent already available in Gibraltar in this field. The Gibraltar Jazz Festival will be part of the Spring or Summer Events. The first festival will begin in 2012. This will be in addition to the mega concert we will organise each year.'

640 The only innovation to the manifesto is that we have decided, with the jazz fraternity, that the best time of the year for this festival is in the autumn.

'MEGA CONCERT

As we committed ourselves to doing in the last elections, a GSLP Liberal Government will sponsor an annual music Festival for our youth. The concert will be promoted internationally and will count with the use of Government facilities as well as financial backing.'

Again, Mr Speaker, we have delivered on our commitment.

Mr Speaker, I move on now to my responsibilities for Sports and Leisure.

645 As Minister for Sport and Leisure and Chairman of the GSLA, it gives me great pleasure to see more and more people taking part in sporting activities. The reason could well be the success of the GFA in obtaining membership of UEFA. This seems to have spilt over into other sports to encourage greater participation.

650 Children are starting to get interested in sport at a younger age. It is incredible to see that in a population of 30,000, we have registered 40 sports: 22 of these are internationally recognised in one way or another and there are approximately 8,300 sportsmen and women registered in all sports associations. This represents close to 30% of the population involved in sports.

655 These figures do not include those who practise sport but are not registered under a specific association. For example, it does not cover those who do Batuka, Zumba, attend fitness classes, etc. For this reason, facilities need to be adequate and maintained in a fit and proper state for our participants not only to enjoy their chosen sport, but to be in a position to excel in it.

The fact that participation levels have increased and that standards are rising has increased the demand on the Ministry of Sport and on the GSLA. For this we need to move the GSLA, as an authority and institution, to another level.

660 In relation to facilities, Mr Speaker, I am pleased to say that we have been able to refurbish many parts of the Bayside Sports Complex, which were in desperate need of repair. The Old Victoria Sports Hall has seen a transformation. The Hall has seen the refurbishment of all changing rooms and toilet facilities. The corridor areas have all been painted and the Hall has had all the roof girders and walls refurbished and painted.

665 All the hot water that serves the changing rooms at the Tercentenary Hall is now heated via solar panels. A monitor at the entrance to the Hall shows the amount that we are saving on electricity by using this system. The aim is to extend this to the whole complex.

The main pitch and pitch No. 2 have been resurfaced with a new FIFA Two Star astro-turf pitch. This astro-turf is also valid for International Rugby matches and we have been able to see a number of them already.

670 The lighting system has been upgraded which has seen an increase in Lux from 200 to 1,200 which means that it now complies with the proper standard to have events televised. Some of the old turf has been recycled to the 5-a-side areas at the complex. The three Padel Tennis Courts have been resurfaced. The

boathouse area and the slipway is now being used by the Jet-skiing Association. Jet-skiers can now place their jet-skis in this area and use the slipway without affecting the day to day running of the complex.

675 Mr Speaker, during this financial year, we will see a number of other facilities within the Bayside Complex, which will be built and/or refurbished. This includes the stay and play area. Offices will be built below the hockey stands, and new build within the area where the staff car park is now located. This will include changing rooms for officials, press conference rooms, media rooms, VIP and new bar areas. The bar facilities will be changed to a proper built cafeteria, sports bar area will be located at the entrance to the
680 Tercentenary Hall. This will replace the existing bar which is called 'El Murga'.

The hockey lights that I mentioned last year have already arrived and will be in place during the summer. We have now been able to work with the Education Department in order for the allocation of schools for community use to be extended beyond 31st May and we will also soon be able to make these facilities available during the summer.

685 The skate park, which was situated in Landport, has also been relocated in the car park by the east entrance to the stadium. We have been able to rearrange the whole area in order to provide bar facilities and more parking.

The GASA swimming pool, as I said last year, has been transferred to the GSLA. It has been transformed to the extent that it is unrecognisable. It was a complete mess. There was, for example, no air treatment system and this was affecting the health of users. There were broken tiles in the changing rooms and main spectator areas. There was no disabled access to the spectator stands, to highlight only but a few of the problems.

690 Mr Speaker, I am pleased to announce that we have completely refurbished the whole building. We have re-designed and improved the changing rooms for all. We have provided a new accessible toilet. We have built new offices for the staff and for GASA. We have increased the space available for participants by the poolside by building an extension to the pool to accommodate swimmers in competition.

And more importantly, Mr Speaker, the pool is now an example of how we can use sustainable energy and make vast savings in order to maintain the operation of all systems in the pool. Mr Speaker, we have placed solar panels on the roof and installed a system that now powers and controls the temperature of the water in the pool, heats the water for the showers in the changing rooms, and powers the air treatment, pumps and filter system.

700 The system is also producing more electricity than it needs for all this and we are therefore going to extend it to the other pool. The savings are considerable. As an example, the GSLA had to spend an average of £2,500 per month on diesel to power the filter and the pump system and now we spend zero. (*Banging on desks*) Zero.

705 Currently, we have been making savings to the tune of £104,000. A projection of the savings was done before the system was put in place and it was envisaged that the investment made would be paid for within five years. It is working so efficiently that now this investment will be paid for in half that time, i.e. in two and a half years.

710 So not only have we got all these systems running for the pool, which was badly needed, but we are making savings of approximately 85% of the running cost of keeping the pool. During this financial year we will continue to improve on other facilities within this complex, namely the senior citizens pool next door.

Mr Speaker, we had a manifesto commitment that stated:

'MID-HARBOUR BATHING

We will explore locating a bathing platform in front of the Mid-Harbour Estate so that people can swim.'

715 After exploring this possibility and having had more professional advice about the location, the Government decided that the best place for this was the Bathing Pavilion next to the GSLA pools. Mr Speaker, it is with great pride that I can announce that the Gibraltar Bathing Pavilion is near completion. My Ministry have led on this project, which will be handed over to the Tourist Board for them to run in the same way as the beaches, once it is complete. (*Banging on desks*) I am also very grateful to the Project
720 Manager, Mr Chris Riddell.

The general public will be able to enjoy swimming and leisure facilities second to none in a short period of time. A floating solution has been constructed which includes two 25-metre swimming pools, two toddlers' accessible pools, recreation areas, outdoor bar, lifeguard and first-aid posts, exercise areas, restrooms, showers, and dressing rooms. and a number of other facilities which will make up the Bathing Pavilion. All the above accessible to all. (**Several Members:** Hear, hear.) (*Banging on desks*)

725 Mr Speaker, on another matter, the House knows that the GSLA have been involved in constructing and maintaining of all parks in Gibraltar. New parks and play areas have been constructed at Catalan Bay, Schomberg Estate and Vineyards Estate. The construction of the Catalan Bay Park fulfils a manifesto commitment which states:

‘CATALAN BAY – THE PARK

A children’s park has been provided but in a relatively unsafe area which is difficult to access with prams. We will re-provide it in a safer area in consultation with the residents.’

730 A number of meetings took place on site with residents in order to ascertain their needs and now the new park is ready.

In this year’s estimates, we have allocated funds to complete the manifesto commitment in relation to Catalan Bay which states:

‘CATALAN BAY – STREET LIGHTS

We will ensure that all areas in the Village are well lit – in particular the areas giving access to the Caleta Hotel.’

735 Mr Speaker, the GSLA has also refurbished a number of parks and ball playing areas in: Laguna Estate; Edinburgh Estate; Europa Point; Varyl Begg Estate; Chilton Court; and the Park opposite the Trinity Cathedral. The refurbishment of this last park is yet another manifesto commitment that states:

‘DUKE OF KENT HOUSE PARK

We will maintain and upgrade the park and playgrounds in the square opposite the Duke of Kent House.’

Mr Speaker, fulfilled.

740 A number of other playgrounds are currently being refurbished and/or are under construction – I see that the hon. Member is getting fed up, it is too much he cannot take it, you see! – Sir William Jackson Grove; Harbour Views; Waterport Terraces. This is a manifesto commitment, which is ongoing.

We can now say that we have a team of three workers who are specifically charged with the maintenance of the Parks. They have been provided with workshops, vehicle, tools and resources to allow them to go around the parks and tackle issues of general maintenance.

Mr Speaker, our manifesto states:

‘CHILDREN’S PARKS

The children’s parks have only been upgraded in an election year, before they were neglected. They have cost a massive amount of money. They must be looked after. We will ensure that existing children’s parks are properly maintained and refurbished as necessary to encourage that the investment made using public money endures as much as possible.’

745 There are more manifesto commitments in the field of sports and leisure that have been fulfilled and are ongoing. These are: Elite Athlete Assistance; Sports Injury Clinic. It will be seen in the estimates that on page 188, Gibraltar Sports and Leisure Authority, Appendix J, Payments (28), an amount has been earmarked for both these items. These items have also been discussed in the Gibraltar Sports Advisory Council (GSAC) on a number of occasions. The GSAC are in the process of defining who is an Elite Athlete in each sport, since they all differ from each other.

750 Further we are currently working with stakeholders in order to see the best way in which we can have sportsmen and women tackle injuries in a way in which they can return as quickly as possible to continue practising their sport.

755 Assistance for Non-Recognised Sports: this is an ongoing item, which I can say we are currently engaged in delivering. The sports concerned know that they have our full backing to be able to achieve their goals by being recognised internationally. Our staff at the GSLA is there to help them by advising them on how to establish themselves in a manner which will be acceptable to the international organisation they would like to join.

760 Paint Balling Park: the paint ball park is ready and this amenity will be included as part of the sports summer programme. We are also awaiting for the paint balling fraternity to organise how they will run it. It will enable them to organise competitions and at the same time will allow the public to participate in this leisure activity.

765 Chess: we will continue to support the chess tournament, which is a great event, as we promised in our manifesto, and further we have been able to support the local chess association as and when they have needed our help. The Gibraltar Chess Open has become the biggest open chess tournament in the world. It has been recognised as the best organised tournament in the world. HM Government will continue to support this event. We have also had the opportunity to support the 3rd Junior International Tournament, which is held in August here in Gibraltar. I would like to thank the organisers and the sponsors for the way in which they have developed and supported this tournament.

770 Mr Speaker, works are well under way to relocate the Pistol Shooting from its present location to the area of the Retrenchment Block. The GSLA are involved in the sponsoring and the facilitating of events, such as the Wildcats British Championships, Backgammon International Tournament and Ten Pin Bowling

Mediterranean Challenge Cup. The Gibraltar Darts Trophy is an event which is organised by the Ministry for Sports.

775 When analysing the value of organising and sponsoring these events, it is important to understand, what are the benefits to our economy? In doing this analysis which has been done using all sporting events and the well-tested formula of expenditure by tourism, we see that over 15,000 bed nights have been sold. Multiplied by an average of £100 minimum per bed night, it means £1.5 million a year which the economy benefits. These figures are not inclusive of all other events such as the Gibraltar Music Festival, the Jazz
780 Festival, the World Music Festival, the Literary Festival and others.

Mr Speaker, the deficit of the King's Bastion Leisure Centre continues, but I am happy to say that we have been able to reduce this from the levels it reached under the previous administration. This has been achieved by terminating the contract that the previous administration gave to King's Bowls. This was an OPEX + contract. It meant that the company running the ten-pin bowling facilities would do so by having
785 all its costs paid for and on top of that a 30% mark-up was added on. So we had a situation where the more the company spent on costs, the more they would earn in profits!

We have been able to terminate the contract and we have awarded it to the company running the catering in the centre, but this time with the cost greatly reduced and no 30% mark-up on costs. Further, we have been able to reduce by half the amount that used to be paid to the GSLA for the running of the centre.
790 The centre will soon be run by the people who are currently managing it. We are hoping that during this current financial year, we will be able to reduce the costs of the centre and at the same time provide an even better service to the general public.

Before I end my contribution in relation to the sports, I would like to acknowledge the good work that has been done by the retiring CEO of the GSLA, Mr Joe Hernandez. (*Applause and banging on desks*) He has been active in this field of work for over 25 years. He was involved with sports within the Government first and then in the GSLA. He has been a civil servant for nearly 38 years. Thank you, Joe.
795

In the past year, the whole of the Gibraltar Youth Service has undergone a number of significant changes, more noticeably within its structure and staffing arrangements. The administration role of the Gibraltar Youth Service has moved to the main offices of the Ministry for Culture where the staff continues
800 to provide support for the Youth Service.

Through this support the burden on youth workers of having to do administrative work is greatly reduced, which means that they can now concentrate on producing and running programmes for our young people. The management and total complement of the youth workers in the service has increased and has been restructured. What was the Team Leader's post is now that of a Principal Youth Officer. The posts of
805 two Senior Youth Officers to assist the Principal Youth Officer have been created and the complement of Youth Officers has increased from four to five.

Therefore in total we have moved from having one team leader and four youth workers to eight in total to concentrate and direct youth work. This has fulfilled numerous recommendations from the Gibraltar Youth Service Review of 2008, which has never been tackled by the administration of the Members
810 opposite.

Recommendation 11 of that Report states:

*'The Service should consider its staffing requirements and structure with the aim of
a) making the post of the Senior Worker more manageable, reducing the post holder's operational responsibilities to enable more strategic development*

– i.e. the reforms of the administration –

'b) allowing management responsibility to be delegated to full time youth workers, consistent with their current grades'

– i.e. creating the two senior youth and community post workers –

'c) increasing the part time paid establishment, with staff on appropriate permanent contracts to be negotiated, as the most cost effective way of increasing the direct delivery of youth work.'

– i.e. increasing the complement with the permanent youth workers to do this.

Recommendation 12 of the Report that they never put into place, Mr Speaker, read as follows:

'Up-to-date job descriptions should be provided for all posts in the service.'

By renaming and creating the posts the job descriptions have been re-evaluated and they are now clear
815 as to the role they are to fulfil.

Mr Speaker, the interviews for four new Youth and Community Workers have already taken place and the ones selected are in the process of joining our team soon.

820 In relation to material resources, I am happy to tell the House that the Youth Centre has undergone some significant refurbishment and now, in addition to its new front entrance which is now visible from Line Wall Road, it boasts a new kitchen, complete paint redecoration and it also offers a separate project/resource room.

The Laguna Youth Club has received a new air-conditioning system. The Plater Youth Club has received a fresh coat of paint. This year more funds have been made available to continue the refurbishment programme.

825 Since 18th January this year the Youth Centre has been opening during the weekends. The Youth Service is analysing this initiative to see how this is working with a view to opening all other youth clubs. This fulfils another manifesto commitment as follows:

‘YOUTH CLUBS

Resources will be made available for.... youth clubs to open at weekends.’

830 Mr Speaker, I am pleased that the Principal Youth Officer has also met with the newly established Unite the Union Youth Section. During the year 2013-14, the Gibraltar Youth Service has offered young people a wide variety of personal development opportunities and fun activities. These include: a film project; an Easter project; a Spring fun-day at the Plater Youth Club; Aquapark/Tivoli trips; Clean Up the World; *Isla Mágica*; Halloween events; cycling marathons to raise money for GBC open day; residential weekends, which was the Plater Youth Club and Youth Centre organised a ‘feel good’ residential weekend that took place at the Retreat Centre; Christmas and Cavalcade events; trips to Sierra Nevada.

835 Mr Speaker, the Youth Service team has been very committed to continue operating the four youth clubs. In addition to normal club opening hours, the team has also worked closely together to offer young people the opportunity to take part in new community projects with outside organisations. These include the Luce Foundation project; the PSHE... and Personal Support with both Bayside and Westside Comprehensive Schools and the College of FE; Social Services training programmes; safeguarding children; working close with the Royal Gibraltar Police neighbourhood policing units in the areas of the four youth clubs.

All four youth clubs combined resources under the Youth Service in order to provide a trip to *Aventura Amazonia* in Marbella during May and the Luce Foundation Summer Camp took place at the beginning of June.

845 The Youth Exchange project for a partner group from Wales is to take place this month in July and the Youth Service is supporting the Cheshire Homes flag day this coming weekend. A group of young people also took part in a Heritage Trust project to plant trees in the Upper Rock in March 2014.

It is obviously clear, from all that has been done above, that our manifesto commitment has been fulfilled. This reads as follows:

‘THE YOUTH SERVICE

We will work with the Youth Service and Youth Workers to provide better facilities and more frequent events at Youth Clubs – where the work being done keeps young people out of trouble.’

850 Despite the fact that we have fulfilled our manifesto commitment, the Youth Service will continue to develop to deliver quality programmes for young people and more importantly programmes that they... identified with. For this reason the Youth Advisory Council will be re-established as from September and a new Active Citizenship programme is currently being planned, starting in the autumn of this year.

855 As the hon. Members can see, the Youth Service is an extremely busy organisation and it has provided a wide range of activities for our young people. With the new Youth and Community Workers in post in a few weeks’ time, we hope to continue our success and look forward to an even busier and promising year ahead.

860 Mr Speaker, I now move on to my responsibility as Minister for Utilities. I will start with electricity. The House will recall that the GSD had made arrangements to build a Power Station at Lathbury Barracks with a company called ETDE. ETDE was in a Joint Venture with Volker Stevin. The station was to cost approximately £126 million and was to be fuelled by diesel. This project would have made us rely on diesel for the next 30 years.

865 The price of diesel is increasing by the day. It would have meant that electricity bills which are currently subsidised by the Government to an average of 40% would have had to be increased by 5% to the consumer each year for 20 years. This would have been unsustainable. Talk about prudent management of taxpayers’ money!

On top of that, as the House knows, diesel is far from environmentally friendly. These are some of the untold truths before the general election. The power station planned by the Members opposite did not go

870 through the planning process. (*Interjection*) It was not subjected to press or public scrutiny. *Anda! Pa'lante!*
(*Laughter and banging on desks*) Indeed, consumers were not even told about the increase to them in the
cost of electricity. The then GSD Government kept this a secret. Yes – *pa'lante!* (*Laughter and*
interjections)

875 Even if this contract had gone ahead, Mr Speaker, the GSD's power station would not have been fully
functional even today. (*Interjection*) Generating capacity would have been diminished. It *is* true –
absolutely true! Mr Speaker, he is now saying that what I am saying is not true! It *is* true, because of the
time that it would have taken to have done the Lathbury Barracks, you see. Therefore, today, there would
not have been the power station functioning. True. It was untrue. And all the untruths that the Hon.
Member's side did not say during the general election – that is the untruths.

880 **A Member:** The Big Lie.

Hon. S E Linares: Generating capacity would have been diminished after the fire at Waterport Power
Station. There would have been a real possibility that areas would have been cut off for certain times during
the day on a permanent basis until the power station was complete. It is for this reason that we took the
885 decision to bring in the turbines and more recently the new skid generators. Now we have 55.8 MW
installed and 40.8 MW available at any given time which is enough capacity. I know that the hon. Members
are getting jittery about all these truths that we are saying.

890 **Several Members:** Hear, hear!

Hon. D A Feetham: Would the hon. Member give way? Hadn't we better take your speech as having
been read already?

895 **Chief Minister (Hon. F R Picardo):** That is so disrespectful, Mr Speaker.

Hon. S E Linares: Mr Speaker, I was working – for the hon. Member to know – (*Interjections*) since he
has made the allegation that somebody must have prepared this for me –

900 **Hon. D A Feetham:** I have not said that, Mr Speaker.

Hon. S E Linares: Implying. And therefore –

Mr Speaker: Will the Hon. Minister... do not give any credence to that remark and just carry on.

905 **Several Members:** Hear, hear! (*Banging on desks*)

Hon. S E Linares: Thank you, Mr Speaker, for acknowledging that it was –

910 **Mr Speaker:** You should not take any remark into account. As if, nothing had been said. Just carry on.

Hon. D A Feetham: Because I did not make the remark.

Mr Speaker: No, right, fine. (*Interjection and laughter*)

915 **Hon. S E Linares:** Mr Speaker, as the Chief Minister announced on Monday, the contract for the
construction of the new power station has now been awarded to Bouygues Energies & Services. The cost of
the contract will be £67,958,000 to construct an 81 MW power station in the North Mole Road after the
completion of the competitive tender process.

920 The power station will house six MAN engines – 'MAN' is the make, Mr Speaker – half of which will
be gas only and three other MAN engines will be dual fired. This will include best available technology to
deliver the more resilient and secure electricity generation supply in Gibraltar. The company has awarded
the power station contract to the parent company of ETDE.

925 ETDE was the company who, in a joint venture with Volker Stevin, was awarded the construction of the
power station at Lathbury Barracks. The power station at Lathbury Barracks would have supplied 65
megawatts of power and would have been, as I mentioned above, single fuelled, diesel only. This award not
only provides Gibraltar with approximately 30% more installed generating capacity but it is also almost half
the price than Gibraltar would have paid if the Lathbury power station would have been constructed using
the same company.

930 So not only are we paying *half* the price with *more* capacity, but the new power station will operate using natural gas, with diesel as a back-up. The use of natural gas as the main fuel reduces air-borne emissions considerably and it also costs about a third of the price of what diesel currently costs. This makes this option a win-win for Gibraltar in financial, technical and environmental terms.

935 Mr Speaker, an additional incentive which we are considering is the fact that we could, for a further £8.5 million, incorporate a heat recovery system which would produce more electricity or even produce water at no cost in consumption.

Water: continuing with Utilities and therefore as Chairman of AquaGib, I can report that the company has been able to maintain and improve all levels of services. A total of £11.3 million has been undertaken to ensure that infrastructure for the provision of potable and seawater supply and sewage is maintained to customers.

940 The RO plants producing the water are also maintained despite the fact that the cost in electricity consumption is exorbitant. I will go on to explain a little on this later. The service to clients is now greatly enhanced by the creation of a website. Now customers can pay their bills and make applications for the supply of water online. This is another part of the e-Government initiative, which has been taken on by AquaGib and which was launched during this financial year. In addition to the recurrent expenditure, 945 AquaGib has continued to invest on capital projects as part of its assets replacement plan.

This aimed at maintaining and improving the water infrastructure assets as provided for in their contract with HMGoG. During this period a total of £598,000 was spent on capital projects. This has included two major projects to extend the AquaGib potable and seawater networks to areas of Gibraltar, which had previously been supplied by the Ministry of Defence's water distribution system. The fact that the MoD 950 was responsible for the infrastructure and the customer was AquaGib has been a problem that has existed for many years and has never been tackled.

There were many customers who were within the MoD infrastructure but who complained to AquaGib when they had a problem which could not be solved in a timely manner. The successful completion of the projects has enabled AquaGib to have a full control of and provide increased levels of service to customers 955 in these areas. The two projects of this nature include the building of a new potable water pumping station located within the Waterworks, and a new pumping main from that station to AquaGib Middle Hill Potable Water Service Tank. This has enabled AquaGib to provide its own potable water supply to customers in the Middle Hill area of the Upper Rock.

The other has been the extension of AquaGib potable and seawater mains from the junction of Middle Hill Road to Europa Road/Lighthouse area. This has enabled AquaGib to provide its own potable and seawater supply to customers in these areas.

960 Mr Speaker, I am pleased that in conjunction with this project Technical Services, with the same contractor, have been able to construct a pavement along the road leading to St Bernard's church to near the old 1772 Club. Walking to the bus stop from Elliot's Battery, Europa Terraces and Europa Mews is now much safer. I know that, because I live there. 965

The Multi Stage Flash (MSF) Desalination Plant, which was producing fresh water through a process of evaporation and condensation undertaken by multiple stages, was built in 1980. This was operated by 15 employees. In 2008, under their watch, it was decided to decommission the MSF Plant and replace it with RO plants. One would have thought that the employees currently operating the MSF would be deployed to 970 operate the RO plants. No, that was not the case. What happened was that the previous administration agreed to have these men continue on shifts, fixed overtime and allowances, despite the fact that there were no distiller to operate. Overheads and maintenance costs also continued. The fact is that in 2008 an approximate £1.2 million *per annum* has been spent.

975 The worst thing about this is that it was even agreed to maintain the manning levels. This meant that when one employee retired or moved on he had to be replaced by someone else to be employed to do nothing. Further the company that set them up, the RO plants, were also contracted to operate them at an annual cost of approximately £400,000. So we have a situation where 15 men are without work to do and being paid whilst the company pays two operators to run the RO plants. The cost of this disaster has been an expenditure of £1.6 million per annum. This is what we have inherited from the hon. Members opposite.

980 I can now say that this issue is close to being resolved with the co-operation of the union, the management and more importantly with the employees.

I now move on to my responsibility as Minister for the City Fire Brigade. During the past financial year, a number of officers from the City Fire Brigade have attended various courses at the Fire Service College, UK. These have included Fire Safety Engineering, Fire Safety Smoke Control for Inspecting Officers and 985 Fire Safety Smoke Control design. Numerous officers have also attended the Incident Command Courses at levels 1, 2 and 3. There has also been Heavy Goods Vehicle Rescue courses, a Hazardous Materials and Environmental Protection course. Two Recruitment courses were also attended, in May 2013, February 2014, were five firefighter recruits successfully passed their training.

990 Eleven members of the brigade attended a breathing apparatus maintenance course provided by Dreager, in Newcastle UK, and two officers attended a Tunnel Safety Conference. Additionally, various locally run courses were attended, which include two officers completing the Blue Light Driving Instructor's course delivered through the Customs Department. Four officers attended the Maritime Casualty Handling and Survival at Sea courses provided by the GHA and the Port Authority, and all three watches have attended presentations on security awareness delivered by the RGP.

995 During the year there have been seven promotions within the City Fire Brigade: one Divisional Officer for Operations and Training, one Station Officer, two Sub Officers and three Leading Firefighters. The brigade has provided Fire Safety Courses to 334 persons from 32 different companies and organisations – for example the GHA, Post office and the Gibraltar Bus Company.

1000 Ten fire drills have been undertaken by the fire Brigade in different Government and private buildings, and Community Fire Safety talks and advice has been delivered on 12 occasions to schools and other agencies. The Fire Safety Department has also carried out nine Fire Investigations into the cause of fire at various incidents; 438 building applications have been processed and issued with fire safety requirements; and 180 building applications have been completed, inspected and approved.

1005 A new initiative of focusing fire safety advice in areas which have recently experienced a fire has been introduced – known as Hot Targeting. This provides residents of the affected area with booklets and advice, and has been well received by those affected.

1010 Operationally, the brigade has responded to 1,598 calls from 1st June 2013 to 18th June 2014. These can be categorised as 369 fire calls, of which 100 were actual fires, 252 false alarms with good intent and 17 malicious calls. The Brigade has also attended 948 Special Services, 550 of which were emergencies, for example: 352 lift rescues, 6 rescues of persons, 19 road traffic collisions, amongst others, and a further 428 Special Services classified as requests, which include entry into locked premises, flooding and rescue of animals, amongst others.

1015 The City Fire Brigade Ambulance was dispatched on 281 occasions in its commitment to the Health Authority as a third ambulance, and the Brigade control room mobilised the GHA Ambulance on 4,901 occasions.

1020 One of the most noticeable fires during this period was the fire that occurred at the Waterport Generating Station. This involved three appliances from the City Fire Brigade, the recall of 18 firefighters for the incident and to maintain fire cover for the rest of Gibraltar, the assistance from the Defence Fire Service. The incident impacted on the whole of Gibraltar due to the interruption of electricity, but what would have been a disastrous incident was dealt with by the Brigade within a few hours.

Electricity supply – thanks to all the new generators and the capacity that we have – was restored within a few hours later without injury or loss of life. (*Banging on desks*)

1025 Yesterday, we had an unfortunate incident of a fire breaking out at the workers' hostel in Devil's Tower Road. All workers were evacuated and have been housed temporarily at the Queen's Hotel. I must add, as I stand, Mr Speaker, that yet another incident happened last night. It was near midnight when one of the boats in Queensway Quay also went on fire and I can now say that I was in touch with them all night, whilst I was preparing my budget speech. I thought I would add this on the Queensway Quay and also...

1030 It is due to the fact that the City Fire Brigade are in the front line and are valued by the present Government, the announcement made by the Chief Minister is recognition of this. They might be in the fire station for weeks and months, but then when it comes to the crunch, we might get in one night, two fires.

1035 This pay rise will mean a 5% increase plus the elimination of the 3% abatement – i.e. 8% more in the wage package. We are at present still working at the Audit Report which includes terms and conditions with staff. I would like to congratulate them all, and all the essential services, and in particular the Fire Brigade, for the professional way in which again they tackle situations and the exemplary service that they provided Gibraltar.

1040 Mr Speaker, I now move on to my other responsibility of Civil Contingencies. During the last financial year, HM Government has invested substantially in the development and modernisation of the command and control unit necessary for disaster management. This will increase the infrastructure available to the front-line emergency services, through the purchase of this command unit. The state-of-the-art Joint Command Unit is expected to arrive during October and user training will start immediately.

This year Government is investing substantially in developing a modern C3 Co-ordination Centre as part of the major works currently taking place at No. 6 Convent Place. Investing in both the Joint Command Unit and in the new facilities within No. 6 will ensure that we can adequately respond to a major incident in an efficient and co-ordinated manner.

1045 Meetings of the Civil Contingencies Committee have taken place frequently. There were six during 2013 and three during the current year. The last one took place only last Wednesday. There have also been a number of one-to-one meetings between myself and the C3 co-ordinator. In addition, I have attended C3 organised events, such as security training for all Government Departments' security officers and specific presentations.

1050 Meetings of the C3 and exercises which are conducted now were virtually non-existent before
December 2011. Staff at the Civil Contingencies Office are engaged in updating response plans and
in consultation with others, planning both table top and full scale exercises. Two of these exercises have
already been held, involving all relevant responding agencies and, where appropriate, the MOD involved.

1055 During 2014-15 the facilities available to the Civil Contingencies organisation will be greatly enhanced.
It is without doubt a far cry from the state I found the Civil Contingency when I was honoured by the Chief
Minister to be its Minister. A bunker that was not fit for purpose, that when we have a power cut all the
power would cease and therefore communication to the outside world would not exist.

1060 Mr Speaker, I now move on to Refuse Collection – another of my responsibilities. We are in the process
of working with the unions and their representatives on a number of issues which we hope to resolve
amicably during the current financial year.

In relation to the postal services, Mr Speaker, as I mentioned in last year's budget address we have had
to implement an EU Directive, which will mean the liberalisation of postal services. We are working
closely with all stakeholders on how we can achieve this without affecting employees and at the same time
improving the service and making it cost effective.

1065 Renegotiating the collective agreement, in full consultation with all affected, is one important part of
this jigsaw. We have also been able to re-grade the management post. We had four ML4s and now we will
soon have one ML3 and three ML4s. This has been a long-standing issue which I am glad to say has now
been resolved with the unions, staff and management. The postal service is yet another Ministry that is
undergoing e-Government changes. A contract has been signed by the Royal Gibraltar Post Office for an
1070 Electronic Point of Sale (EPOS) with Escher to install computers for our counter clerks at 104 Main Street.

1075 After the refurbishment of the Main Street Post Office later this year, we will have electronic receipts,
chip and pin, scanning and universal counters for all products, including Redirections and PO Boxes linked
to the new ID card system. The Royal Gibraltar Post Office is now a member of .post which aims to
integrate the physical, financial, and electronic dimensions of postal services to enable the facilities of e-
post, e-finance, e-commerce and e-government services. The UPU became the first United Nations
organisation to obtain a sponsored top-level domain from the Internet Corporation for Assigned Names and
Numbers (ICANN) in 2009.

1080 .post uses the latest internet security. It is the first STLD to be 100% secured by Domain Name System
Security Extensions (DNSSEC), a set of codes for securing the Domain Name System (DNS), the global
database system that translates a computer's fully qualified domain name into an Internet Protocol (IP)
address. It is the most secure STLD on the net right now. You can trust a .post domain is not taking you to a
fake postal website.

1085 The postal services have now got their own website. They have introduced a number of customer care
improvements, including the new and improved Global Customer Service System run by the International
Postal Corporation.

1090 Mr Speaker, as is the norm now with our New Dawn Government, our environmental filter means that
we will soon be purchasing electrical vehicles and three-wheeler concepts. The electric DXP three-wheeler
is a convincing response to a variety of postal delivery needs and is considered safe due to it having three
wheels. Mr Netto might laugh but it is the most environmental vehicle that there is in the market. I am sure
as the former Minister for the Environment, he really welcomes this, because this vehicle has had very few
accidents, when compared with the traditional ones. It is tried and tested and low maintenance with less
emissions and quiet operations. It is more responsive, easy to manoeuvre, high load, with trailer 270 kg plus
per driver, low running costs, significantly higher efficiency in postal deliveries and EU licences. It also
boasts a TÜV quality certificate.

1095 Mr Speaker, we will introduce new and improved definitive stamps that are self-adhesive. We will be a
rebranding the registered services between tracked services and countries that only receive a signature
service, with new bar-coded labels. We are working towards the introduction of a new and improved
express letter service – currently, we are still negotiating with Royal Mail. That will have a new barcode.

1100 Later this year, we are going well in an insured service within the EU, with the registered letter service
that will be introduced. We will have a new bag tracking system called CAPE Vision.

1105 Mr Speaker, I am happy to say that the Postal Services organised a hugely successful CEO Postal Forum
conference here in Gibraltar, where issues such as sharing best practice were discussed. All delegates
thought it was great value for money, not for profit. Postal countries that attended were the Vatican,
Seychelles, Mauritius, Tristan Da Cunha, Liechtenstein, Iceland, Greenland, Åland, Faroe Islands and all
the Channel Islands.

A number of statutory requirements in relation to security arrangements will come into force on 1st
July. All staff who accept mail will have been trained on issues of dangerous goods when declaring goods
to the Postal Services. Mr Speaker, all in all the Postal Services will progress into the 21st century.

1110 Mr Speaker, at this point, I would like to thank all my staff in all the Ministries in which I am involved,
and all those who work for all the Ministries for which I am responsible for.

Mr Speaker, with this, all that is left for me to do is to support this Bill. (*Banging on desks*)

Mr Speaker: The Hon. Mr Edwin Reyes.

1115 **Hon. E J Reyes:** Mr Speaker, I have already mentioned last year that the present Government had acted responsibly in continuing to pursue UNESCO World Heritage Status for Gorham's Cave and its adjacent sites. Indeed, Mr Speaker, work in this respect had really commenced via the Museum Team during my personal tenure as Minister for Heritage, and therefore I continue to wish the Museum Team all the best for the future in their ongoing excavations at Gorham's and Vanguard's Caves, an outing which normally takes place during these summer months.

1120 The GSLP Liberal manifesto gave a commitment not to permit the destruction of important heritage sites or colonial style buildings. However, now that they are in Government I feel it has had to accept that this vision is not always easily achievable, more so when expert advice deems it not possible to salvage the façades of buildings we would all like to retain – such as in the case in respect of the Old Risso Bakery where sadly the façade will now have to be lost.

1125 The GSD is pleased to see that the Main Guard at John Mackintosh Square has been restored and that the Gibraltar Heritage Trust is, of course, the primary beneficiary of such a project. This restoration project is extremely close to what my party had planned and therefore I hope this House is now unanimous in wishing the Heritage Trust all the best for the future.

1130 Mr Speaker, pending manifesto commitments by the present Government includes digitising the content of the Gibraltar archives and transfer of the archives themselves into the Gibraltar Garrison Library. I still await news of how and when this will happen.

1135 Likewise there does not seem to have been much development on the commitment to make a new world class heritage site of the place where the first Neanderthal skull was found. That is the skull of Gibraltar Woman. The Opposition is interested to find out how Government intends to develop a world class tourist site for visitors and Gibraltar residents alike so that we all may see where she lived.

1140 Mr Speaker, through the collective celebration of social events, participating Gibraltarians contribute towards reinforcing our identity, our culture and our history as a people and a community. Both the performing and fine arts fraternities always prove themselves to be very proactive within their own specialised areas, and I take this opportunity to congratulate all the groups and individuals who have done Gibraltar proud through their international participation and I am happy to say in many cases even getting top awards gained. **(Several Members: Hear, hear.)**

1145 Through its manifesto the GSLP Liberals adopted the slogan, and I quote, 'Culture needs to be nurtured'. Now that they are in office, Gibraltar hopes that this promise will be delivered and therefore I remind Government that the committed itself through its manifesto to provide, and again I quote: facilities for teaching of music and instruments to young people; establishment and funding for a Gibraltar Philharmonic Orchestra; run a 'learn an instrument' campaign amongst young people; establishment of an academy of the performing arts administered by an Arts Council; seek to establish Gibraltar as part of the touring circuit for UK and Spanish theatre productions; and the Gibraltar Art Collection will be permanently displayed for public viewing. Therefore, Mr Speaker, with your permission, I have to ask, when will these projects become a reality?

1150 What we do know is that Government has purchased both the Queen's Cinema and the Queen's Hotel sites for the development of a theatre and its related activities. However, there are mixed feelings among the local community as to how these sites will be developed and above all at what cost. Given that the decision has already been taken, I sincerely hope that the development of these sites will be real value for money, and that our local culture in the widest sense of the word is enhanced.

1160 Mr Speaker, it is now just over a year since we offered our collective congratulations to the Gibraltar Football Association on their success to become the 54th member of UEFA. Gibraltar as a whole rejoiced spontaneously upon hearing the excellent news of attaining full membership of UEFA. Therefore I would earnestly hope that Gibraltarians will continue to support our teams in all international competitions – especially, Mr Speaker, those competitions which our clubs will participate in as from this week for the very first time, such as the preliminary stages of the Champions' League and Europa League.

1165 We trust Government will remain ever mindful and continue with the already long existing policy, which they inherited from the GSD, to assist all local sporting bodies to overcome any foreign governments' politically inspired attempts to block their membership of international sporting bodies. **(Several Members: Hear, hear.)** This policy will certainly continue to receive the Opposition's support and I take this opportunity to wish other sporting associations such as rugby, tennis, and the local branch of the International Olympic Committee, amongst others, all the very best in their continuing battles to obtain their respective international memberships which we all know are rightfully and legally theirs. **(A Member: Hear, hear.)**

1170 The Government is presently working closely with the Gibraltar Football Association towards the provision of a further football pitch and related facilities. In fact, quite large sums of money will be spent on this project, which will be of direct benefit to the football fraternity. Estimated cost of a new stadium, we

are informed, could be anything from £20 million to over £40 million. But as such we still do not know what Government's, or in other words the taxpayers', contribution will be and how much of it will be through either grants or loans.

1175

I must take this opportunity to remind Government that much needed basic facilities for other sporting associations like rugby and cricket cannot be and should not be completely sacrificed in the process of enhancing only football. (**Several Members:** Hear, hear.) I urge Government to be ever mindful that a level playing field must be provided for all sporting associations. More so as it is a manifesto commitment of theirs and I quote, to:

1180

'... monitor the demand for additional facilities for all other sports to ensure that existing facilities are developed further in line with our community demands...'

The Government is committed through its election promises to:

'... provide renewed facilities for the playing, teaching and development of both cricket and rugby at Europa Point.'

and I end the quote.

It is obvious the Government has modified its policy over the past year and this has resulted in highly divided public opinions in respect of the proposed development for Europa Point playing fields.

1185

Hon. D A Feetham: Very diplomatically put.

Hon. E J Reyes: There is a large amount of discontent towards a decision that Europa Point is the only suitable and available site for the future development of an UEFA-approved football stadium. The possible enhancement of Victoria Stadium into UEFA-approved facilities which we are told are required for the hosting of certain types of football matches has apparently been ruled out by Government and perhaps even along with other possible sites. This in effect means that the Development and Planning Commission has been presented with a *fait accompli*, without Government openly taking responsibility for the decision which has been presented as a GFA project. (**Several Members:** Hear, hear.) And therefore, Mr Speaker it is the GFA who is solely being blamed for the decision that (**A Member:** Shame!) Europa is the only possible site. (*Interjections*)

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1195

Mr Speaker, these feelings are being expressed by many – (*Interjections*) Mr Speaker, these feelings are being expressed by many because it appears that the DPC's role is now limited to only recommending modifications to the design, as it is unable to challenge Government itself upon the choice of the actual location for a new football stadium. However, there is still some hope among the electorate that the DPC may even be bold enough to decide that the location is not suitable for the design submitted and might even direct not only GFA, but also Government itself to look for an alternative site.

1200

The GSD recently embarked on a public consultation exercise in respect of educational matters, among ideas put to the community at large there exists a possibility of vacating Bayside School's present site which would then in turn perhaps even offer the opportunity of a suitable site to upgrade and enlarge the existing facilities at Victoria Stadium. Given the strong concerns expressed by many about constructing a huge football stadium at Europa Point, I personally urge Government to investigate further the feasibility of constructing a suitable football stadium, meeting UEFA standards by encompassing Bayside School's present site as part of an enlarged Victoria Stadium football and other related facilities. (*Interjections*)

1205

Mr Speaker, although I am a firm believer that individual sports governing bodies should be allowed to manage their own affairs with no political interference, I once again urge Government to take a particular interest, especially through the Sports and Leisure Authority, to ensure that publicly owned facilities are used in a fair manner for the benefit of all sports lovers. There is both a duty and moral obligation by the Sports Authority to ensure that where desired by a citizen, membership into individual clubs and even the relevant governing body is open to all in an equal and fair manner.

1210

I must mention again this year, Mr Speaker, the Government has a manifesto commitment to provide separate premises for martial arts clubs and associations in one large martial arts centre. I would be most grateful for any information as to when this will actually materialise.

1215

Mr Speaker, the forecast outturn for expenditure relating to the Stay and Play Programme for 2013-14 is given as £19,000, yet provision for 2014-15 for this same programme has been reduced to a mere £2,000. I therefore ask, is there a reason for this drastic reduction of what in the past has proved to be a very popular and valuable programme?

1220

Likewise we are looking at provisions for playground expenses. The actual expenditure in 2012-13 was £208,559 and forecast outturn for 2013-14 is £170,000. Yet the allocated sums for 2014-15 is reduced to only £80,000. It therefore begs the question, are our children not expected to continue using playgrounds as has been the case over the last few years?

1225

Mr Speaker, there is widespread consensus across society and political parties in Gibraltar that our educational system is both a most important investment as a community and also a justifiable source of pride for a community our size.

1230 It is now over 42 years since our local education system at secondary level was changed from one of selective schools, with admission into grammar schools coming through the 11-plus system, into a comprehensive education system. It is fair to say that throughout these last 42 academic years, our schools have been able to successfully meet all challenges presented to them in many different shapes and forms, such as the introduction of a national curriculum, changes to public examinations etc.

1235 Therefore, Mr Speaker, the Opposition wishes to take this opportunity to thank and congratulate all members of the teaching profession both past and present who have contributed in a highly professional manner towards our students' continued successes.

1240 However, after over 40 years, it is time to reflect, and together with teachers and parents and the community as a whole we should take stock and see if we are as best prepared as possible for the educational challenges of the next 40 or 50 years.

With this in mind, Mr Speaker, the Opposition wishes to offer food for thought and asks all stakeholders to offer their views in respect of the following.

We ask, how best can we equalise subject choices at secondary level so that both males and females have real equal opportunities?

1245 We ask, do we need to broaden the educational and vocational scope, with the potential to mix both, especially at post GCSE educational stages?

We ask, do we have an adequate programme to ensure that our less academic children, who may not necessarily follow a full range of GCSE examinations, obtain as good as possible and relevant education programme to prepare them for future adult working life?

1250 We ask, given it is now over 40 years since implementation of comprehensive education, should we look and see if a co-education system, either throughout all secondary school years or only at post-GCSE, could actually help to better prepare our students for both university and adult working life?

1255 Mr Speaker, although we have been informed that plans for the establishment of a University of Gibraltar are at an advanced stage, we still wait for the implementation of Government's pledge to provide a Second Chance Education Programme through the establishment of their promised National Institute of Adult Continuing Education. We sincerely hope that this does take off the ground as soon as possible. and that when it does materialise, it will be established with real links with the local labour market sectors.

1260 Mr Speaker, Government has still to announce their definitive plans for the Housing Works Agency, and whenever I have asked for details of progress in this respect, I have been told that it is being considered at Cabinet level.

In effect, what has happened over the past three years is that an ever-increasing number of home refurbishments are contracted out to private companies, without going through any type of transparent and accountable tender process.

1265 The number of staff members employed at the Housing Works Agency continues to be reduced, so does this mean that what the future holds is that all refurbishment works will simply be allocated to private contractors and without being subject to an adequate and transparent competitive tender process? (*Interjections*)

1270 The GSD worked hard in consultation with Unite to reform the old Building and Works Department and its transfer into the Housing Works Agency. This project provided brand new work shops and depots and from its origins delivered vastly improved services to Government housing tenants.

1275 Therefore the question now is what plans does Government have for the Housing Works Agency and all its employees? Like the Opposition, Government knows there are indeed many excellent craftsmen and professionals within the Housing Works Agency. So I must stress that it is important to ensure that the correct and proper administration procedures and resources are in place for housing maintenance and repairs to be carried out.

Given the reduction in the number of employees, we must ask for clear answers in respect of how will the Agency be expected to carry out its duties if the Agency is not given the human resources required to meet work loads and targets.

1280 Under the section dedicated to youth, the GSLP Liberal manifesto states that young people who are entitled to housing will not wait more than three years for a home. Given that there are presently a large number of young persons registered as applicants seeking their own homes, I must ask on their behalf for a firm date when Government will deliver on this promise. After all, Mr Speaker, it is now almost three years since they were elected into office.

1285 The visible presence of scaffolding in some housing estates leads us to conclude that the promised refurbishments are well underway. However, Mr Speaker, many residents in these estates have expressed concern at the length of time works are taking to be completed. In some cases concerns are made worse because the quality of workmanship in some of the phases of works already completed leaves somewhat to

be desired. I therefore urge the Minister for Housing to ensure that quality monitoring is strictly adhered to and perhaps he can deploy members of staff from his Department to ensure that this is being carried out.

1290 Residents in estates where refurbishments are taking place would welcome the publication of target dates for completion of different phases of the planned works.

Government pledged that everyone on the housing waiting list and on the pre-list as on 9th December 2011 would be re-housed before the next general election. This in effect means that 1,415 homes need to be allocated during their present term in office.

1295 In order to meet their target Government pledged through their manifesto that they would build high quality homes both for rental and for sale. Three years into their term in office there have still been no announcements of new homes to be built for rental – resulting in great disappointment for those who are unable to afford purchasing their own home.

1300 It is highly disappointing to see that the only new rental homes to be built will be exclusively for senior citizens and in some cases, like the one at Charles Bruzon House, will be around 17 in number at, from what I can deduce from questions answered in this House, a cost of close to £130,000 per home. Perhaps, Mr Speaker, something is not quite right in my mathematical calculations there.

1305 In respect of the two projects for home ownership, there is great discontent amongst many applicants on the priority system being used to offer these homes for purchase. Whereas in respect of rental homes applicants are offered these in precedence order corresponding to the room composition for which the application is being considered, this seems not to be the case when it comes to home purchasers.

1310 What in effect is happening is that applicants who would only qualify for a one or two-bedroom home under rental allocations are being allowed to purchase up to four-bedroom homes despite this being well above the housing application entitlement. For applicants to be able to purchase, on a co-ownership basis, homes which are above their entitlement is not perceived as being fair. And applicants with larger families who really need the larger four-bedroom homes feel badly done with in this offer.

Mr Speaker, why are there different rules in respect of the size of home offered for rental when compared with co-ownership?

1315 The GSLP manifesto commits them to eliminate the housing pre-waiting list, but this has not yet happened and we still have to hear by when this is going to take effect.

Another manifesto pledge was to provide a separate additional housing list for applicants who are living in Spain and wish to return home. In many cases, Mr Speaker, these families moved into Spain due to their original home purchase becoming too small for the family needs and the absence of an affordable larger property in Gibraltar. This, like I said, led them to seek properties beyond our shores.

1320 However, because they have already been home owners, these families cannot file an application for either rental or co-ownership homes. I therefore ask, surely we can find a fair way whereby we can assist these families to return back to Gibraltar. (*Interjection*) As a separate housing list for this type of applicant has not yet materialised, can you blame those families who feel let down by the present Government after they have already been almost three years in office?

1325 Mr Speaker, I must say is it not ironic that Government Ministers, still in the Opposition mode style of politics, should choose to rubbish the Opposition's new policies in the budget speeches to score cheap political points? As if they do not have enough on their own plate to deliver their over-ambitious manifesto, they desperately and nervously have concerned themselves over our new policies.

1330 Does not the Government realise that there is always room for improvement in housing, in education, in democracy, and indeed in all policies, however good we deem the system to be at the time? It is about striving for excellence and evolving policies – something the Governing parties perhaps do not recognise as they spent 16 years in opposition stagnating, visionless, without evolving their own policies, just waiting some day hopefully for their turn to govern. (*Banging on desks and interjection*)

1335 In stark contrast, Mr Speaker, in just two and a half years in opposition we have already revisited our policies, consulted with stakeholders and in a process of discussion we are proud to offer the improvements and enhancements we and the many organisations and individuals with whom we have consulted have together developed in the pursuit of excellence. Our vision and the statement announcing it is being mischievously and quite dishonestly misinterpreted for their own political gain. (*Interjections*)

1340 Mr Speaker, it is tradition that in closing Members of Parliament offer thanks, and I wish to offer a particular thanks to the staff here in this House, at the personal level, for their continued patience whenever I turn up and ask for sometimes what is quite trivial but time-taking matters.

1345 I must single out yourself, Mr Speaker, for your patience in when I seek a few moments of your time. I remember those days back in the late 1960s and early 1970s, when you were my Deputy Head teacher and I was perhaps a rather outspoken or mischievous little long-haired teenager, but you always treated me with the greatest of respect. Now that we have both matured in years, your respect is still there and you make me feel so much as your equal when I am in this Chamber that I will forever be grateful for that, Mr Speaker.

Mr Speaker, your advice has always been sound and, although even if at times we have not agreed, I see your ulterior motives when you have to rule upon certain matters here in this House. However, sometimes

1350 the demands on the Speaker are not just from what is being said across the floor, but sometimes, and I beg forgiveness if I have also sinned into that we are tempted to tweet and therefore are not being entirely honest or fair with our Members.

1355 If I have been boring today, Mr Speaker, in the way I delivered my speech, I seek forgiveness and I will accept criticism across the floor. But let us put our face behind our comments and please let us be clear whether it is the individual who is boring or the Opposition's policies that are boring, and then we can take it up in a true democratic, parliamentary manner.

1360 Likewise, Mr Speaker, I do not wish to return back to those school days where you had to sometimes control us in little petty things and trying to keep like a football score, where there is two QCs or one QC or whether we have two school teachers on this side and only one on the other, and Mr Speaker, having to act as a school teacher refereeing in the middle, let us hope, Mr Speaker, that we all learn from the past and that we can work together for the good of democracy in the future.

Thank you, Mr Speaker. (*Banging on desks*)

1365 **Hon. Chief Minister:** Mr Speaker, after another very boring speech (*Laughter*) from the Opposition, can I invite the House to recess for a few minutes to then hear what I am sure will not be a boring intervention from the hon. the backbencher, who has never said anything boring in this House in all the time that I have been here.

So I would invite the House to recess until 10 to 12.

Mr Speaker: The House will now have a 10-minute recess.

The House recessed at 11.40 a.m. and resumed its sitting at 11.51 a.m.

**Appropriation Bill 2014 –
For Second Reading –
Debate continued**

1370

Mr Speaker: The Hon. Sir Peter Caruana.

Hon. Sir P R Caruana: Thank you, Mr Speaker.

1375 This is the second occasion on which I rise from my remote and lonely spot in the back benches of this House to make a backbench contribution to this Budget debate.

Mr Speaker, as the House knows, I do not have responsibility for any of the matters that have been discussed today and so with the House's indulgence, I will just limit myself to a comment on some of the issues that I have heard, which I think I would like my views recorded in *Hansard* about.

1380 Mr Speaker, there cannot be any doubt that there are now more Question Times in Parliament and there cannot be any doubt that the House meets with more monthly regularity, and the Hon. the Chief Minister knows that I have been willing and never churlish in my recognition of the good changes that they have introduced into the parliamentary workings of this House, which on balance I think have been constructive and enhanced parliamentary activity. But, of course, Mr Speaker, the *quality* of parliamentary endeavour is not just a quantum matter; it is also a qualitative matter.

1385 The fact that we are meeting more frequently may, but necessarily does not mean that the Opposition is better able to do its job, is better informed and the Government is more forthcoming with information. In that respect I would venture to suggest that despite all the great improvements that they have made to the procedures of this place and to the way we carry on about our business, there is one area in which I think they still lag behind the position as it used to be before and that is that I believe that the GSD Government were more genuinely forthcoming with information about Government business and also about Government companies than the hon. Members have hitherto been.

1390 I am always amused when the hon. Members make the point that this terrible undemocratic, uncommitted to democracy previous Chief Minister in 16 years... the House only met twice a year. I think actually it met twice a year *once* in an election year. The amusing part about the reference, Mr Speaker, is this, that of course however bad they think my record was about a system that of course fully complied with the constitution that we had, our record was better than the GSLP's when it was last in Government. Of course thereby implicitly being very critical with the approach to parliamentary democracy of the now Minister for Employment, the then Chief Minister, the Hon. Joe Bossano, whom they extoll and eulogise in every other respect, but nevertheless inadvertently criticise him for that as a necessary consequence of the implicit criticism of us.

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Mr Speaker, I think parliamentary democracy moves forward. The way the House works moves forward. I recognise the hon. Members have taken steps forward. I do not accept the inherent criticism of the way it used to work before and that does not impede me from recognising that in many, many respects it works better now.

1405 If I could, just for the record, record that when the Hon. Mr Isola uses as one of the instances of hypocrisy the fact that we now call for a public accounts committee whilst not having set one up, if one was not set up it was not because we did not try or offer it, but the then Leader of the Opposition – again the Hon. Joe Bossano – was not in favour of doing so and the Government, all of whose Members are Ministers on the front bench, cannot by itself populate a public accounts committee. It is a nonsense. So unless the
1410 Opposition is willing to co-operate with it, there cannot be one and that is exactly what happened.

Mr Speaker, I think that subject to sight of the way the figures have been built up and on the assumption that they have been built up and calculated in the same way and using the same methods and using the same data input as they have always been, the continuing growth in GDP is very pleasing indeed, and indeed as is very pleasing the fact that Government finances appear to be holding out, keeping up and indeed increasing
1415 as they are, and the hon. Member has been able to announce the surplus that he has done, albeit subject to the points that have been made by my hon. Friend the Leader of the Opposition in relation to items of expenditure that are no longer reflected there.

Mr Speaker, I could not help thinking when I was hearing the Chief Minister say that we have taken our nation's economy to a quantum leap of growth, that he might more generously have acknowledged that the fact that just two years into his mandate he is able to announce continuing economic growth on that scale, continuing Government finance increases on that scale and continuing budget increases on that scale. It cannot be, *cannot be* in his view the product of what he has been able to do in the last two years which could not possibly have had the necessary economic effect to be reflected on that scale in these macro-economic indicators, and that the legacy that the GSD left him is reflected, not in his distorted debate about
1425 the level of public debt, which as far as I was concerned was the election issue and that is it... you know, he won the election. That is not the legacy that the GSD left him. The legacy that the GSD left him is not the so-called black hole about which, if he does not mind, I will say a bit more in a moment. The economic legacy that the GSD left him is a state of public finances, a state of the economy that has allowed him to announce and to continue to announce healthy and increasing Government surpluses every minute that he has been in office, starting from 12th December 2011. (*Banging on desks*) That is the legacy that he inherited from us and clearly there has been progress in that legacy on their watch.
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It is very pleasing frankly to see the growth that there has been at a time when there has been uncertainty surrounding that industry in Gibraltar – for example, in the level of employment in the online gaming industry. That is obviously contributing a significant amount to the Government's tax take as are other things, such as the 2010 Income Tax Act, which has now brought many more companies into the tax net. That is now bedding down and hopefully will continue to increase and to provide more and more corporation tax revenue, as indeed is contributing to the increase in personal taxation from self-employed people, the changes that we introduced into the law to require self-employed people to bring them closer to PAYE payers and make them pay on account ahead of the financial year and not lag and often defer personal tax liabilities.
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So it is really no difficulty frankly and ought to be no difficulty and is no difficulty from the Opposition benches to note with pleasure and satisfaction that despite the threats and challenges it has faced, the economy of Gibraltar continues to prosper and the Government finances continue to hold well, and we shall, I suspect, continue to disagree as to whether that is the GSD's legacy that he has inherited or there is some other articulation of it that he prefers.
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When talking about the black hole, Mr Speaker, let us be clear. The 'black hole', as he calls it, arises from expenditure incurred by Government companies on building housing estates, on building all the various projects that the GSD built through Government companies. Of course, if by the black hole he tries to give people the impression that there was an unpaid liability of £100 million that he has had to make good in terms of putting his hands in his pocket and paying people £100 million that the Government had left unpaid, which I suspect, whether he intends it or not is the impression that most laymen get when they hear the expression '£100 million black hole'. That is simply not the case. How does he imagine that the Government was able to get £100 million worth of public projects done without paying the contractors... without buying the goods and the materials?
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So all of that, all of the expenditure that is reflected in what he calls the '£100 million hole' was paid and funded by the Government and went to reduce the Government's reserves and therefore to increase the net public debt, that he may have found a bookkeeping situation in which the accounting relationship between the Government as *lender* to those companies of the £100 million and therefore that the Government was *owed* £100 million by those companies, and that he has had to do the necessary to reflect that in the estimates of the Government and in the Government's accounting, is probably entirely true. I do not vouch for the figure of £100 million, but there is bound to have been a very substantial figure under that
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heading, but that is not fairly described to people, who would not otherwise understand what he means, as a £100 million hole in public finances, which as I say most people would wrongly understand that there was £100 million of unfunded expenditure which was not reflected in the Government's expenditure figures.

1465 So, Mr Speaker when he uses the figure... usable cash reserves, this is not a particularly normal – of course, if the Government has usable cash reserves it means that there is – and this is what he means when he says that there was no money in the kitty... When the Government spends money it either uses its cash reserves, being money that it has in excess of what it owes or it borrows money, at which point it becomes cash reserve, and then uses it. But in both cases it increases the net public debt, because whether you bring
1470 in more money and spend it by borrowing it and spending it, or whether you use the cash reserve that you have got, both increase the net public debt, because the net public debt is the formula between gross borrowings and the cash that you have. So if you spend the cash, you increase that public debt. If you increase the gross debt and spend the cash, but not if you do not spend the cash, then you also increase the net public debt.

1475 This is why I used to argue with him, obviously not as persuasively at election time as he argued it, as he argued the contrary, this is why I used to argue that the only economically meaningful debate about debt had to be around net public debt, because gross public debt, disregarding the amount that you had in the kitty, was irreverent. The real measure of *uncovered* financial exposure by the Government is the net public debt, that is to say the difference between the total lump sum that it owes and the cash that it has sitting in
1480 its piggy bank – the cash reserve – and the difference between the two is what the Government owes that it does not have money to cover and that is the net public debt. I kept on trying to urge him that the net public debt was what he should be arguing about and that that was very healthy, and that I would be willing to increase it. If it required a change of legislation because the next year's revenues were not enough to help me fund my own manifesto commitments had we been elected, we would have done it, because the net
1485 public debt as a proportion of GDP is within every known bound of prudential limit.

Of course, having driven me from office on this basis, for all intents and purposes, and having on the basis that he would not increase net public debt and that he would fund his programme by some other means, which we said was impossible, and remains impossible, it transpires that what they have done is not because what we have said was impossible they have made possible, it is because they have done what they
1490 said in the election campaign they would not do, which is to increase the net public debt. (**Several Members:** Hear, hear.) (*Banging on desks*) So they have done what they told me in the election campaign I was irresponsible for saying that I would do and they have done what they told me in the election campaign (**Several Members:** Hear, hear.) they would not do.

On that basis it is possible, of course it is possible what they have done is adopted the GSD's policy of how to fund a manifesto commitment, whilst staying within prudential bounds and legal bounds, because he
1495 has been fortunate in that I would have been willing, whilst keeping within economically prudent guidelines, to have changed the law to increase the debt ceiling, the debt limit, which I acknowledge would have been necessary, unless I had had found a situation which he has found in, which is a huge increase in Government revenues, which has made it unnecessary to change the law in order to increase net public
1500 debt; but net public debt has been increased. The sum of money that the Government owes today is higher than it was when he arrived in office. He has increased net public debt and as far as I can recall that was almost the entirety of the economic debate between us at the time of the election.

And but for pointing out the fact that this is in my view an entirely reasonable and objective, even though self-serving comment about what has happened since the election campaign in relation to what was
1505 said during the election campaign, let us be clear. I think the levels of net public debt remain, even increased as they have been, well within the levels that are prudent in macro-economic terms by any European standards. So I am not saying any of this to criticise the level of public debt. They are at the level, or perhaps lower for all I know, than they would have been had we been in office, but that was not the nature of the debate that we had at election time.

1510 Mr Speaker, I am glad that the Government is able to keep expenditure growing at less than revenue. I am not quite sure why the hon. Member... well, I was not sure until he said so himself later, eventually, why he was going into all the comparisons of GSD expenditure. I used to make it a virtue in my Budget speeches of saying that the wealth that the Government was creating... the wealth that the GSD government
1515 created had to be distributed and that there were four ways of distributing it. One was to cut income taxes for everybody, which we did *every year* that we were in office. The other was to build capital infrastructure for Gibraltar, which we did. And the third way was to improve public services, which I think we did. The last two require public expenditure and it was our objective to keep public expenditure growth less than public revenue growth. So our object was always that revenue increases would be bigger than expenditure increases, but we did not achieve it on more than half the times. I think in our 15 years, about half the
1520 number of years we managed to keep revenue growing faster than expenditure and in the other half we did not, and expenditure grew faster than revenue, but the net overall result was that overall revenue grew over the 15 years that we were in office by £257.6 million and that overall expenditure grew by £249 million,

1525 that is to say by £8 million less. A very... Yes, the Hon. the Minister for the Employment is not the only one with *puntería* in his balancing of figures long term and it did not happen by accident. It did not happen by accident (*Interjection*) It happened because there was a policy objective that it should be so, which whilst it did not succeed every year, nevertheless the fact that it was a policy objective meant that the result would always be there or thereabouts, as indeed they were.

1530 Now, Mr Speaker, I do have to, for the sake of the accuracy of *Hansard*... I do not want to get into all this business about the frame, in what terms we should frame our debates. I think everybody knows that parliamentary debates follow a certain political and partisan course, and it is almost now expected of us. But I think it is important that *Hansard* should reflect the correct position, which is not the one that the Chief Minister described, in respect of GSD expenditure growth, even though I acknowledge that he was not being particularly critical or intending to be critical. He was just trying to make good a point, which I think is not good, that 90% of the growth that there has been post-election in recurrent expenditure is down to spending commitments incurred by the GSD Government.

1535 But you see, Mr Speaker, when he was quoting figures and wanting to make them sound as not scandalous, but as impressive as possible to underline the point that he was seeking to make, I have to tell him that he made a very considerable error. He started by telling us that expenditure in the first Budget that had been designed by the GSLP Government in 1988-89 was £71 million, and he said and when the last Budget that the GSLP designed in 1996 – yes, it would have been... the elections were in May and the Budget would have been more or less designed 1995-96 – he said was £73.2 million. Well, Mr Speaker, he cannot possibly believe... and then he said and then immediately revenue... and then he started with 2001-02 at £126 million. Well, Mr Speaker, he could have done better than that. He could have started almost in the first Budget that we designed, which was the next one.

1540 He has made two critical errors. The first is to look at the figure only for Consolidated Fund, which is not... The figure of £71 million and £73.2 million is Consolidated Fund expenditure and that led him to the second mistake, which is that he appears to have forgotten that one of the great political issues of the day was precisely the fact that the then GSLP Government was channelling *huge* percentages of recurrent public expenditure through places other than the Consolidated Fund and that they were not reflected in the Consolidated Fund; and that much of what he has subsequently gone to include in his calculations, completely wrong, of 400% increases in public expenditure is no more than the consequences of – because he is looking at the Consolidated Fund – no more than the consequences of us moving expenditure which was taking place already under the GSLP Government, bringing it back into the Government, bringing it back into the Consolidated Fund, where of course it suddenly appeared, but it did not represent increase in expenditure.

1545 **Chief Minister (Hon. F R Picardo):** That is why I have calculated from £110 million.

Hon. Sir P R Caruana: We will come back to that in a moment.

1560 It did not represent increase in public expenditure. Mr Speaker, the figures, if he wants them, and as I would want to put in *Hansard*, each of these figures has been given by me annually in a Budget, but I am reading from Table 1 in the Budget brief that I used to get at Budget time from the Financial Secretary, which I am sure he still... well, I hope he still gets one to the same very high standard.

1565 **Hon. Chief Minister:** I have it here.

Hon. Sir P R Caruana: Mr Speaker, the actual growth in recurrent expenditure in 1997-98 over 1996-97 was 3%, and I can give the figures. It increased from £123.2 million to £126.9 million, an increase of 3%.

1570 The following year 1998-99, it had increased from £126.9 million to £132.4 million, an increase of 4.3%. The following year from £132.4 million – if he likes I can leave out the points, just for the purposes of illustration – it had increased from £132 million to £141 million, an increase of 7%, and the year after that from £141 million to £155 million, an increase of 9.7%.

1575 By 2001-02 it had increased from £155 million to £170 million, an increase of 9.5%, and the following year from £170 million to £178.9 million, an increase of 5.1%. The following year to £201.6 million, an increase of 12.7%, the year after that from £201.6 million to £208.6 million, an increase of 3.5%, and the year after that from £208.6 million to £223.3 million, an increase of 7%.

1580 In 2006-07, from £223.3 million to £234 million, an increase of 4.8%, and then to £265.7 million, an increase of 13.5%, and then to £286.5 million, an increase of 7.8%, and then to £304 million, an increase of 6.4%, and to £353.7, an increase of 16%.

Then regrettably for the year 2011-12 in this table of overall revenue, I only have the estimate, which I am sure is not what the figure came in at, (*Interjection*) but in the estimate I have got it here at

£372 million, which I have calculated which is 5.2%, but I am sure that that is not the figure that was in the outturn. (**Hon. Chief Minister:** £421 million.) I am obliged to the hon. Member.

1585 Mr Speaker, up to and including the forecast outturn to the year 31st March 2011, which I acknowledge is six months short of the Election date, the overall increase in expenditure was in gross terms 202.1% in 15 financial years net of inflation, which would be economically the more interesting figure because the Government expenditure does not increase by the rate of inflation; it is falling and public services are not being maintained. Adjusted for inflation the real growth in recurrent expenditure over the 15 years, *net of*
1590 inflation, was £112.9 million. Again, always subject to the fact that my figure is really only accurate up to the end of the year 2010-11, and I have not been able to work in the last six months or the effect of the last six months or nine months of our last term.

So those are the figures. I would be delighted if the hon. Member would update this and table it in the House so that it lies in the *Hansard* if he does not think that my quotation from them has been accurate. I
1595 am perfectly happy that this is the GSD's record in increase in overall... but it has got to be *overall* expenditure and *overall* revenue. The debate cannot be limited to the Consolidated Fund expenditure and the Consolidated Fund revenue, because that would not be a meaningful measure of what the Government has spent, nor would it be a meaningful measure of what the Government has collected if the debate is not at the overall level.

1600 So, Mr Speaker, there has not been a 400% increase, and the annual average is not 18%, which subject to him correcting me now is a note that I had taken of what he has said. I do not know if those figures are correct. I had heard him say...

Yes, I am happy to.

1605 **Hon. Chief Minister:** I do not want to interrupt him. I will reply in the debate.

The figure that I gave was 18% average growth per year, not working from the figure of £73 million, but working from the figure of £110 million, which I gave them credit for in their Budget because of their argument of *hidden* expenditures. The £110 million, which is the first Budget they designed, of Consolidated Fund expenditure, which is where the debate is between me and the Leader of the Opposition,
1610 the £110 million to £421 million which was the forecast outturn for the end of the 2011-12 year, that works out to the 18% that I gave the House.

But I will reply... that is just the figure. I will reply in my reply.

1615 **Hon. Sir P R Caruana:** But even with what he has just said, he cannot... the starting point for his figure as comparator cannot be a Consolidated Fund figure, but the last figure that he is going to deduct it from to work out the percentage increase is the overall expenditure figure, and that is not comparing the same thing. That is comparing the increase between expenditure channelled through the Consolidated Fund and the *total*... and at the other end comparing it to the *overall* expenditure, including public expenditure, other than through the Consolidated Fund. Mr Speaker, he cannot do that. The figures speak for themselves.
1620 We have all got the same sheet of paper. We are only missing...

If he has got this sheet of paper in front of him, which he should have, he only has one more relevant column in it at the end than I do. These are the figures and the percentages are worked out and stated there. I have not calculated anything. I have read straight from the brief to the Chief Minister, which is the last one that I received, overall revenue and expenditure over the last 15 years. So this is not an issue about
1625 which we need to argue, in terms of who said what. Let us just table in the House the updated version of this page. Then the figures will speak for themselves and it will not be necessary for either of us to quote any figure or to argue with each other about what are the best comparators for them.

Mr Speaker, I congratulate the hon. Member on the composition of the Board of the Gibraltar Investment Bank. Clearly, there has been a careful balance – two lawyers and two accountants. I am sure quite a lot of juxtaposition and careful negotiation has gone into the choice of the directors, but the hon. Members know, because it was something that I would like to have done and did some exploratory work and the case for it has become stronger since Barclays Bank announced its departure from Gibraltar, I am a supporter of the establishment of a bank of this sort provided that it operates with that degree of arm's length independence from the Government, which will make its risk decisions, its interest rate products
1635 decisions, its lending decisions, its investment decisions at arm's length from the Government, and that the Government is not effectively to subsidise a loss-making bank, and that it should be loss making because it is in effect making politically-driven unprofitable uncommercial decisions.

Subject to that caveat, I think that the establishment of a bank of this sort is a good thing and I congratulate the hon. Member for doing it. I think that the Board, and the kind of person that he has mentioned, gives a fair degree of comfort that the condition that I had attached *may* be satisfied, hopefully
1640 will be satisfied, and that it will continue to operate in that way, and that being so, I think this would be a very good contribution.

1645 Mr Speaker, the Hon. the Chief Minister during his speech, as indeed he has done in this magnificent publicly funded four-page advertisement in the *Chronicle* – of course, there is no element of public funding of party political propaganda in this; I am sure there is not, of the sort that... No, absolutely – (*Interjection*) No, that's...absolutely. It is a wonderful advertisement I am sure he will reap all the benefit, yes, yes. (*Interjection*) No, I am not being cynical here. I am not being cynical, Mr Speaker.

1650 But as he said here as well Savings Bank reserve up from £2 million... from £20 million from £144,000, and this was the (**Hon. Chief Minister:** £1,444...) Yes, £1,440, and this was the statistic that he said that his calculator had difficulty in calculating the percentage increase because he did not have enough zeros, and he described this as a phenomenal reversal of the fortunes of the Gibraltar Savings Bank.

1655 Well, I have to tell the House, Mr Speaker, that I think it is nothing of the kind. Mr Speaker, a bank only needs reserves against the risk of capital losses. The purpose that the reserves of a bank serve is as a pot from which to pay depositors their money should the investments of the bank go bad and the bank should suffer capital losses. That is why banks have reserves, and indeed that is why our previous Savings Bank legislation, the one that we changed, said that the bank had to have a reserve. What happened was that we changed the law so that the bank, the Gibraltar Savings Bank, could not make investments, which exposed its capital to losses. Having changed the law so that the Savings Bank could not invest depositors' money in a way that exposed those moneys to capital losses, there was no longer a need for reserves. We had removed the need and the justification for reserves.

1660 The fact that there is now a reserve again is not by virtue of a phenomenal reversal of the fortunes of the Savings Bank, but rather by virtue of the fact and to reflect the fact that once again he has changed the law to once again expose the capital of depositors in the Savings Bank to losses, albeit subject to the Government guarantee, of course, of depositors' money in the Savings Bank, and that he has changed the law not just to allow the sort of investments that could always have been made that expose it to capital losses, he has changed the law, as he knows, because it became controversial in the context of the CFC company, considerably to allow effectively what has happened and that is for half, or almost half or about half of the Savings Bank's deposit money to be invested in the shares of just one company called CFC Limited and the rest is the subject of well-known political debate about what the Government can, or might, or has or has not done, and whether there is a good, bad or indifferent investment, whether it will be profitable or whether they will not be profitable, that is a separate debate. I suspect that some of them will be profitable and others may be less profitable.

1675 But I only make the point in the context of the point about the reserve, which is that it is now prudent to have a reserve again because the Savings Bank is once again statutorily free, which we made statutorily unfree, to invest the money in a way that exposed it to losses and therefore the need for the reserves which we had moved and therefore took the reserve into Government. It was the Government's money. The reserve when it existed –because it needed to be there because the law required it to be there because the Bank's capital was at risk – was never depositors' money. It was always Government's money and therefore when the need for the reserve disappeared, the Government took its money out. Now, the hon. Member is putting it back – good for him – because he has changed the law again to allow the Savings Bank to do things for which there is a need to have a reserve. I would not describe that as a *phenomenal* reversal of the fortunes of the Savings Bank.

1685 Mr Speaker, talking of the Savings Bank, I wonder whether – either in his reply or notwithstanding that, it is revenue and not an expenditure item, perhaps in the Committee Stage, it does not matter –whether the hon. Member would be good enough to just explain to us the breakdown of the figure of £32 million estimate for this coming year, about £28.6 million outturn of the interest on investments. He will find this, as you know, at Appendix L, page 194 of the Budget Book. The interest of... and I am obliged to him. The interest on investments forecast outturn for this year just ended stands at £28.6 million at a time when the Savings Bank had a total of £815 million on deposit, £290 million of which was Government-owned on-call moneys, and £527 million of which was deposits. So it was on-call, investment accounts, ordinary accounts, bonds, debentures issued to savings...

1695 So the Government had...this is not the Government. Yes, the Savings Bank had to invest, so to speak, £815 million of cash, which we know it placed about half – do not hold me to the exact per cent –about half in the purchase of preference shares in CFC and the other half, I suppose, remains invested as it has always been invested in the Savings Bank in this or that cash or near cash, short-term notes of some kind or another. But it is really difficult for me to comprehend how that sum of money could produce a revenue of £28.6 million, given that interest rates that the Savings Bank... that any of us can get on our money are not much more than 1%. They are probably less than 1%. So I assume that what that means is that much of that £28.6 million has actually come back to the Savings Bank from the CFC as dividend on its preferential shares.

1700 Yes, if he wants to –

1705 **Hon. Chief Minister:** In case it assists him, Mr Speaker, just before I do my reply this afternoon, if he wants to check it, there was an answer to a question – I understand this is now on the website – which the Leader of the Opposition asked about what amounts Credit Finance Company limited received as dividend from the redeemable preference shares in the last Question Time, and he may see that number. So it will help him in his analysis, but I will reply in detail with the £32 million.

1710 **Hon. Sir P R Caruana:** Yes, I am aware of that dividends received by the Savings Bank, not by... CFC would be the payer of the dividend. Yes, it is just he spoke inadvertently. (*Interjection*)

1715 Mr Speaker, really what I was interested in is whether the hon. Member could explain how that money represents distributable profit of CFC, because otherwise, and I am not saying it is the case, but unless CFC has made £28.6 million of distributable profit... and he knows that the phrase ‘distributable profit’ means something in law. It does not mean just money available to the company, it means from distributable reserves – in other words accumulated income profit – the only other way that CFC could fund that degree of dividend, which is much higher than the going rate in the markets, is that it should be using *capital* to make dividend payments, which of course would be wholly wrong and I am not saying is the case. But those are the two alternatives and I would just like to understand, if the hon. Member is willing to provide me with the information, of how that figure of £28.6 million relates to the profitability, which is the only thing from which dividends could be paid, from the profitability of CFC, so that I can continue to assume, as I do now, that it is not to any degree funded by unreal unmade profit, or worse still, capital. In other words that the Government is just not... that CFC is not just paying back under the guise of a dividend part of the money that the GSB invested in the purchase of the shares in the first place as that would simply be recycling capital and pretending that it is dividend. I am *not* assuming that that is what has happened, but I would welcome an analysis if he is able to and willing to, so that that can be transparent and visibly not so.

1720 Mr Speaker, the hon. Member pointed out to me gently, but nevertheless suggesting that I was wrong when I had said that the pension commutation business that CFC is now in, that the consequence of that was not to flatter – (*Interjection*) That that did not flatter the Consolidated Fund expended –

1730 **Hon. Chief Minister:** I accept that –

Hon. Sir P R Caruana: That it did or it did not? (**Hon. Chief Minister:** Yes.) Oh, so. I understood him to say that he had not flattered –

1735 **Hon. Chief Minister:** No, what I said was that the hon. Gentleman’s analysis was right and that he had expressed it very eloquently – that there is an element of *flattery* in the accounts. (*Interjection*) But the only point I made, if I can help him, is that the flattery is not the full amount of the commutation – (*Interjection*) it is the difference between... exactly, those are the issues.

1740 **Hon. Sir Peter Caruana:** Because I was just going to ask him... when my understanding is that he had said the opposite when he was on his feet yesterday, I was just going to ask him whether I was wrong because I could only be wrong if he had said what he did not say if the Government was itself paying the gratuity to CFC. That is not the case, so therefore they are flattered –

1745 **Hon. Chief Minister:** It is paying the pension.

Hon. Sir P R Caruana: Exactly. So they are flattered – (*Interjection*) So the Consolidated Fund expenditure is flattered basically to the tune of the gratuity that would have been paid in a lump sum on the day of retirement to the civil servant, which is no longer being paid for out of the Consolidated Fund –

1750 **Hon. Chief Minister:** But not to the total amount –

Hon. Sir P R Caruana: But not to the total amount of the pension, because it continues to be paid, albeit to CFC... the balance. I understand that.

1755 **Hon. Chief Minister:** Such a substantial amount –

Hon. Sir P R Caruana: Mr Speaker, the Hon. Member –

1760 **Hon. Chief Minister:** It is 25%.

Hon. Sir P R Caruana: Yes, it was 25% of civil servants’ pensions.

1765 Mr Speaker, the Hon. the Chief Minister also spoke about webs of companies and whether we had contributed to, subtracted from, imitated, kept all the GSLP's company, and I cannot resist the temptation just to point out, for the sake of the record, that he focuses on the wrong word. When we spoke back then about a web of impenetrable companies, the emphasis was not on 'companies', the emphasis was on impenetrable 'web'.

1770 There is nothing wrong with the Government having companies – nothing wrong at all. What was objectionable is that they were a web *vide* the picture, the chart in our 1996 manifesto, which graphically illustrates the extent of convoluted inter-relationship of one company almost 'unfollowable' and that it was impenetrable because the Government would not answer questions in this House about it.

1775 We have more companies perhaps. I have not counted them, but if he says we have more, I have no difficulty accepting that from him; but they are not impenetrable and they were not a web, because one of the differences which I am still hoping the hon. Members, pursuant to their policy on which they have made some strides to improve the quality of parliamentary life here, the one area I referred earlier to one or two areas in which they were still worse than we were or not as good as we were, was precisely in this area.

1780 I made it clear that under a GSD Government, the GSD Ministers would account for and answer questions in this House for Government agencies and Government companies for which they were ministerially responsible as if they were Government Departments. It is true that when the hon. Members used to ask us, 'What is the state of this negotiation? What is the state of that tender? What is the state of that negotiation?' we used to say, 'Not yet, because it could prejudice the commercial negotiation'. That is true whether it is a company or whether it is the Government, but this the GSD Government did not decline to account in this House for the financial transactions of its companies in the same way as it did for the financial transactions of the Consolidated Fund itself, and the big difference is that they take the opposite view. (*Interjections*) Yes, and they do the opposite.

1785 So, yes, we have more companies I accept, but they are not... whatever they asked, Mr Speaker. Whatever they asked about... I am talking about Question Time. (*Interjections*)

1790 No, Mr Speaker, the hon. Members... I cannot answer his question here and now. (*Interjections*) No, Mr Speaker, but that is not because there is not an answer to it. It is just because I am not ready for it. It is a question of which I have had no notice. I mean, with notice of the question – (*Interjections*) Yes, the hon. Member knows that *Hansard* is replete with references to answers, such as, 'I am not accountable in this House for that'. (**Hon. N F Costa:** Never!) Never... I am not talking about you. I do not know why the Hon. Mr Costa points the finger unless he is –

1795 **Mr Speaker:** Order! Order! Order!

Hon. Sir P R Caruana: Unless the hon. Member is speaking for the whole Government, I am not interested. It suffices that one does it.

1800 Mr Speaker, all I say is that it would be another step forward. It would be another step forward in what the hon. Members have already done in their parliamentary... if they were to adopt a willingness to treat companies as an act of business convenience by the Government, rather than as a means of defraying, delaying or denying in the worst of cases, accountability and explanation to this House for the conduct of the business of those companies, which I am sure are all doing Government projects and this or that, but which if they were being done through the Consolidated Fund, we could ask questions of the Opposition, either we or you, whoever is in opposition can ask questions. If they are done through a company the Opposition cannot asks questions unless there is a policy such as the one that we adopt.

1805 If the hon. Members say that I am mistaken and that contrary to what I have said it is their policy and their position that they will answer questions about Government-owned companies, their business and their finance, subject to commercial and sensitive... while during negotiation as if and to the same extent as if it was the Ministerial Departmental responsibility of the Minister, which is what I used to say to my Ministers they must do, then I withdraw what I have said and I applaud that that should be the case because that would restore the position to what I presently believe it is not and if the position is different to what I believe it to be, the hon. Member will not find me ungenerous in acknowledging that it is not the case. But frankly, I do not think that is the position, but if it is and in his reply, in addition to criticising me for having said it, he will assert that that is the position, then that would be very, very pleasing and very satisfactory and very satisfying too. You see the difference between an Opposition spokesman and a backbencher. (*Laughter*)

1815 Mr Speaker, I accept the Hon. the Chief Minister's invitation as a past Chief Minister to serve on his Consultation Committee or Council. I think it is a useful piece of architecture and as he knows from the number of occasions on which we have spoken, I regard it as part of my responsibilities to this community as an ex-Chief Minister to assist him, in terms of transfer of information, transfer of knowledge, transfer of experience and assisting, as I am sure he will do in favour of his successor, because over and above party politics, we all have the same interests that no-one, *no-one* in any country should think that they can score

1825 goals past the Gibraltar Government because there is a new man in No. 6, and this assists in creating architecture that I think is a jolly good idea and I have no hesitation in accepting.

1830 As I congratulate them also on having on their watch defended successfully in the tunnel litigation, the careful and considered and well-advised decisions that my Government made, and particularly me in relation to the termination of the then tunnel contract, it was a big decision, but one carefully taken on advice at every step, and I think the results that they have been able to achieve in the litigation, I think shows that and sends a signal to contractors that think that they can win tenders cheaply and then apply improper pressure or inappropriate pressure to secure a renegotiation, which is just, apart from anything else, it renders the tender process undermines the integrity of the tender process. It sends a strong signal to future tenderers that the Government of Gibraltar is not going for that and has deep enough pockets to resist, finding itself... and bear in mind that the hon. Members will not give me credit for it, but we did this knowing – because it involved many, many, many tens of millions of additional pounds for the Gibraltar Government – knowing that it would prevent us from making any meaningful start in an electorally sensitive project in the run-up to an election. I do not know whether that was a circumstance that the contractor thought he might be able to exploit, but certainly I would expect any Gibraltar Government to frankly have done the same.

1840 Mr Speaker, the hon. Member said, and I would agree with him, that it is a salutary objective that he has as an objective making tobacco revenue surplus to Government's fiscal needs. Well, I think that that is true, although I do not think we should be shy in Gibraltar. I do not know to what extent there is agreement or disagreement across the floor of this House on this, but I am not one of those who thinks that the mere existence of a market for the supply in Gibraltar of tobacco is any more illegitimate than the fact that there are products in Spain that are cheaper and where Gibraltarians go to Spain to buy there. It is true that the tobacco trade has aspects to it which are unsalutary, which damage Gibraltar's reputation and make our international critics' job easier.

1845 And therefore, I note that the hon. Member is committed to tackling some of those dimensions, but in wanting to make the Government's fiscal position not... making it irrelevant – I want to choose my words carefully – making tobacco surplus to Government's fiscal needs, we should not, in my opinion, be consciously acknowledging that a properly controlled – non-illegally operated, both in Spain and in Gibraltar if they want – tobacco trade is a legitimate source of business for Gibraltar, which does not mean that it is not a good thing, and that however legitimate it might be, it is not sensible for the Gibraltar Government not to want its fiscal position to become dependent on any one source of revenue, and tobacco... I used to curtail the growth of the on-line gaming industry, because I did not want Government's fiscal revenue to become dependent on that. I used to discourage more gaming licensees, because I did not want employment prospects in Gibraltar to become dependent on the on-line gaming industry. Diversification is a good thing and I think the hon. Member does well to take steps in the direction that he has mentioned without becoming apologetic for the existence of a properly regulated tobacco business and without feeling that there is a need to eliminate it all together. I will say a little bit more about this if the House will bear with me just for...

1860 I am not quite sure that I agree that it is necessarily a sensible thing simply to put a freeze on new licences, because all this does is attach a huge premium value to the existing ones, without imposing some sort of restriction on the transfer of those licences. I know that there is a Bill on the Order Paper, or has it been passed already, about restricting transfers of licences when people have been convicted of offences and things of that sort, which of course does not deal with this point. I think that there may be other ways of being able to achieve this objective, which does not simply reward the existing holders of licences by giving them what will become a very, very, very valuable piece of paper, if the position is that the Government will give no more.

1870 Mr Speaker, I am gratified to hear from the Deputy Chief Minister, the Hon. Dr Garcia, that the Government is firm in its commitment to fight. He did not say it, but I understand and accept, given that I have been on that side, to the best of their abilities given that the outcome is not in their hands... the exclusion of Gibraltar from further civil aviation... I think this is shocking. (*Interjection*) I think it is shocking, not so much now that the United Kingdom does not do something more proactive, but indeed that the other European Union Member States and the European Commission that has stood idly by and watched a small community of 30,000 people invest a very significant sum of money in building a new air terminal, precisely to obtain the benefit of this, and then thinks nothing of allowing Spain to renege on those commitments. I think, personally, I think it is one of the most shocking examples (*Banging on desks*) of lack of morality in the highest places in the European Union and I think... I do not know what we can do about it but whether perhaps... I do not know whether this fact that I have just said is commonly known amongst those people. Perhaps the Hon. Chief Minister might consider writing to EU member countries, members in Coreper or the Committee that deals with these exclusions to point out the fact that we have honoured our part of the commitment and showing pictures and give them another opportunity to say that it

1885 was too big and too expensive; but we did all this and that the least that the European Commission can do is not be quite so accommodating of Spain's willingness to just not honour its obligation.

1890 Mr Speaker, the Hon. the Chief Minister – and I am going to rush through the last couple of points now – the Hon. the Chief Minister has launched a debate on whether it is still in Gibraltar's interests to remain in the common Customs Union or whether there is a case to be made for a change of that status, and I think has sensibly committed himself to a full consultation on that. Mr Speaker, I do not want to bore the House with legal details, but very often this is thought of as just being VAT. Of course VAT is not the measure from which we are excluded. The fact that there is not VAT in Gibraltar is one of various consequences of the fact that Gibraltar is *not* part of the EU for the purposes of single market in goods. Members will know that the European Union is built on four freedoms: the freedom of movement of goods, of services, of capital and of people. And that we are part of the European Union. In other words, all the treaty provisions relating to freedom of movement of services, of people and of capital apply to Gibraltar, but the freedom of movement of goods does not.

1900 Because we are not part of the single market in goods, no measure adopted by the EU under the Articles in the treaties dealing with single market in goods applies to Gibraltar, because the Articles themselves do not apply to Gibraltar. Amongst those provision that do not apply to Gibraltar for those reasons are turnover taxes. Turnover taxes are not just VAT, they are excise duties as well, and by the way, amongst the measures that do not apply for that reason but that would apply if we chose to try and join the Common Customs Union is a whole raft of other non-tax measures, which have been promulgated in the EU under the Articles dealing with the single market in goods. I cannot give him right now the list, but –

1905 **Hon. Chief Minister:** Article 108.

1910 **Hon. Sir P R Caruana:** Yes, for example, one that springs to my mind immediately is all the plethora of EU regulations on the labelling of products, on the labelling of food, all of that is theoretically not applicable to Gibraltar today because they are single market in goods measures and we are not a member. So the debate and the consultation and the economic cost in that discussion and in that analysis has to be wider than VAT, which I am sure it would be. There are lots of consequences to this and there are, Mr Speaker, economic and political impacts. So the economic impacts would be first: what would be the implications for the private sector, in terms of impact on demand for its goods and services?

1915 The Hon. Minister for Tourism would wish to consider, for example, whether it may have a negative impact on cruise companies' willingness to programme cruise visits to Gibraltar. One of our selling points is precisely that they can load up... that it gives them certain VAT-free selling facilities, because they have touched in a non-VAT port, but I just use that as an example. There are lots of potential impacts on the private sector, which the Government will want to carefully consider in consultation with the industry when it does its cost benefit analysis.

1920 There is of course a potential very significant impact on Government revenue, but of course that has got to be considered in a level-headed way because what is the impact on Government? Amongst the impacts on the private sector of joining the Common Customs Union would be that industry would have to get used to operating a VAT system, which is cumbersome and expensive. One of the reasons why we were excluded from the single market in goods when the UK joined the EU in the first place was precisely that the UK Government – the Hon. Mr Speaker may remember this – was that the UK Government said, 'Look, I am going to leave you guys out of this. I am going to negotiate for you a derogation from this, because VAT is a very expensive tax to collect', and it is true. The cost-to-yield ratio is higher than any other form of taxation, because it has to be administered at every level of economic activity, and the UK Government said to the then Government of the day in Gibraltar, 'This is very expensive. You are going to lose a lot of your tax collection on collection costs. Therefore, we think we should protect you from this and we will leave you out of it', and that still holds good. It continues to be an expensive tax to collect and that also has to be factored in, in terms of the burden on cost and industry.

1935 But then of course VAT would be instead of import duty and it would be for the Government to consider whether as between VAT and import duty whether there is any fiscal implication for the Government of that; but it is not just VAT, it is excise duty, which is levelled in addition to VAT on such things as tobacco, alcohol and petrol. So what does the European regime provide? What would be the consequences for Gibraltar to be liable to the excise regime? Well, it is not a standardised tax. There is a minimum level at which Government's in Europe have to set excise duty on tobacco. A minimum level at which they have to set it on petrol, fuels, and a minimum level at which they have to set it on... which have I not said? Alcohol, if that is the one I have not mentioned of the three.

1940 Government revenue and Government's ability to maintain its revenue from these three products depends on the demand continuing to exist, because if the demand survives any change, then the Government will continue to collect its revenue, subject to what it may have to contribute to the EU of it, in terms of excise duty. So the question is... and no country charges the minimum. So the difference between

1945 the price of tobacco in Spain and the price of tobacco in Gibraltar is not just because we do not impose the
 minimum excise duty, it is because Spain imposes excise duty at a much *higher* level than the minimum
 required by this measure. It may well be – I do not know. I have never done the calculation – it may well be
 that imposing the minimum level of excise duty, you could try this now by modifying import duty rates to
 come close to the current level of the *minimum* excise duty to see whether what effect it has on demand. It
 1950 may well be that establishing excise duty on tobacco, petrol and all these other things, at the minimum level
 still leaves a sufficient price differential with Spain that sets it at much higher than the minimum level, such
 that the demand will continue to subsist and the Government's revenues will therefore not be as adversely
 affected as some people might rush to conclude. But these are all things, Mr Speaker, that require very
 careful analysis, very careful consultation, very careful number crunching, very careful modelling, because
 1955 the implications could be very significant.

There are of course private sector issues for the Hon. the Minister for Gambling to take into account.
 One of the locational advantages for us is the whole VAT thing on marketing costs and all of that, so there
 are issues to consider. And, of course, abandoning our current status in favour of possibly a new one, if that
 is what the consultation process throws up, would be the opposite of what the hon. Member did just
 1960 yesterday in import duty. So, on the one hand he lowers import duty in order to reduce the cost of products
 to our retail outlets. Of course, he would not be able to do that if we impose VAT and excise duty and it
 would be a cost that he would be placing, having taken it off... carried on with what we were doing, but
 having significantly gone further, then it would just be putting that burden back on our retail trade.

Then there are political implications. Of course it would require a renegotiation of the UK's Treaty of
 1965 Accession. I think you can almost certainly assume that the speed and ease with which Spain's consent to
 that change of Treaty which would be required, the speed and ease with which such consent is forthcoming
 is probably a measure of the extent to which it is not in Gibraltar's interests to do it; but that would be a
 very rough and ready rule of thumb, which I am not saying you should substitute for the careful analysis.

Of course, if we went through the process of this analysis and concluded that on balance it was worth
 1970 doing, there are always going to be pros and cons, but if on balance it is worth doing, I am sure that in the
 balance that tipped it in favour of doing it there would be the political dividend of perhaps a more fluid
 frontier, of greater respect for our EU rights and diminishing Spain's ability to interfere with fluidity at the
 Frontier. But, of course, if that did go into the balance in that way as a positive factor, we would have to be
 dead certain that we would be the beneficiaries of that dividend and that that dividend would come, because
 1975 we have seen how Frontier queues – yes I have nearly finished – how Frontier queues can be created just by
 placing a double filter 10 yards beyond the customs post.

The existence, the fact that goods are in free circulation in the EU when they are in... one of the
 consequences of us not being in the Common Customs Union and the single market in goods is that goods
 that are in France are in 'free circulation', as they are called, throughout the whole common Customs
 1980 Union. You can move this manufactured item or this pair of shoes or that... you can move from one
 country to the other without paying duty. It is in free circulation. The fact that we are outside that regime
 means that goods in Gibraltar are not in free circulation in the European Union; but goods that are in Spain
 are certainly in free circulation. That does not stop the Spaniards putting police controls on the road just
 beyond Campamento. We would have to be sure that there would not be recourse to any such device to
 1985 claw back any political dividend from the measure to the extent that that political dividend has gone into the
 balance and formed part of the carefully balanced decision to go ahead with this measure. So, Mr Speaker,
 it is a wide and deep issue. He always says this, together with Schengen. My understanding is that that
 might be a little bit of a red herring.

I personally do not think that it is legally possible for Gibraltar to have a different status in relation to
 1990 Schengen than the United Kingdom. At least that was the position that was adopted against the Government
 of Gibraltar when I was in Government and the UK was negotiating all the police and judicial co-operation
 measures, and these decisions... some were called decisions and some were called... and we were always
 told, 'Look, it is not legally possible for Gibraltar. So you have just got to sit there and wait to see what the
 UK decides and the same regime has to apply to you'. I just do not see how we can... or if that situation has
 1995 changed. I have heard the Minister for Europe say casually in a newspaper that he had no objection to
 Gibraltar getting closer than the UK to Europe if that is what... but from that political statement to a
 legalistic assessment of whether Gibraltar can make any choice in relation to an inter-Governmental
 Agreement – well, some of it is inter-Governmental, but now a lot of adopted into the Schengen *acquis*,
 different to the United Kingdom's, would be a change of what the position was when we were in
 2000 Government.

Mr Speaker, very pleasing to hear the Hon. the Minister for Justice explain the report to this House on
 his Government's plans to arm the Police with even bigger boats. I think that this is something that we... I
 know it was a subject of some to-ing and fro-ing between us when we were each on a different side of the
 House, as the Deputy Chief Minister will recall, but never mind. It is a good thing. I wish I could interest
 2005 the hon. Members, and I know that the UK Government probably does not like it, but nevertheless I could

interest the hon. Members in the context, particularly of bigger boats, to revisit their consideration of the Borders and Coastguard Agency. The Borders and Coastguard Agency was partly driven by the need, the desire, once we had bigger boats, to populate the manning of these things on a multi-agency basis. Customs officers, police officers, you will not be able to man these boats just with policemen. Apart from being very expensive, it is in respect of many functions a waste of policing resources.

The hon. Members have chosen not to proceed with the Coastguard bit of the Borders and Coastguard Agency. It does not require fusion. It can be done on secondment, as many UK agencies do, and many examples in the UK are multi agency which are populated on secondment by officers but working together to do a common job. I do not know whether they remain implacably opposed to that or whether they would be willing to visit and reconsider it. Obviously, it is a matter of policy for them.

Mr Speaker, absent from today's session, the Hon. the Minister for Employment, he sort of came in to do a little bit of Caruana bashing and then he left. *(Laughter)* Mr Speaker, he has done a jolly good job of... almost succeeded. He has done his best to seduce me back into our traditional debates today. *(Laughter)* He obviously misses debating with me as much as I miss debating with him, but I am going to resist the temptation of the seduction to which he has submitted me yesterday. But I have to say in dealing very briefly with the points that he has made, and without allowing myself to be *seduced*, that I do not recognise the factual basis for his references to me in the facts as I know them.

Mr Speaker, when I told this House that there were only six unemployed graduates, it was because there were only six graduates unemployed registered as seeking work with the Employment Service. In the same way as when they bring us statistics to this House about how many unemployed there are of this or that category, men, women, the construction, it must be on the basis of the information available to them, which at any given time of course there may be people who *subsequently* decide to enter the labour market and therefore become economically active. Hon. Members know that the definition of an economically active person is a person who is either in employment or out of employment, but *seeking* employment, as opposed to my wife who is unemployed, but has no desire to work, does not *seek* work, and therefore is not regarded by anybody as being unemployed *(Interjection)* But she is a graduate. Okay? *(Laughter and banging on desks)* Do you see what I mean? So I think it is important to put all these things in perspective. *(Interjections)*

Mr Speaker, I think it is too late. I am in the twilight of my political career. It is too late for me to *save* or enhance my political reputation and by the same token I think it is probably too late for the Hon. Minister for the Employment to undermine or sully, for the very same reasons, my political reputation. So I do not intend to engage with him in point by point detail by detail. He is not here, but I am sure he is listening to me on the radio. *Affectionately* listening to me on the radio – *(Laughter)* I bet right now his moustache is twitching and he is scratching his moustache with his mischievous smile on his face.

The record is this, Mr Speaker. First of all the Hon. Minister for the Employment, the Hon. Minister Bossano knows that he has to treat figures about Gibraltarians and non-Gibraltarians in work cautiously for the reason that is warned by the Government Statistician every year in the Employment Survey and remains in the Employment Survey for 2013 and just tabled in this House. This nationality split – that is to say between 'Gibraltarian' and 'Other British' – presents problems of accuracy. Some employers classify all their British employees, including Gibraltarians, under the 'Other British' category, and since no personal details are provided, it is not possible to differentiate between the two categories. In other words, whilst everybody that registers as a Gibraltarian... whilst everyone that *is* registered, because it is done by the employer, in the employment surveys as Gibraltarian is certainly Gibraltarian. Amongst the British 'Other British' category, there will be Gibraltarian British and non-Gibraltarian British, thereby distorting, insofar as concerns identifying Gibraltarians, the comparability of both figures.

But the published figures of Gibraltarians in employment, subject to that point that I have made, which would make the figures better, not worse, are that in 1988 there were 8,836 Gibraltarians in employment. In 1996, by the time the Hon. the Minister for the Employment had finished being Chief Minister, there were 9,390. In 2010, which is the latest figure available here, there were 10,706, and that figure had risen again in 2011. There has been a significant growth in the number of Gibraltarians in employment, not a fall in the number of Gibraltarians in employment. A very significant increase in the number of Gibraltarians in employment during the GSD years in Government, as there had been to a limited extent to a more limited extent because they were in office for fewer years presumably, under the previous GSLP Government.

Mr Speaker, when we left office the number of Gibraltarians in employment stood at record levels. So all that presentation by the Hon. the Minister for Employment with which my Learned Friend, Mr Bossino, otherwise disposed of anyway, based on somehow there being fewer Gibraltarians in employment is a complete nonsense. Mr Speaker, the fact that some Gibraltarians – mainly I suspect as a matter of personal choice – passed from being full time to part time is invariably a matter of choice. The hon. Members know that there is no tradition, that there is no syndrome in Gibraltar of employers converting full-time jobs to part-time jobs over the heads and wishes of employees. One never hears about this in the newspapers; it just does not exist as a phenomenon. So if at any given time there is an increase or decrease in full time or part

time, it is because individuals are making choices either to move to part-time employment or employers are accommodating individuals, usually it has to be said women in connection with starting families and things of that sort into more part-time employment.

2070 But, Mr Speaker, the suggestion that somehow the Hon. the Minister for the Employment in just this year alone... he says there are 650 more Gibraltarians. Well, where were those 650 before Mr Bossano worked his magic during the last 12 months? They certainly were not registered as unemployed because there were not 650 Gibraltarians registered as unemployed. We know that from the unemployment statistics. So where have they come from? This idea that in a workforce the size of ours it is *possible*... yes, 2075 by reference to the reproduction joint collective effort of all married and non-married reproducers 18 years ago (*Laughter*) that it is possible for there to suddenly appear in Gibraltar 650 *new* additional Gibraltarians to put in employment that were not before even registered as unemployed, let alone where they were physically, barely needs articulating. It is so obvious that it cannot be the case.

2080 Not only did we have record numbers of Gibraltarians in work, but, as importantly, their take home pay, their disposable income, the amount of money that we put into the pockets of Gibraltarian families also rose to record levels. (*Banging on desk*) So it just was not more Gibraltarians working, it was more Gibraltarians having more money to spend in their households in whatever way they pleased.

Mr Speaker, my final point, I promise, and it is very briefly made. I will just limit it to saying this to the Hon. Minister Linares, who is temporarily absent from the seat in which he has been sitting all morning. 2085 (*Interjection*) If he wants to... he is now returning to the Chamber. (*Laughter and banging on desks*) Mr Speaker, if he wants to make a comparison of the cost of his new power station and the one that we had contracted, and he wants to do it in a way which meets the Chief Minister's standard of 'framing the debate in honesty', then he has got to compare like with like. He has got to give us an explanation of what was included in our contract of £100-odd million, what is and is not included in his, so that we can see whether 2090 it is fair to allow people to run away with the false impression that they are getting for half the price what we had contracted to get, which is a complete and utter nonsense. (**Several Members:** Hear, hear.) (*Banging on desks*) So in the interests of framing the debate in integrity, let us have in this House...but again I know this is not the case, but again, if he can demonstrate that I am wrong he will not find me unready to quickly, apologise to him.

2095 What I think he should now do is that you should publish and lay in this House – and I challenge him to do so – the contract specification of the one that he terminated, including all his termination costs of it, and including all the lost opportunity, including the land costs that he is now going to incur, all the things, the pluses and the minuses of the package that we contracted for and the package that he has contracted for, so that we can make a *real* interpretation of the comparison and be certain that when comparing like for like, 2100 generator for generator... machine, he may not actually be paying more than we were paying for our generating machines. (*Banging on desks*)

I am a grateful to the House for indulging me, a backbencher... a *mere* backbencher, for an hour and twenty minutes.

2105

ADJOURNMENT

Chief Minister (Hon F R Picardo): Mr Speaker, that was of course in very many ways an excellent riposte to the speech of the Leader of the Opposition that we had to hear on Monday, for reasons that I will 2110 be explaining to the House when I can continue with my presentation of the Appropriation Bill in my reply tomorrow at 11.30 in the morning.

So I therefore move that the House adjourn to tomorrow until 11.30 in the morning.

Mr Speaker: The House will now adjourn to tomorrow at 11.30 in the morning. 2115

The House adjourned at 1.19 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.30 a.m. – 2.30 p.m.

Gibraltar, Thursday, 3rd July 2014

Business transacted

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<i>The House recessed at 2.30 p.m. and resumed its sitting at 4.00 p.m.</i>	25

The Gibraltar Parliament

The Parliament met at 11.30 a.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

SECOND READING

Appropriation Bill 2014 – Second Reading approved

Clerk: Sitting of Parliament, Thursday, 3rd July 2014.
Second Reading of the Appropriation Bill 2014. Budget speeches continue.

Mr Speaker: All hon. Members having contributed to the debate on the Second Reading of the Appropriation Bill, I will now call upon the Chief Minister to exercise his right to reply.

Chief Minister (Hon. F R Picardo): Mr Speaker, when one does not hear much credible opposition to a Bill presented by the Government, one has to wonder whether there is any point, really, in rising to reply; but the fact that things are not credible, does not mean that they might not linger in people's minds, and therefore it is, in my view, necessary to reply.

Mr Speaker, this has been, actually, quite a busy week for Gibraltar. Budget week is always going to be a week that is exciting for our community, in terms of the State of the Nation analysis that we do in this House, and of course the numbers that are published, although hon. Members and the House have the estimates since April, our community only sees them when we start this debate. But this year we have had on Budget Day also the very welcome visit by the Minister for Europe, the Rt. Hon. Mr Lidington, the publication at one minute after midnight, the immediate next day on the Tuesday, of an excellent Foreign Affairs Committee Report, the very title of which I think is reflective of the Foreign Affairs Committee's *always* very positive attitude towards Gibraltar. The very next day the visit, the *return visit* of 'EU Inspectors', as the press likes to call them, from the European Commission, and today we round up this Budget debate. So a very full week indeed, not just for politicians in Gibraltar, but I think for the whole community.

But, as I have said before, Mr Speaker, I am first and foremost in politics because I am a Parliamentarian and therefore this debate is always in the year the highlight of this week for me, or at least some aspects of it are. Mr Speaker, we heard, with my own speech included, already 10 speeches from Ministers, Ministers who have demonstrated in the speeches that they have given to this House that they really are in the thick of delivering on manifesto commitments – really in the middle of it. No question of any excuses. Here is what we are doing. Here is how we are doing it.

We heard announcements about the new Power Station tender being awarded, one of the most important projects that any Government will have the honour to discharge for our community. You were in one of such Governments, Mr Speaker, in the 1980s, that delivered the Power Station at Waterport. It is my honour to lead a Government that will deliver the next Power Station for Gibraltar.

We had announcements about new tenders for buses to be delivered for our community. We heard about new homes being delivered for our community. We heard about car parks finalised where they are most needed, in record time, and a University to be delivered in time before the next General Election by September of next year. All of that, Mr Speaker, in addition to two new schools being delivered in the Upper Town, in this community delivering *one* new school has always been a huge positive. We are delivering two, and the person who is delivering them is also delivering a University.

40 All of that, Mr Speaker, in the context of huge growth in the Gaming Industry, an industry that has grown half again in the two and a half years that we have been in Government – over 1,050 *extra* jobs in the last two and a half years – but not just jobs for outsiders because, Mr Speaker, we have heard about more jobs for Gibraltarians than ever in the history of Gibraltar. The *highest number* of Gibraltarians in employment, the *highest number* of jobs for Gibraltarians in two years, an average of 325 every year. Six hundred and fifty jobs in two years. (**A Member:** Hear, hear.) (*Banging on desks*) We have heard about those achievements. We have heard about our political work to ensure that European skies remain open to airlines flying to Gibraltar and we are not excluded from European Rules and benefits.

45 We have heard about replenished beaches and new incentives for the bunkering industry and we have heard about great advances in domiciliary care and care for our elderly. If that were not enough we, of course, heard about a Health Service that is now coming in on budget and working well, introducing new mechanisms for patient care, day surgery units that work and keep beds free and we have heard about the details of that new Power Station from the Minister, who is going to be responsible for delivering it, as well as great advances in sport and in culture. A new gallery opened, Gibraltar's exhibition of modern art. And you heard that, Mr Speaker, from Ministers at the top of their game, delivering game-changing progress in each of their areas of responsibility. In fact, Mr Speaker, I think it is fair to say that for most of this session, seven tenths of it... or ten seventeenths of it rather, the House has been in quite buoyant mood, like, I put it to the House, the Nation is, when Ministers have been setting out what they have been working on in delivering for our community. But it was in the midst, Mr Speaker, of that crisp, fresh, sunshine that saw these Ministerial interventions delivered – incidentally, crisp, fresh, sunshine in a Poniente breeze, the hon. Lady opposite might like to note – that we heard perhaps some of the most irrelevant and unpersuasive speeches of the Members opposite, with some notable exemptions, which I shall come on to.

60 But, Mr Speaker, the whole debate and the whole attitude that hon. Members have taken to the debate really puts me in mind of one particular phrase of Kipling's, from probably one of the most powerful poems in literary history... Members will remember it, 'If you can bear to hear the truth you've spoken, twisted by knaves to make a trap for fools...' from *If* – because, Mr Speaker, although I had heard the saying that the truth hurts, I had not actually seen quite how much hurt the truth could do until I had the temerity to tell the truth on social media. You see, Mr Speaker, I invited hon. Members at the beginning of this debate to frame the debate in honesty and I am a man who frames his debates in honesty and his tweets too, and that is why, Mr Speaker, I tell it like it is in here and I tell it like it is outside, and I am going to tell it as it is in here this morning too.

70 I think there have been few more boring, more inconsequential and more flat speeches delivered in this debate on the Appropriation Bill in the years since this Parliament has been considering an Appropriation, than that of the current Leader of the Opposition. It is true, Mr Speaker, I actually posted a comment about the speech by Mr Netto, who had a similar snooze-inducing effect on me and, I put it to the House, on some other Members too, but I think actually that I have to give it to him, maybe that is why he is the Leader of the Group that the Hon. the Leader of the Opposition outdid even Mr Netto in the poor quality of his very short speech.

75 I was going to do a detailed analysis of the Leader of the Opposition's speech, but of course there are two issues mitigating against that. First, I have done so in my opening speech, before he delivered his address; and second, because there is little to analyse, but there is much to correct, Mr Speaker. In fact, the little that there was to analyse, Mr Speaker, was actually so effectively contradicted by the Hon. Sir Peter Caruana, that I will deal with many of the things that Mr Feetham said in great measure by agreeing with the contribution by the hon. the backbencher. In fact, Mr Speaker, I think it is fair to say that the contributions on some of those benches opposite have been so at cross purposes that one of the things that I will be doing today is showing how Mr Caruana's arguments... Sir Peter Caruana's arguments, excuse me – assist in dealing with the Hon. Leader of the Opposition's arguments and how one of the Hon. the Leader of the Opposition's arguments assists me in dealing with Sir Peter's arguments himself. Of course, what that results in is that the Caruana argument checks Feetham, the Feetham argument checks Caruana, and it is a stalemate for the GSD.

90 One of the other things I will do is I will review for the House and the community's amusement, if nothing else, the extraordinarily badly designed advertisement placed only in one of our national daily newspapers that Members opposite appear to have wanted to waste their funds on. Well, I am delighted to see them wasting money before an Election is called, Mr Speaker.

95 I am also very sorry, Mr Speaker, to see that the Hon. the Leader of the Opposition decided that he was just going to deliver the speech that he came with and that he was not going to adapt it in any way. He was not going to see that some of it might have been rendered entirely irrelevant by the facts I disclosed, or indeed actually quite dangerous ground to continue to delve into, but never mind. I actually understood why he was stuck, why he had checked himself into a corner on this political chess board when I saw what he had sent to the printers. There was no way out. He could not just change the speech. He would have to

change the speech and the advert, all too late by then probably, knowing what print deadlines are like for that sort of advertisement.

100 Mr Speaker, I think it must have dawned on him as it must have dawned on all of them opposite – almost like the new dawn of 9th December 2011 – that they had a serious problem with this Budget, because I did not just express it as a game-changing Budget, it *was* a game-changing Budget, in particular because of what is actually being delivered and because of the analysis that discloses why recurrent expenditure has gone up and who is responsible for recurrent expenditure going up. One of the few things
105 on which the hon. the backbencher and I will disagree this morning is exactly what the increase in recurrent expenditure has been and what it is attributable to.

Mr Speaker, there are some people, I assume, in this community, who just will support either of one of the two main parties because they are tribal and they simply have an ideological bent, which puts them in one side or another, and that is absolutely fine, Mr Speaker. I support Liverpool Football Club, even when
110 they lose. In politics one says that, you know, one needs one's friends when one is wrong; not when one is right. Oh, my goodness, do the chaps opposite need their friends. There may be some people, Mr Speaker, in this community, who are convinced by a sound bite and who are convinced by a headline, but actually, apart from those tribal supporters of each of our particular parties, I ascribe to the electorate in Gibraltar the ability to do very careful analysis. They listen and they understand and they make up their minds for
115 themselves. They are not carried away by a sound bite or a headline.

So, Mr Speaker, just taking a first look at the 'big lie' advert, one of the things that is the premise of *all* of the speeches we have heard, and of this advertisement, is that we said that there was no money; and that has now been proven to be untrue. Well, why can we demonstrate, Mr Speaker, that that was no big lie? There are a number of ways of doing it... yesterday we obtained another.

120 You see, if hon. Members do not want to continue to have to speak against me and what I said during the course of the General Election campaign, which is not as they characterise it... but anyway, let us look at what the man they have oft described as near the Holy Grail of Gibraltar politics said yesterday. I said we were near the debt limit, Mr Speaker, yes. Members opposite said that is not true and it was never true. Goodness gracious. Sir Peter, yesterday, was to his credit, and in the style and guise of a backbencher not
125 involved in the political cut and thrust, entirely straight forward about the position as it had been. He said that when he was a – *el telefono de los aludidos* [*Inaudible*] (*Laughter*) He said that when he was leaving the Administration he was reaching the limit and he would have gone for a resolution to borrow more, and he confirmed it yesterday in this debate. Mr. Speaker, I say to him that his honesty, in the way that he presented his argument, enhances him in the eyes of the House, no doubt, as he describes himself as being
130 in his twilight years in this place, which he made it clear also yesterday. This is what he said, and these are his exact words:

'On that basis [...] of course'

135 – he is talking about debt –

'it is possible what they have done'

140 –talking about us –

'is adopted the GSD's policy on how to fund a manifesto commitment, whilst staying within prudential bounds and legal bounds, because he has been fortunate and in that I would have been willing, whilst keeping within economically prudent guidelines, to have changed the law to increase the debt ceiling, the debt limit, which I acknowledge would have been necessary...'

145 Now, that is not the ogre, Fabian Picardo, who cannot count, saying it. This is Sir Peter Caruana, a man whose citation for the receipt of his Knighthood was his prowess, economically in relation to Gibraltar, and who has of course, as a previous Chief Minister, the respect of the whole House and yesterday was very clear in the way that he was making his address. So when the first part of the big lie advert – it is incredible how that now can start to mean something else, the big lie advert – the first part of the big lie advert and the
150 first premise that the hon. Members were trying to persuade us of and spin in this House was that we had lied during the course of the General Election...it has been a theme they have been developing for over two years – that the debt ceiling had been reached or was being reached. Well, that is now actually confirmed by the man who was their leader. In fact, it is just not confirmed by the man who was their leader, it is not just Sir Peter Caruana, ex-leader of the GSD, who has confirmed that the debt ceiling was being reached and the
155 only way to fund the GSD's manifesto commitments was to change the law in order to move the ceiling, this was said by a man, who the Hon. the Leader of the Opposition has described as possibly the greatest Gibraltarian politician of our time, or of all time, depending on who is listening; but I do think he is trying to be quite flattering when he says either of those two.

160 And so, although it is not something that... I know he does like to butter people up at different times in order to persuade them to continue to support him, that is more than just butter, that is lard that you are pouring on there. But anyway – (A Member: Jam!) That is not jam. That is lard. (*Interjection and laughter*) But you know I have always been very honest with Sir Peter. He is a man who enjoys my respect. I do not consider him the greatest Gibraltar politician of all time, let's face it, but let's face it, he stood there yesterday, in all honesty, and flatly contradicted every theory that has been advanced by his successor, as
 165 Leader of the GSD, and which had been the basis of his intervention on Monday in his reply to me and had been the basis of this, no doubt, expensive exercise in an attempted public relations. But I am very grateful to the man that the Leader of the Opposition describes as the greatest Gibraltar politician of all time because if he wants to take steps towards that accolade being real, then telling the truth in this House is obviously one of them and not allowing this mendacious attempt at misleading the people of Gibraltar that appeared in one of our newspapers yesterday to prevail, is an important way forward.

170 But there is another aspect of what the Hon. the Leader of the Opposition said and that his Deputy repeated not just in this House, I think even outside it, about the level of debt today and how high it is. Why should I reply to that? Why should I sit down and write a paragraph that deals with that issue and explains it, Mr Speaker? It is an important issue, but should I sit down and think of a form of words to use to explain actually where we are? I do not need to, because Sir Peter was very clear yesterday in what he said about that. He said, talking about the level of debt today:

180 '... let us be clear. I think the level of net public debt remains, even increased as they have been, well within the levels that are prudent in macro-economic terms by any European standard. So I am not saying any of this'

– talking about the dispute between him and me at the Election –

185 'to criticise the level of public debt. They are the level, or perhaps lower for all I know, than they would have been had we been in office...'

So do I need to say to hon. Members opposite there is no issue with the level at which net debt is today or will they take it from what – he will allow me to say, in the fondest possible terms – the horse's mouth? I assume that he will want to go back, and where the advert talks about 'net debt higher than ever', he may want to add, 'but greatest Gibraltar politician of all time says it is okay', because he prays him in aid whenever he
 190 thinks he is wobbling in the leadership of the party, so he might want to pray him in aid on this argument too. So obviously now, not so firm on the issue of net debt, the Hon. the Leader of the Opposition wanted to continue with what he has been spinning outside of this House as the big issue that he obviously wants to fight the next Election on, because he seems to be fighting an Election every single day, which is the huge increases in recurrent expenditure. Why he does that to himself, Mr Speaker, I just do not know.

195 I have spent a good hour... I do not like to speak for two and a half hours in a Budget debate... you know, I leave that to the man who he thinks is the greatest Gibraltar politician of all time. I would rather do short addresses, but I had to do it because he had been goading me on recurrent expenditure, so I gave him the benefit of the analysis of where the recurrent expenditure increases came from. I demonstrated to him that *their* increases in expenditure with their continuing cost were responsible for about 45% or so of the increases in recurrent expenditure. Then I demonstrated that another 40% or 45% were the things which are at large –the market forces, the diesel fuel, the cost of the scholarships etc – and I therefore had demonstrated to him that in the amounts of the increase, if it was £20 million in one year, if it was £15 million in one year, GSLP Liberal spending represented 10%. Two million in the context of £20 million. I am sorry to do this exercise for him, but I am left with the impression that they cannot count. Two
 200 million in the context of £20 million, £1.9 million in the context of £19 million, and therefore in the context of a budget, which might be £440 million, 1% of the budget... even less.

205 You see, Mr Speaker, to continue to then get up and say the problem with this Budget is the increase in recurrent expenditure is either to say to him, 'Look, do not bother addressing me on any subject because I am going to be a brick wall just because I think it is more useful to attack you on recurrent expenditure' or to say 'I have got a different analysis', but he does not make the analysis, Mr Speaker. He then talks about the size of the increase in cash terms, but does not descend to particulars. He does not analyse what those millions are for. He does not look at the amount that is diesel, the amount that is students, and therefore the only other conclusion that one can make is that he is saying he would cut it. So if he is not interested in looking at what the increase is and saying, 'Well, fair enough. We gave those pay rises. I understand that is
 215 the £15 million. Fair enough, that £30 million is diesel fuel. We were wrong to contract for another diesel powered station, but you are going to get us out of it because you have gone for gas.' It is criticising the £66 million increase. What is he saying? We are going to cut the electricity for three hours a day to burn less diesel. We are going to send a third of our students to London instead of all of them. We are going to cut back public sector pay. We are going to sack a third of the public servants. Which is it? He needs to tell me
 220 which it is. Which part of the increase would he not have done? Or is he simply going to go into the next

Election saying, ‘We are going to stop recurrent expenditure from rising even beyond inflation?’ Inflation is 2%. There is £2 million of some budgetary increases. He has got to stick his colours to a mast. I know that he is used to going from mast to mast – GSLP, Labour... GSD. What is left? There are not many masts out there. But on issues, and on arguments, if he wants to have the argument, he has got to stick his colours to something. What would he cut?

We were responsible for 10% of the increase. He says it is £100 million. Well, look, I was working with a different figure, but let us work with the figure of £100 million. We were responsible for 10%. They were responsible for 90%. Okay. They... or the market forces were responsible for 90%. Will they cut the market forces bit out? Would they cut back on the things they did? Is he saying... look, he says it all the time. He criticises Sir Peter all the time for things he used to do in Government, which I do now, and he sometimes criticises me and therefore is criticising him. Is he saying he was wrong to increase public sector pay by 2.7%, 2.9% and 2.5%? If that was wrong, you have saved £15 million. I assume he would also say that I was wrong to raise it 2.5%. Fair enough, it is a belt-tightening argument. He gets up and he says to all public workers in Gibraltar, ‘We are going back to your salaries where they were in 2010. It was wrong to go to parity plus. We stick with parity, the 1% increase, and we are saving £15 million for our community’, an argument which I do not share; but if he thinks it has to be made, he must make it... £15 million out of £100 million.

Another £30 million, the cost of the diesel... ‘Ladies and gentlemen, people of Gibraltar, tonight as from midnight there will be no electricity until tomorrow at six o’clock in the morning. Do not worry, you will be able to heat your boilers and feed your children because it will only be for the six hours in the evening that there is no electricity’. He might find that John Cortes agrees with him, you never know. *(Laughter)* It is a quarter of the day, six hours. It is an argument, so he might save an important part of the £30 million.

‘My dear students, we cannot send you all, as the costs are too high. It is now £12 million. The increase is £6 million. We are going to send x number. You have to compete’. I would have respect for that position, but I would not share it. I would say to people, we can run this economy, because in the same way as we have the highest recurring expenditure in history, something I will remind Mr Bossino of, he forgot to say we also have the highest recurrent revenue in history. Right? We can run this economy, but we need to stop making the mistakes they were making. We need to replace the diesel with gas, which is cheaper, and we need to do other things, but we do not just say we are going to stop the recurrent expenditure.

Anyway, he must think, Mr Speaker – the Leader of the Opposition – that people cannot add up, that they are not doing this exercise, because it is all very nice to be told that you are spending too much. It sounds good the first time. We might all think, ‘Oh, careful, I might be spending too much’, but when you are told every day you have to say, ‘What should I spend less on?’, and if they were not the Opposition, if they were the Government, what would they be spending less on? Well, the Holy Grail, the oracle has said he would be spending more. That he would have changed the debt ceiling and gone for more spending. Well, look, I do not necessarily disagree with him. We are doing it in a different way, but we agree that we have to continue spending for growth. It has worked for this community within prudent levels and we still run surpluses. But what are they saying? If he makes the argument on recurrent expenditure, even he must realise he cannot get away without saying where he would cut the expenditure. He nods, but he never answers. He got up and he delivered a speech that criticised the expenditure, but he did not say what he would cut. So he is a critic, Mr Speaker, but he is not answering his own question.

Anyway, the other thing that the advertisement says that we lied about was the fact that there was only £2 million left in the kitty. You see, of course, Mr Speaker, that is not something that we said at the Election. The advertisement says that we said at the Election that the borrowing limits had been reached – well, we more or less said that and two and half years later Sir Peter Caruana has admitted it – and that we said there were £2 million left in the kitty. We did not say that at the Election. We did not know that at the Election.

The Hon. the ex-Deputy Chief Minister, the Leader of the PDP, Keith Azopardi, and I found out... I do not know whether it was on the Leaders’ debate or on one of the questions and answers at the Mackintosh Hall *(Interjection)* Oh, was it the Leaders’ debate. I have tried to block it out. *(Laughter and interjection)* The Hon. the then leader of... the Hon. then the Chief Minister told the community that the debt was £520 million. It was not £450 million or £480 million any more. and it was four days later, on 13th December, that I received what I have already referred to him in shorthand, so that he does not forget it, because it appears that he has problems with retention and that is why I give names to things, so that he remembers... the ‘doomsday memo’, which tells me not that I am going to have £2 million left in April. I am left to work that out myself. It tells me that there is £60 million left and three and a half months to go *y la paga de Pascua por salir*.

Right, so, let us be clear. We did not know that there were £2 million left in the kitty at the time of the Election. We found out four days after the Election; but if he says it is not true, he should have the decency of making clear that the people that we are saying are misleading the public are the people who misled their

Government, the people in the Treasury. I do not think anybody in politics in Gibraltar before has ever suggested that the people in the Treasury mislead the public or their Government, another little thing in the memo, in the advert, which is now demonstrated to be true by an empirical objective measure. I do not
 285 know whether he has got the doomsday memo still from last year. I remind him that it is attached to the printed version of my speech he can find on the website so I do not have to read it to him today. No, the memo; not the advert. I assume everybody has got the advert. Most fish and chips salesman are making very good use of it today and I would very much look forward to receiving my churros on Saturday wrapped in it. But I mean the memo. The thing that *matters*. The thing from the Treasury, not yesterday's
 290 newspaper from him. I mean the memo from the Treasury. He can look at it online because a little bit of thought might actually help him with a better argument for next year, instead of just this argument about a lie, because you see the *lie* is not put on the lips of the politician; it is put on the lips of the official and that is absolutely unfair.

I am very sorry to see that people who have served their Government very loyally and served this
 295 Government very loyally, regardless of the partisan colour of it, have to suffer being called liars in advertisements in newspapers and in the political discourse. They do not deserve it, because even the greatest politician, Gibraltarian politician of all time has now admitted that there was a need to go for more borrowing, that there was no money left in the kitty because we were reaching the limit. I think if they had to choose, if the public had to choose between the Financial Secretary, the Chief Minister of Gibraltar and
 300 the ex-Chief Minister of Gibraltar on one side and the current Leader of the Opposition, Daniel Feetham, on the other as to who they believe, the people of Gibraltar are not going to take very long to make up their minds.

But another thing that he said, really riding into it, despite the many warnings in my opening speech, was that the Government that he was part of was very good at sticking to budgets and that we were very bad
 305 at sticking to budgets and we really had to get some budgetary discipline. Well, Mr Speaker, the fascinating thing about numbers is that they do not lie, as Joe Bossano often says to me. In the 16 years that they were in office, they managed to overspend on departmental expenditure, not £1 million, not £2 million – these are not my numbers, these are the Treasury's... they managed to overspend by £158,289,000.686. I will do it later on in another context, but I did not have the soul to divide that by £120,000 and tell the community
 310 how many doctors they could have had for that. (*Interjections*) (*Banging on desks*) I think it is something like a thousand and some left over. It is incredible... £158 million in their last year in office. The glorious 15th or 16th, they overspent by £24 million. If they would have had another month, they would have won the Election. Even I would have voted for them if he had turned up at my house with his cheque book. (*Laughter*) For goodness sake, £24 million of overspend. *Ni se compra, ni se vende, el pueblo, decian.*
 315 (*Laughter*) £24 million; £13,700,000 the year before; £11,300,000 the year before; £12,400,000 the year before that; £14,400,000 the year before that; £7,700,000 the year before that; £8 million the year before that; £11,100,000 the year before that – of course the year of the Election; £650,000,000 the year before that; £9,700,000 the year before that; £6,500,000 the year before that; £12,000,000 the year of the Election before that; £4,300,000 the year before that; £3,500,000 the year before that; £2,500,000 the year before
 320 that; and £9,600,000 the year after the first Election.

Discipline in departmental spending, and this is a Government of which he was a member. Well, I mean, it is Danny. He was a member in the last four years, a supporter for the three before, an opponent for the three before that in his own party, and a hostile aggressor against it for the first four years. So it is not
 325 fair to say that he was a member of it. He was only a member of it for four years and we do not know of those four whether he was a supporter of it for much of them, but anyway, never mind. One of the things that he does is he accuses me of being a huge over-spender in No. 6 Convent Place. Well, fascinatingly, one of the things in the advert is that No. 6 expenditure is 93 % higher than any other Department and there is a 67% increase in staff at Convent Place. Well, I do not know where he has worked that out. Maybe it is because in my ministerial responsibility I took IT, that added 20, and we employed nine in the EUID. Does
 330 he not understand that as portfolios move around, people are accounted for in different places? Even he must understand that, so it must be a mendacious attempt at presenting things in a way that he thinks is going to go his way. But let us look at this terrible Chief Minister, this terrible Chief Minister who is overspending in 6 Convent Place. What is the overspending in 6 Convent Place that the terrible Chief Minister is doing? Let us not just look at the numbers, let us see what the numbers mean.

Private sector legal fees are up from £50,000 to £200,000. Look, it depends on what needs to be drafted. Communication information expenses are up from £975,000 to £1.8 million. Private sector legal fees are up
 335 from £250,000 to £780,000. Government lobbying, hospitality and travel is up from £300,000 to £1.17 million. Sundry grants are up from £300,000 estimate with a forecast out-turn of £215,000 actually to £5.15 million. Oh hang on, that is 2003-04. (*Laughter*) And 2003... 2002, private sector legal fees up from
 340 £50,000 to £382,000; communication and information expenses up from £192,000 to £975,000; a budget of £6,700,000 went up to £12.6 million. It was not me. It was the oracle, the greatest Gibraltarian politician of all time admittedly, *admittedly* at the time of joint sovereignty... admittedly, and admittedly costs of No. 6

have gone up at the time of renewed hostility by Spain – absolutely true. But look, it is the same sort of increase, almost identical, but over 10 years later.

345 Before we look at the detail of that, we will talk about the numbers of people employed in Convent Place, well look that is just an adjustment of people moving from Department to Department depending on the change of ministerial portfolios. But given that he has opened the can of worms, I am very happy to report to the House that the information I had, which only went back to 2003 in respect of public sector employees, excluding the MOD, I now have back to 1998. So if the House will recall that I said on Monday
350 that in the Employment Survey, which is the October survey, in 2003 there were 2,938 people, excluding the MOD, in the public sector and that that went up – I will not bore you with all the other details – it went up to 4,804 when we took over in the payroll in December 2011, an increase from 2003 to 2011 – less than ten years – in eight years, of 1,866 people in the public sector under the GSD. That is an increase of just under 40% in the size of the public sector.

355 I now have the figure for 1998, which was 2,857. The increase in the public sector between 1998 and December 2011 was from 2,857 to 4,804. I do not think hon. Members should be visiting at our door any huge concern about more people at Convent Place because the portfolios have been distributed in a different way. This is not recruitment into one Department or other. This is a huge change – 68% almost. So even accounting for the fact, as I told the House on Monday, that we took on people from the MOD and sell
360 services to the MOD, as a result, but it is not a zero sum game, we lose a bit in the interim, there is a huge increase in the public sector. Can they please explain to me how they can be concerned about a few more people at Convent Place if they have supported this huge increase? Not all of it is MOD... not all of it. So I assume that the criticisms are levelled at me today by the advert and straight back at you, Sir Peter, given the increases that we can show.

365 But then he says, ‘You don’t just overspend on recurrent expenditure, Chief Minister, you are terrible. You overspend on capital projects’. Vanity projects, they call them... *vanity* projects. We are spending on vanity projects and overspending. Well, Mr Speaker, I do think there is something going on and I have not quite worked it out. I think one of them – I still do not know who – is probably the most Machiavellian politician that this planet, let alone this nation, has ever seen, because why would it be in their interest to
370 draw me back to one of my other favourite Election issues, which was the cost of the Airport? Approach of that went from announcement in all splendour – I still have the *Chronicle* at home, I keep it with my rosette – at £25 million to be partly funded by the European Union to £84 million entirely funded by the people of Gibraltar, and actually, as the hon. the backbencher said, entirely useless because the other side have failed – entirely useless for the reason why it was built there – have failed to deliver on their part of the bargain. Very nice it is too. No, this is not an architectural competition. But look, if at £84 million, you did at least
375 produce something that looked fairly alright. So be it. But anybody would have got sacked for that overspend, and he did. The CEO of Gibraltar PLC was *fired* for a 236% increase in price on what he used to describe as one of Gibraltar’s ‘flagship projects’. So much for the over spenders; but it would be unfair on the now Leader of the Opposition to visit that on him, because I am sure that whilst the then Chief Minister was beavering away to ensure that that Airport was completed in time for the Election, he was beavering
380 away to see whether he could take the leadership of the party just before the Election in time to try and win it. And the Hon. Mr Bossino said to us, which I will come to in a little while, that he does not want to hear about Montiel or Caruana anymore, it is a new team. (*Laughter*) So let us look at the new team.

385 What about the new Prison? I know the hon. Gentleman was not allowed to do many projects that involved spending of cash whilst he was Minister for Justice, but the new Prison and the new Courts were things that he had issues with the plaques over. I know that there was a swift changing of plaque at the Prison as to who opened it and did not open it, and there was a huge malaise for days over the fact that the Hon. the now Minister for Justice has his name on the plaque in the Courts and not him. But anyway, let us look just at the finances.

390 New Prison... because he was not in charge of the Airport, he was in charge of this. The original contract sum for the Prison £5.2 million; an extra floor £0.45 million; prolongation costs £0.94 million; final costs *que tardó más tiempo* £8.1 million. A £3.1 million overspend. A 55% overspend. Well look, I accept that projects are overspent on. We all know they are, but do not make a virtue of things being in on budget, when even you have been presiding over a 55% overspend. Say, ‘things cost more than you usually
395 expect them to cost’. There is the *po ya que esta* aspect to any project. Okay, we understand that, but do not pretend that your virtue is that you will not ever overspend.

400 And then, Mr Speaker, if that is just an anecdotal example, let us look at the Courts. That project, which incidentally nobody ever described as a vanity project. Nobody describes the Courts as a vanity project. Nobody describes the Prison as a vanity project, but the seat of Government is a vanity project or a park in the centre of our city, which thousands of our people already use, is a vanity project. These are not vanity projects. Maybe they were just ‘vanity plaques’ that he was going to put up on the wall to describe himself as the person who opened them. Those were £7.5 million original cost. The final cost... there was a lot of talk about Mr Bossano being upset at overspending and that is why he was not here, so I do not know

whether I want to put him through this, but the final cost was 82% overrun – 82% over run. He is *tranquilo* now because you are no longer here to commit this sort of overspend. (*Laughter*)

Oh, there is nothing wrong with an overspend if there is a problem and it has to happen, but do not pretend that you do not ever overspend and we are overspending and how in control you would have been, because to do the exercise that the hon. Lady wanted to do, the overspend of the £9.3 million on the Prison and the Courts together, at £120,000 a year, £130,000 a year, is 72 doctors (*Interjections*) Mr Minister for Health. It is a nonsensical calculation. It does not make any sense whatsoever. It is one year's pay for those doctors. You could have them for one year and then get rid of them, or you could have five for a lifetime; but the hon. Lady does a calculation which is meaningless, which is to divide by the one year's salary the amounts that she wants to divide. Well, her present leader – because I do see him in that in perfect tense – would have been responsible for 72 doctors, if he had not overspent. For a year, we could have had GPs everywhere if he had not overspent, based on her calculations; but never let a detail or a fact like that get in the way of a good sound bite.

And then the Hon. the Leader of the Opposition describes No. 6 Convent Place as a Venetian palace. Well, I entirely agree with him. I entirely agree with him. When I walked in there, Mr Speaker, with the Hon. the Deputy Chief Minister, the day after the Election, we found ourselves in a Venetian palace with terracotta walls and blue and yellow curtains and chandeliers from across the seas. Look, everyone has their own tastes. Venetian palaces are *not* for me. Blue and yellow curtains are not for me. There was a refurbishment of this office of the Chief Minister of Gibraltar into office of the Venetian prince sometime in the Financial Year 2001-02. It was literally a refurbishment... a redecoration. Not one square metre of extra office space was added. It was just, you know, a paint job, lift, new curtains and the odd chandelier. The costs of that redecoration were in excess of £1 million 10 years ago... 12 years ago. That does not include the paintings which the hon. Gentleman bought in the United Kingdom of Naval scenes involving Gibraltar and, in particular, the Battle of Trafalgar, which hangs in his room, which cost in excess of £100,000... a £100,000. We could have hung a doctor on the wall for a year. (*Laughter and banging on desks*) That would have been good for the blood pressure of the incumbent in the room. (*Laughter*) Doing the calculations that the hon. Lady... That painting no longer hangs in the Chief Minister's office and I will say to the Hon. my predecessor as Chief Minister, I think it is right that paintings like that should be bought and repatriated to Gibraltar. I just do not think that they should hang in the Chief Minister's office where *only* the Chief Minister sees them. I am much more modern and more technical. I prefer television so I can watch PMQs or anything that may be happening. That painting is now exhibited publically, I understand, in the museum so that people can see it. It is no criticism of the fact that an important painting about Trafalgar was brought home to Gibraltar, but the overall cost of the palace, as it was when Dr Garcia and I walk in there for our first cup of tea, £1.15 million.

The costs of turning it into a modern office, which will be the Head of the Administration of Gibraltar, the Office of the Chief Secretary or the Deputy Chief Minister and of the Chief Minister, where investors from around the world will be received and see the modern face of a thrusting Gibraltar – £4 million. Yes, £4 million, but we are actually going to add three times the floor space. We are not going to spend £4 million painting terracotta, adding a few chandeliers and a few curtains. By the way, I have got the cost of each chandelier and of each piece of carpet and of each curtain here. Some of it from John Lewis and some of it bought locally. We are going to add three times the office space to that office to turn it from a Venetian palace into a modern office building where civil servants will be proud to do their work... and without the damp, everybody who has ever worked in that building will be happy to know.

Anyway, I do not know what it is that makes him think that people who work in the Law Courts should have a modern office environment in which to work, but people who work in the Office of the Chief Minister should not have a modern environment to work in. I happen to think every civil servant should have a modern environment in which to work and that that could make actually the real estate of the Government of Gibraltar work much better for the Government of Gibraltar; but more of that anon.

One of the things he wanted to concentrate on and the advert plays a lot on, is this idea of travelling like a president, because of course in the simplistic analysis the overrun in the cost of travel is, 'Fabian spending an extra million in the way that he crosses the Atlantic'. I do not think there is a suite expensive enough on any aircraft to cost us that much. So they might have wanted to do a little bit more analysis.

Ninety three per cent *higher* than all other Departments are the costs of Convent Place. Well, protocol, entertainment and travelling, he said this in his speech, Mr Speaker:

'Travel entertainment was an item that I focussed on last year. The estimated figure was £390,000. The actual was £1.3 million or a massive 287% over budget, Mr Speaker.'

Two hundred and eighty seven per cent, is that not what the Airport overrun was? But that was in millions, not in hundreds of thousands. Well, Mr Speaker, not all of it is travel, it includes lobbying and we have had a rather difficult neighbour for the past year, he may have noticed, quite like in 2002-03. In fact,

465 the overspend there was almost exactly the same and the budget was almost exactly the same, because the budget has been £390,000 for the past 10 years, a very good reason to up the budget I would have thought because it has been the same for 10 years (*Laughter*) and there are times when it needs to be exceeded.

The Hon. the Chief Minister, the previous Chief Minister spent more in 2002-03 than I have spent this year; but he was the Chief Minister. He was the incumbent and he had to make the decisions about how, if
470 necessary, to spend money in order to steer us through that very difficult period of joint sovereignty, and I have had to make similar decisions now about where to travel to, where to send people to, where to lobby. As the incumbent, I accept that that money has been spent, but I expect people to realise in the short, medium and long term whether it has been spent for the right purpose, otherwise, hon. Members may simply find themselves, if they do not accept that, arguing with the identity of the person who makes those
475 decisions, because they themselves have said as part of their political discourse, that this is the worst year Gibraltar has had since the closed Frontier.

The Hon. Mr Bossino called it despicable, the attitude of Spain. If I had said that... my God, they would have all been on their feet asking me to be more measured and reasonable. I will come to that later on. But if it is just that it is Fabian Picardo making the decisions and not Peter Caruana that makes you wonder or
480 argue against that overspend, then your arguments need to be a little bit more refined. The Chief Minister of Gibraltar has to make decisions in difficult times to spend more, and history will judge whether I have made the right decision or not. I am very hopeful that it will demonstrate that the Deputy Chief Minister, I and the rest of the Cabinet have made the right decisions about extra spending this year because of what has been happening, and I think that we will see *impressive* benefits... not just benefits, *impressive* benefits very
485 shortly for all our people at a political and a commercial level as a result. I do not need to say, of course, that criticism of an overspend like that, which is almost identical to the overspend in 2003-04 or 2002-03, is as much as a slap on me, if it is just the overspend that has been criticised as it was, or would have been on Sir Peter.

But, anyway, I should not be surprised if that is what they were saying because one of the things that
490 they have been constantly repeating for the past six months or a year is that in the past two years, they have transformed the GSD. Well, there is good reason to take that badly if I were the greatest living Gibraltarian politician of all time and I had been leading the GSD as, if I may say so, an Election winning machine for 16 years and then somebody comes along and says, 'Guess what? I have transformed it'. 'Well, good luck. Into what?' 'We will see'. But I guess one has got used to the new leadership of the party and even some of
495 those who used to be in the party before criticising what the party used to do.

Anyway, I want to thank Mr Figueras, in part, whilst I continue dealing with the Leader of the Opposition, for at least having been very clear in expressing the position of the GSD in relation to the Commonwealth Park. He said in his speech, 'the Commonwealth Park is a vanity project.' The Collins dictionary defines a 'vanity project' as something that is worthless or useless. I do not think that anybody in
500 this community, other than perhaps six of the seven people that I am looking at, think the Commonwealth Park is worthless or useless, or that the refurbishment of No. 6 Convent Place when it is finished will be worthless or useless. I certainly do not think the Airport is worthless or useless. I think it is too big, it has cost too much and we will never get our money back; but it is not worthless. It has got a value. A valuer will come and give it a value and it is not useless. People can at least shelter from the rain in it whilst they
505 wait for aircraft. But to describe for the first time a green open area in the centre of our city that our whole community has welcomed with open arms, is to have reached a level of political honesty that the others have not been brave enough to reach, which I will remind the community of for the next two years every time somebody asks me about whether or not the GSD support Commonwealth Park, whether the GSD would have built Commonwealth Park. They would not. It is a worthless or useless project and it would still
510 be a car park, or somebody might have broken ground with a development there. For us, it was neither worthless nor useless. I will be very interested to see how Members opposite vote on the Commonwealth Park Bill when it comes to the House, given that what we are going to try to protect with that Bill is a worthless and useless park. It was a manifesto commitment. We are doing what we are required to do. Our attitude to our manifesto is that it is an instruction from the population. They have voted that to be done.
515 They do not elect us on a manifesto for us to go off and do what we like. They elect us on the manifesto to do what it says on the tin. It may not have two levels of car parking under it, but it has got the trees and the grass. Anyway, we delivered it.

I do not want to labour the point, but the Hon. the Leader of the Opposition then went on to talk about the level of public debt. He said net debt is bigger than ever, but as Sir Peter said, and this is a direct quote:

520 '... the net public debt as a proportion of GDP is within every known bound of prudential limit.'

The greatest Gibraltarian of all time.

525 So having disposed of his arguments on the level of debt, having disposed of his arguments with the issue of recurrent expenditure, having analysed how that arises, having demonstrated it is principally

market forces and their spending and having heard yesterday the man that the Leader of the Opposition describes as the greatest living Gibraltarian of all time, or the greatest politician of all time, and his attitude to import duties and the revenue from tobacco, where he and I are in full agreement, as I think, he, I and at least all the Members on *this* side of the House are in full agreement, I do not think I need to deal with the Hon. the Leader of the Opposition's attempt to use this as an issue to concern people. So there are really only two 'bits', if I can call them that, of his speech and therefore of the advert that he was wedded to, that I need to deal with, and one of them is Credit Finance.

Mr Speaker, let us start at the beginning on Credit Finance. He said something to GBC when he got out of here that he did not say here. I guess it is because he thinks I am too busy to watch him on the news; but although it is not pleasant, I do try to. I do understand why GBC say that *Newswatch* is one of their highest pullers as a programme because I guess its 69% of our population tuning in to watch him drop a new clanger. Asked by the interviewer: 'Now, the use of the Savings Bank, which you have been very critical about in the past... but £800 million of deposits this year. Is this not an indication that people have a very high level of confidence in the Savings Bank?' Response from the Leader of the Opposition, who could not accept it was confidence because otherwise two years of trying to undermine confidence in the Savings Bank would have been evaporated in a puff... Response from the Leader of the Opposition: 'Well, what I think it suggests is that the Gibraltar Savings Bank is paying a rate of interest for its debentures, which is far higher than the market rate'. I can sense the greatest Gibraltarian politician of all time flinching. (*Interjection and laughter*) *No te voy a dejar. No te voy a dejar, no te voy a dejar*] Do not worry. I do not think it is going to stick.

Interest rates by the Gibraltar Savings Bank: 2005 – 7%; 2005 – 5%; Government debentures, 2011 – 4.25 %. My goodness, I thought Government's borrowed for less than that... 4%. 1st January 2011, interest rate – 5%. I really do not know whether he calls you the greatest Gibraltarian of all time because all he wants to do is smack you about with these arguments. The interest rate that was thought appropriate by the Government of which he was a member is now too high and the only reason why people have confidence in the Savings Bank. Of course it is not. People have confidence in the Savings Bank because they have absolutely no confidence in anything he says to try and undermine it. That is why it has gone from £300 million to £800 million (*Banging on desks*) paying the same rate of interest that was paid on the Government debenture. It demonstrates that the things he says do not add up. If there was one thing that brought a smile to my face about the fish and chip wrapper, it was the bit on Credit Finance Company, because it is either an attempt to dupe of the sort that we have never seen in Gibraltar politics – i.e. a downright lie in the newspaper – or such a *clanger* that it does not actually benefit somebody who, as Leader of the Opposition, must be seeking to hold the highest political office in this land. If he has it, and I am sure he does, he needs to look at the bit on CFC, £400 million to CFC, and then an addition a *cuenta de la vieja*: £30 million – Sunborn; £1 million of loans facilitating GOG arrears. I do not know how they misspelt that one, 'facilitatlong' GOG arrears. I do not know. It is not English. It must be a discrete accounting term, f-a-c-i-t-i-l-a-t-i-o-n-g GOG arrears. I really do not know what that means... £23 million pension commutations; £50 million loans. Total – £356 million.

Well, first of all, as he must know, because I have explained it to him *ad nauseam*, they have put in separately the lump sum of £50 million of the loans. Obvious and pernicious double accounting. Obviously and perniciously double accounting, inflating the amounts that have been lent by Credit Finance, flattering their argument by £50 million. I guess because it is such an unsustainable argument, you will now find something to support it. But he knows the figure of the loans is not £80 million; it is the £50 million. He has had it from us. It is below £50 million in fact, I think. But if you add it up, Mr Speaker, 30 + 1 + 23 + 50 – and you are the maths tutor, not me – is 104. Take 104 away from 400, it is the wrong calculation. It is the wrong calculation, but it is their calculation. It is not 356.

Mr Speaker, if the Clerk could assist, we have been exchanging details in respect of Credit Finance for some time and I am not sure that he has it, I am passing to the hon. Gentleman something that may assist him in these arguments that we repeatedly have about Credit Finance, about whether things are on the website and what the calculations are, etc, etc, because it really is quite improper that he has put this information in front of the Gibraltarians, which is so dreadfully wrong. Most of them can add up and they would have realised that this is wrong. But I hope that what I am passing him now will be of assistance when he wants to do this calculation again. (*Interjection*) Not at all, but it is, Mr Speaker, so that he can...it is a calculator Mr Speaker, which I have bought myself (*Laughter and banging on desks*) not with Government money, with my own money, so that he can do his addition in time for next year's debate, so that when he puts this sort of thing in front of people, he can at least get the addition right. I have not even bought it with the surplus, Mr Speaker. I bought it with Picardo money. So I hope he takes it as it is intended, as an aid to his job as Leader of the Opposition.

Mr Speaker, we have agreed... I told the hon. the backbencher – as he seems to prefer to be called that these days (*Laughter*) – when he thought I had suggested that there was not an element of flattery of the Government accounts, that we had agreed that there was an element of flattery, but that the flattery was, as

we agreed, the element of the gratuity, but the pensions were still being paid and therefore it was not the amount of the commutations that were being paid. So if there is £23 million paid in commutations over two financial years, and we assume that has been paid relatively evenly in any year, 25% of that is approximately £3 million. It may even be less, but let us assume that the flattery of the accounts is £3 million. It is the only bit in the advert that they actually recognise as a Government expense – absolutely right. It is the only one that is a Government expense. So, £3million of flattery of the Government accounts in each financial year, the last one and this one, produces only £3 million less in the surplus. Still a record last year and still a huge record this year, busting even the record that was in the book, because from 65 – if he takes it out and puts 65 and then presses the bit that looks like a minus and 3, he will get 62... and what was predicted was 50. So still a record. So can he please go out of here and evangelise, not this nonsense, but that in fact *even* with Credit Finance factored in, we are still running record-breaking surpluses, and what they call the flattery of our accounts is so minor as to really have absolutely no effect whatsoever.

I hope I have demonstrated to the hon. Gentleman, the backbencher, because it is now my reference to him, not the other fellow's reference, so it is not the greatest politician of all time, it is the backbencher, that, we do answer questions about all Government companies, even Credit Finance, which they pretend we do not. We just do not give one specific detail, and he said, 'I would expect you to answer questions from companies about companies that you are directors of, etc, etc, which are Government wholly owned, but not the commercially sensitive aspects' and we have determined, on advice – which I am sure he would have if he was here – that giving the names of the borrowers is sensitive, and giving the names of the commutees is sensitive. That is the only thing that we are not giving, in the same way as we do not give other aspects of the information of Government companies which is in the commercially sensitive world. And sometimes it is not sensitive to the company; it is sensitive to the person that is dealing with the company. Other than that, Mr Speaker, my Government will answer questions in respect of any company which is a Government wholly-owned company, of which a Minister is a director or otherwise, and we have demonstrated that, Mr Speaker.

Mr Speaker, one of the things that the 'churro' paper does, is talk about affairs with Spain and rising tensions pointing to high risk. Well, the hon. Members have been developing in the past few months, the concept of the GSD way of doing things versus the GSLP/Liberal way of doing things. I assume that they have thrown Dr Garcia in with us on this and they are not just attacking me; but look, I am quite happy to leave him out. He does not deserve to be dragged into it. He has always been very straight forward and measured about these things and is absolutely clear on the fundamental issue of Spain.

So let us look at what the GSD way of doing things is on affairs with Spain, because ironically they seem to think it is their ace. The GSD way of doing things on affairs with Spain is going to Seville, to Forum Europa, and saying, 'Well, maybe one day in a referendum, I might be minded to recommend an Andorra-style solution'. The GSD way of doing things is not the GSLP/Liberal way of doing things. We will not be saying that. But, in fact, although there is video evidence of that, although it has been played in a number of our broadcasts, although there has been an element of denial, but everybody knows what the Hon. the previous Chief Minister said. In fact, one of the reasons why he cannot be described as the greatest Gibraltar of all time in my book, there is actually also *printed* evidence of what the GSD way of doing things is. Look, there is no problem with this being the GSD way of doing things, but it is the GSD way of doing things is what hon. Members are defending.

This is a magazine from the Basque Country, called *El Mes*, from the height of the joint sovereignty dispute in May 2002. I do not make it a habit of reading magazines from the Basque Country, but it was brought to my attention by a member of our community. The hon. Gentleman was then on a mission to explain the Gibraltar position in Spain and the GSD way of doing things is as follows – and Mr Speaker, with your indulgence, I am going to read this in Spanish and then translate it into English:

'Lo que pienso yo, es que España tendría que mimar un poco a los Gibraltareños hasta que nosotros digamos, bueno, la bandera Britanica la bajamos nosotros mismos.'

Peter Caruana, May 2002:

'What I think, is that Spain should woo the Gibraltarians a little bit until we say, "Oh well, the British flag will be brought down by us."'

The GSD way of doing things, is not the GSLP way of doing things. If that is the way of avoiding high risk, well, I am not going to be saying anything quite like that in Spain any time soon. I do not know whether it is the sort of thing the hon. Gentleman says in Universities up and down La Piel de Toro, but you know, I am not going to be saying it. I might have a slightly more hostile reception as a result.

But, look, Mr Speaker, that was the hon. the backbencher when he was Chief Minister, but when the hon. Gentleman himself broke his holiday in August and returned to Gibraltar on his white charger to come and assist us last August, he said that he did not rule out removing the Reef in North West BGTW as part of

650 a wider settlement in Gibraltar's national interest, if that safeguarded the security and stability of BGTW, however unlikely that appears to be. That is the GSD way of doing things, though this GSLP/Liberal Administration *ain't* removing the Reef. So they want to remove the Reef. They want to lower the British flag. They want to be *wooded* in order to be persuaded to do that, and they might one day recommend in a referendum an Andorra-style solution. That is the GSD way of doing things and I respect that that is their position. It is not ours. I will always seek to persuade them not to pursue that line. I will particularly seek to persuade the Hon. the current Leader of the Opposition to go back to his days when he was much more staunch on these issues and also Mr Bossino, so that they return to a staunch position where they will never be wooed into lowering British flags and they would even resile from the idea of removing the Reef in BGTW, because it was created for a good and sound environmental purpose, and if you do things for a good and sound purpose, you should not remove them for a bad reason based on blackmail.

660 And, you know, Mr Speaker, our way of doing things, about being very clear about what we think about the future of Gibraltar and the sovereignty of Gibraltar, being friendly about it, not aggressive, but not changing our position... friendly, but firm, because diplomacy, as I have said before, is not duplicity. You cannot go, in particular, in the social media world in which we live, there and say one thing and come here and say another. People, thank goodness, will see through you and so we are going to be very clear in our position, and one of the greatest criticisms that the hon. Gentleman has made of me, was that whilst he was sunning himself in Southern France, before he got on the white charger to come back to Gibraltar, I had said in an interview that the behaviour of the Spanish Government was like the behaviour of the North Korean Government. He has said repeatedly that this was terrible, that this was not measured, that this was totally unfair and that I should not have done that. Of course, I understand that, given what I have just done as an analysis of the GSD way of thinking that, you know, that is not the language they want to use – that is not 'Come and woo me so I can lower the Union Jack', that is standing your ground and telling it like it is.

665 So I assume that although he did not seek, it appears to me, to intervene with the Foreign Affairs Committee that was here and he has not thought it relevant to write to the Foreign Affairs Committee, even a letter asking them to support Gibraltar, because they have not exhibited it as evidence, I assume he will have read their Report and I assume he will now be writing to Sir Richard Ottaway telling him that you think it is absolutely terrible that in paragraph 72 and 73 of the Report, they have exhibited a chart and commented on the fact that the Spanish Ambassador has been summoned to the Foreign Office on *five* occasions, only one less than the Syrian Ambassador, and that they have compared that to the fact that the North Korean Ambassador has only been summoned three times. They are saying that Spain is worse than North Korea. How dare they? We will never persuade them to persuade us to lower the British flag if we carry on telling them the truth like this. So, Mr Speaker, I sincerely hope the hon. Gentleman is scribbling away. Put the calculator to one side and I will lend him a pen if he needs one and tell the Foreign Affairs Committee that this business of the North Koreans is not helping at all.

680 One of the things that they have been doing for the past few weeks is criticising the appointment that we have made in Hong Kong, and the hon. Gentleman has been very vocal about this issue, giving interviews to GBC etc, etc. He said, 'You know, this packet must be worth over £¼ million and this man has been appointed without interview'. Mr Speaker, I tell him because he may want to find out himself. Does he know how many people his Government appointed without interview and competition, who earned more than £¼ million? I do. Three. I think two of them do an excellent job. They were appointed by them. They are excellent professionals and they do an excellent job, but there was no interview and they earn in excess of £¼ million. They are excellent value for money. I think one of them is worth at least three and a half doctors.

685 Another one was Mr Benzaquen. A member of their Executive, who went from earning £60,000 to earning £250,000 almost overnight in fees, I mean even the backbencher is frowning at the thought, but that is the forecast out-turn. He was very busy. He had a lot to write in that newspaper. From £60,000 to £250,000. No interview and a member of the Executive of the GSD. Two hundred and fifty thousand pounds to a member of their own Executive. Well, I think that helps to put their criticisms into context. I do not criticise the other two appointments. I think they were appointments properly done, as I said in the last meeting of the House. Some appointments have to be done in that way, if they are the right appointment and it is the right individual, and they were and they are because they are still serving; but the other one, a member of the Executive, my goodness gracious... we will come to cronyism a little bit later, but this really takes not just the biscuit, the digestive, the chocolate on it, and the whole box that I would be eating if I was not on a diet. (*Laughter*)

700 And, in any event, Mr Speaker, when they criticise things, they have to say also in relation to capital projects, what they would have done instead or what they would not be doing. So every time they criticise what we are doing, can they please say that they would not do it?

705 So, Laguna Estate: refurbishment too expensive. Go down to Laguna Estate and say you will stop it. Glacis Estate: refurbishment too expensive. Go to Glacis Estate and say you will stop it. You know there is nobody there who votes for you. Moorish Castle Estate, tell them you will never refurbish the Estate,

710 because they will never vote for you. Tell them because you say that it is too expensive and you must therefore be saying you would not do it. Or tell everybody who is going to have one of those boats at the 700-berth Marina that you are not going to be doing the Marina.

715 We have acquired these commitments and we are going to see them through. Should something happen, and an Election have to occur, and you know, you cannot take Elections for granted, as I will come on to Mr Figueras, and you were to form Government, people need to know which of the projects you will stop, especially knowing that the hon. the backbencher has said that you can continue spending in the way that you would like, which is with more debt. So you have got the money, but you criticise all the projects. So what is it you are going to do? You are going to go back to giving Raf another £¼ million a year? So you might not be able to do one of the blocks at Laguna or Glacis? What are you going to stop? Are you going to stop the two new schools? Those are almost done, thank goodness, and might be away from your prying attempts to stop things. Are you going to stop the New Diesel Power Station? Are you going to carry on spending £30 million on diesel? Are you going to tell Main Street that in order to do so, you are going to put their electricity up by 100%, which in cumulative terms will be 200% or 300%? Stand up and say so. Stand for something man. That is the GSLP/Liberal way. You must still have some of that in you? But do not just say, 'This is too expensive and I wouldn't do it', or say, rather, 'I won't do it. I'll stop it. It's too much money'. We did it. We stand for something.

720 We were elected on 9th December and in the first Cabinet meeting, which was the first working Monday thereafter, we stopped every single Government project going – every single one of them. We have a manifesto to deliver. *Our* manifesto to deliver; not yours. But look, you have got the cladding in your manifesto and so every time you criticise it and say it is too expensive, can somebody please tell me whether you actually intended to do it or whether your manifesto this time and the cladding of Laguna and Glacis, was just as the hon. the backbencher said to Gerard Teuma in the interview before the Election, 'Well, it's just a wish list of what we might do'. That is a transcript I treasure by the way. A manifesto for the GSD, in the GSD way of doing things, is a *wish list*. For the GSLP/Liberals, in our way of doing things, 725 it is an *obligation*. That is what we have been elected to do. It is a *covenant* with the people. So, please tell us, which of the revenue raisers, or of the current expenditure raisers or capital projects you would stop. Do not just sit there and say, 'It's too expensive', say 'I'll stop it, because it's too expensive', or 'It's so expensive, but it has to be done'. Much of what the hon. Gentleman said was just... you know, it is too expensive. No analysis. He might as well just... Next year, why does he not just get up, if he is still there, and say, 'Bah, humbug!' and sit down and then we can just carry on with the debate. If he is not going to make any analysis and he is just going to say, 'Oh, it's too expensive', then just say 'Bah, humbug!'

730 Anyway, I am very sorry that they only got one week's notice of a dinner. I sometimes only get 24 hours; but, you know, I put country before party and off I go. You know, if they like, they can just tell me that I should stop inviting them, but I was very critical of the previous Administration for not inviting Members of the Opposition to events and therefore they get invited. By the way, it adds to the recurrent expenditure, but they are invited. If they have a party event on, do both of them have to go to party events? Is there such distrust between, Leader and Deputy Leader, that when we have an important American Chamber of Commerce event in Gibraltar, with an ex-Cabinet Member of the Obama Administration in Gibraltar – you know, months out of the Administration and very influential – neither of them can come because they have to go to a GSD event a week later. I only had one week's notice. Talk about party before country or, you know, 'I can't trust the other fellow, not to knife me with all the members if I am not there to watch him'. Look, I shall try and organise Gibraltar's affairs so that it does not clash with GSD events until they have sorted themselves out or they can decide to put country before party next time. Maybe that would be a salutary change, the beginning of the transformation which the community might welcome.

735 We have also had inflicted on us in the past month the new democracy that they are going to bring to us if they ever win a General Election. In dealing with the hon. the backbencher, but I may as well do it now, I wanted to say that of course changes have to be qualitative and not just quantitative, but they are. We answer all questions, and I have given him now the information about our attitude to Government companies. But there is one thing he did, which Mr Bossano never did when he was Chief Minister, and therefore why we are not in some way criticising Mr Bossano when we criticise him, and that is, that Mr Bossano never had one meeting in any calendar year, and the hon. Gentleman, I am afraid to say, did.

740 In 2002, he had *one* meeting of the House for Questions in March and the only other meeting of the House... (A Member: 2003.) 2003, the year of the Election – was in December, for the ceremonial opening. So, for the whole year, he had an Election in November. For the whole year he had one meeting in March. Only in the awkward position of being asked questions once in March, and the Constitution was silent on it; but what did his innate sense of democracy, of transparency and accountability move him to do? Have two meetings? Have three? Look, he is not as much of a Parliamentarian as me and maybe he did not want to have nine, right? *One* meeting for Questions. When you gentlemen have been up the rudder, you have demonstrated what your democratic credentials are and what you say now in trying to get the rudder

770 back, about what you do when you are back, does not really cut much ice given the evidence that you left us behind.

775 Anyway, sometimes in politics one gets things right and one gets things wrong. It is important when you get them wrong to apologise and move on, and I want to do that today. I want to apologise to the Hon. the Leader of the Opposition for having called for his resignation. I want him to stay as Leader of the Opposition at least until the Election, and if possible, until the Election after that as Leader of the Opposition. He is doing us a fine job as Leader of the Opposition. I do not know if people who support the GSD feel the same way, but I would ask him please to accept my apology, grovelling as it is, and to not for one moment consider leaving. **(Hon. D A Feetham: Apology accepted.)** Thank you so much, because he is right. There is a perfect storm brewing and it is nowhere near me. I can smell all sorts of devices. I can see a house of cards type ploy. This is getting very interesting, even from those of us that only get titbits. We are very much enjoying it, so please stay in post. Thank you for acceding at least to that request. I feel very comforted.

780 This week sees in the United Kingdom the reunion of probably the best set of comedians the world has ever seen, in Monty Python at the O2, and because of this debate, one has been unable to travel. So I am therefore extraordinarily grateful to the Hon. Mr Figueras for his performance yesterday, which at least ensured that I could smile. Mr Figueras needs to be reminded every time that he makes an intervention in this Budget session which, like the Leader of the Opposition, I hope he will continue to do from the Opposition benches for *many* years – of the facts. The facts that get in the way of these arguments that he wants to put, because they might sound so good when he is writing, long hand or typing, but the facts get in the way and they need to be relevant.

785 When he is criticising the sterling work that the Hon. the Deputy Chief Minister has done in opening up the Development and Planning Process and saying, ‘Ah, you didn’t take your projects there. Ha, ha. But we’ll keep it open. We’ll keep it open’, he needs to remember what they did with their projects. Forget the fact that it was a secretive, behind closed doors Commission. Forget the fact that they did not even publish the minutes, but remember the fact that something like the new Power Station, which would have been much more of a blight on the landscape than a Football Stadium, whether you love it or you hate it, because the Football Stadium, the last time I checked, did not have four chimneys spewing black smoke into the air, into the area of Jews’ Gate where people stand to look at the view, that under the gloriously democratic and open GSD did not go to the Development and Planning Commission.

790 And then when he carries on he criticises the Town Planner. Again, I do not know what he has got against the Town Planner, but every year the Town Planner comes in for a bashing from the hon. Gentleman and it is frankly, quite unnecessary. We believe that the professional should be in charge of the operation, because he has no political responsibility and therefore he makes professional statements there which help the Commission to do its work. He has chosen to say that Charles Bruzon House was rushed through, I guess because he has detected in his social media monitoring that there are some people... because the works are going to be ongoing next to a school who have huge concerns because they have children there, well, we share those concerns. We share those concerns. He, like I, has been in a school called Bayside, which is next to a tower block. This is Gibraltar. As long as there are not any problems in the construction period, which is down to the technical people working very hard to ensure that there is not, hey look, at the end of the day it is another school next to a building, once the building is completed.

800 But Charles Bruzon House was not rushed through. Charles Bruzon House went to the DPC, even though it is a Government project, in 2013, and then it went back a second time in April 2014. So how was that rushed through? It has gone twice. He can look at the minutes. He might actually one day want to turn up because he shadows this portfolio and he has never been, I understand, to the DPC, because the people who are at every meeting tell me they have never seen him there. If he wants to talk about the overspend of £1 million to £1½ million, please lady and gentlemen, look and ask about what the money has been spent for. Right, good, I am going to give you the answer if you plan to, because it is not for a subject to criticise this Government. This is a settlement of a claim made against the previous Administration, which we were advised we had absolutely no chance of winning, for locating a batching plant next to a place where they had granted permission for luxury housing. The advice was that we did not stand a snowball’s chance in hell. It is the settlement sum of the problem that *they* got us into, based on the advice of the lawyers that *they* instructed at the time, and nobody, believe me, gives away £½ million of taxpayers’ money without looking at every possible alternative to avoid paying it. So a bit more care, a bit more care when trying to criticise overspending as he did yesterday, because yesterday he was not asking; yesterday he was criticising. Next time, look before you leap. Ask before you criticise, and if there is a good reason to criticise, it is your job to criticise. But if there is a good reason to criticise now, it is a reason to criticise the decision makers that are on your side of the political fence.

805 I do not think we are ever going to agree on GibiBikes, but I gratefully acknowledge on behalf of the relevant Minister that the hon. Gentleman has now started to accept that what we inherited was an absolute fiasco of a scheme.

I am very pleased that he is going to welcome the new buses. I am not going to get into details as to ticketing systems etc, etc, but I must tell him that his contribution this year once again demonstrated a huge misunderstanding of some aspects of life that one would have expected him to know better than most. During the course of his debate he talked about legal assistance having been extended only in respect of one particular criminal matter. No. When he checks the transcript he will see that he has gone on and on about legal assistance, when he should have been going on about something called Legal Aid. As every lawyer will know, Legal Aid is the measure of cost paid to lawyers in criminal proceedings. Legal assistance – and he was reading his page, I could not believe it – is what is paid in civil legal proceedings. He should at least have got that right. He will be embarrassed when he reads the *Hansard*. I was going to give him a copy of the Legal Aid and Assistance Act, so that he could work out the difference, but I got held up buying the Hon. the Leader of the Opposition a calculator. (*Laughter*) I thought that that was more important in the context of a Budget debate. But we have had a judgment now in that case.

We have even had – and the hon. Gentleman should have done his research – statements by one of the lawyers in that case three or four weeks ago when they raised the issue, and the lawyer said, ‘We actually started proceedings to have this aid extended’. I am very happy to tell him now, Mr Speaker that if he pauses for thought and takes some advice, he might be told that a particular trial might not have been able to go ahead if the Government had not made the changes that it made, because of the principle of equality of arms, and therefore... Oh, look, the Hon. the Leader of the Opposition groans. Everybody was actually nodding until he groaned because everybody got the point, but he needs to understand – (*Interjections and laughter*) I know, they are starting to be like the noddies in the back of the car. He needs to understand that important legal principles like that are not determined at the whim of politicians and the politicians do not change laws to spend more money on Legal Aid, huge amounts of money on Legal Aid because they want to, because all of that money spent on Legal Aid would have been even more surplus I could have declared here to see go even redder. If we have made a change which was necessary in a particular field, it is because we have been advised that we had no alternative to do that or otherwise a particular trial might not have gone ahead, and I think we could all agree... that motion, that it would have been bad for Gibraltar as a jurisdiction if people had simply not been tried as a result and had managed to get themselves discharged. So perhaps a little bit less innuendo when they make remarks about the particular case and the changes that were made in the Legal Aid, and more thinking.

Mr Speaker, Mr Bossino says there have been astronomical increases in recurrent expenditure. Well, I forgive him, Mr Speaker. I forgive him because he is trying to pretend to support his current leader so that the other one becomes a little bit dazed with all the support, stops looking behind himself and allows him to pounce at the right time, because Mr Bossino is far too clever, having heard my original speech, to walk into that one. Having heard that the increases in recurrent expenditure had nothing to do with this Government or ‘minusculey’ to do with this Government, he was obviously trying to lull his leader, his *current* leader – I know it hurts to think of him in those terms – into some sort of false sense of security so that he could pounce at the right time; but I must tell him that I have changed my mind about all this. I am now backing Mr Feetham as leader of the GSD for as long as I can persuade him to stay. I am going to do my best to ensure that he does not become the Leader of the Opposition and that Mr Feetham is there for many, many years... if he gets my drift.

He said that the GSLP said – obviously also wedded to the advertisement – the GSLP said ‘We were in the midst of financial ruin’ and there is a lot in that sentence. The GSLP said... you know there is still the Liberal in him who cannot bring himself (*Laughter*) to criticise his old leader, quite right too. Some things run thicker than just the water that is politics, Mr Speaker. Who can believe them now? Well, Mr, Speaker the answer is everyone can believe us now – everyone. Everyone (a) that has seen the figures from the Treasury and the doomsday memo; and (b) anyone who heard the hon. the backbencher yesterday, who told us in that moment of lucidity and transparency and honesty that what was in the doomsday memo was right and that he was going to have to go for further borrowing. So that is completely clear now. That is why people believe the Government and the Treasury and Sir Peter Caruana and they do not believe the advert, because we are not asking them to believe one politician or one party leader, we are asking them to believe the Treasury – that is who produces the memo.

I guess he now, in this transformation that he has had, now has great difficulty believing anything that Sir Peter Caruana says, given the way he treated him at the time of the supposed – as he might have thought it might have been, I assume – handover of the Leadership of the GSD. But look, this is what Sir Peter said:

885 ‘...he has been fortunate’

– about me, and –

890 ‘in that I would have been willing, whilst keeping within economically prudent guidelines, to have changed the law to increase the debt ceiling, the debt limit, which I acknowledge would have been necessary...’

Mr Speaker, I know that old school rivalries die hard, but he has always been a man who has been interested in forensic analysis. Look at the numbers in here and just because it is me, do not take the contrary view. Look at the numbers. Look at what Sir Peter has said. Open your eyes and believe.

895 I will accept, Mr Speaker, that absent having to show this support to lull the other into an anaesthetised sense before stinging, that he would not have had anything to do with anything as shoddy as this because I know that he can at least spell. But he should remember before he delves further into this argumentation of the big lie that he knows that when the choice becomes of believing the Financial Secretary, Sir Peter Caruana, who is now in *Hansard* saying these things – so however much the Hon. the Leader of the
900 Opposition persuades him, I will always remind him of what he said in *Hansard* – and Fabian Picardo over Daniel Feetham on the other side, he knows that people will believe so. Close enough to lull, but not so close that he gets tarnished by this idea of the big lie.

I fear that he risks going too far, because yesterday he said that we had inherited a treasure trove that we were spending at will. Well, where is it? Where is the treasure? He has heard the erstwhile horse of the horse's mouth say, 'There was no treasure trove. I was going to borrow more'. So can he stop having Long-John-Silver-style visions when he is writing his speeches about there being a treasure trove somewhere and appreciate that d-e-b-t was the way that the manifesto was going to be funded, with a higher debt ceiling, and the hon. the backbencher has now confirmed that as much as the Treasury has? So, no treasure troves. Next year a speech which does not rely on a rainbow and a pot of gold at the end of it, please.

910 He said I should apologise for the continuing high level of expenditure. Well, again you see in every phrase there is a hidden gem. In the same way as the absence of Liberal after the GSLP told us so much about his psyche, there is the understanding of the truth: the continuing increase in high level of expenditure. Thereby recognising that the high level of expenditure had been rising and rising and rising and therefore correctly identifying when it started, which was under the previous administration.

915 But, of course, when they talk about the highest level of expenditure *ever*, as if it were a very, very bad thing... I mean they say it repeatedly, 'This is the *highest* level of recurrent expenditure in the history of Gibraltar'. I do not know whether they actually bother to look at this, but I invite the hon. Member to look at page one of the estimate... actually, the one that is numbered one. If he looks on the calculator it is usually between zero and two. Does he have it? Mr Speaker, £547,390,000m is the highest ever figure of
920 revenue for Gibraltar – the *highest ever*. So if he is going to say, 'Say sorry for the highest ever level of expenditure', could you please also, Mr Bossino, say, 'Thank you for the highest level of revenue ever'? I do not think the debate is this simplistic, but if he wants to have it in this way... if he wants to come here and say, 'Say sorry for the highest level of expenditure ever', the eyes just need to go up one line to see the highest level of income ever.

925 Of course, he just had to deliver the speech he had written. He had to deliver it. I do not know what it is about them that they do not like to change their speeches. Maybe on a Sunday afternoon, in the hinterland or at home, this sounded fantastic as it was tapped away onto a Mac Apple, or whatever it was that it was typed into, and the hon. Member was so wedded to it and wedded to support for his leader and wedded to the churro paper advert, that he just had to deliver it; but the Hon. Mr Costa had just uttered statistics that
930 demonstrated that half of what he was going to go onto say was wrong. The Hon. Mr Bossano had made it impossible for anybody to deliver any speech in opposition to the current Minister for Employment, other than 'Well done, Joe', and that maybe did not sound so good to the hon. Member. It was – and I recognise of my old school chum that it was – a devastating blow that the Hon. the Minister for Employment delivered with the Employment Survey barely a week before the statistics had to be discussed. A
935 devastating blow. Few might have got up to argue cogently in respect of any particular issue that there might have been wrong with those figures; none did from the other side because no argument was raised. The numbers spoke for themselves.

But then he said this, Mr Speaker, 'The Estimates Book makes depressing reading'. Well, I suppose if he looks at the revenue and feels that he has to thank me for it, it would. The Estimates Book makes
940 depressing reading: protocol and entertainment £1.05 million, when the estimate was £390,000. Obviously having forgotten or never known about the much higher increase in 2002-03.

And then he said this, 'Talk about sticking' – at me – 'his nose in the trough'. I have lost so much weight, Mr Speaker, and he still wants to denigrate me like that... how ungentlemanly, Mr Speaker. I can
945 get described as a farm animal, but saying that somebody is boring in their delivery requires a press release on how rude one is. Well, look, I have a fairly thick skin. I suppose pigs have thicker skin, but I have a fairly thick skin and so being told that I have my nose in the trough is not going to hurt me. Water off a pig's back, Mr Speaker. (*Laughter*) But does he think it is me, Mr Speaker? Does he think that my nose has been the one that sucked up the extra £700,000? Does he know who he is talking to when he is saying that, because it is not just the Chief Minister who has been in politics with him for 20-odd years and therefore
950 has a very thick skin, this is everybody that accepts an invitation to any of the parties, as they like to call them, any of the events. That is where the overspend is, so every time they stick their noses in the events trough, every VIP invitation they accept, every time they break bread at a Government dinner or lunch,

every *tapita* that they enjoy, there they are oinking away, nose in trough... snorting away, I assume. I am going to sidle up to him the next time he is at a Government event, Mr Speaker, and just quietly stand by to see if there is any snorting or oinking going on as they Hoover up these £705,000 of additional expenditure that they enjoy so much now that we invite them to all of these events. (*Interjection*) Well, you have got a pretty big nose. (*Laughter*)

Mr Speaker, he does like to say that we give out contracts to friends, talking about one particular contract, which is the Airport contract, for advertising, which is repeatedly talked about. He then said, 'Giving contracts to friends'. Well, I have told him before and I will tell him again there was only one individual who was not transferred, as a transfer of undertaking occurred at the Airport from Terminal Management to GATL – Gibraltar Air Terminal Ltd. He was not transferred. He was not employed. He was not contracted. He was excluded *a dedo*. So this is not an *a dedo* appointment. This is an *a dedo exclusion*, and what we did was we corrected that. That is not giving a contract to a friend; that is actually righting a wrong, as I have told him before.

Then he complains that the Borders and Coastguards Agency is expending £800,000 more. Well, they have a lot of work. They have Department for Transport responsibilities, if we want to keep our Airport open, and they are running a visa waver scheme that is working very well.

In relation to the Civil Aviation spend, he complains that there is an overspend there and he needs to understand what it is for. It is the amount that *they* agreed in Government. They were going to pay the MOD in respect of the runway every year, which we, when we were preparing the estimates, believed we had renegotiated with the MOD. The MOD was not then able to finalise agreements and we are still holding over *their* agreement in respect of the runway whilst we finish a new agreement in respect of the runway – this is called the Commercial Use Agreement. That is where the overspend is, having to pay the amount *they* agreed to pay and not the much lower amount we believed we had got the MOD to agree to pay.

I note, Mr Speaker, he did not even welcome the OFT Bill, although he is supposed to be shadowing Commercial Affairs. The Office of Fair Trading Bill... no welcome. But to a very great extent – and I suppose he did not even mention the freezing of energy prices – one thing or another, at twenty to nine in the evening, he just came to read what he was told to read or what he felt he had to read in order to lull his leader into a false sense of security. He literally that night, at that time of the evening, at twenty to nine in the evening, he came, he read, he bored us. He was another one, Mr Speaker. He came, he read, he bored us. No mention of the fantastic improvements at Sandy Bay. He is the Shadow Minister for Tourism. I think he is the only one who has not mentioned them. No mention of the good news of hotels. No mention of the numbers that the Hon. Mr Costa disclosed in respect of flights. No mention of the fact that despite the onslaught against Gibraltar at the Frontier, we were only down 1.6% at tourist sites. On cruise passengers and on cruise calls, he ignores that under *them* cruise calls fell sharply by 64 and does not realise that we are rebuilding.

Well, he ignores a saving when it occurs and so he talks about something being overspent, but when you do not spend £333,000, in one particular head he does not point that out. He does not think that is disgraceful, but neither does he think that he should give you an apology for not having pointed it out. Anyway, Mr Speaker, lots of snouts getting in the way of a good speech, I suppose.

He would love to pin the problem with bunkers on us, but he has sources in Singapore and he will be able to read about what is happening elsewhere. He will then see that the world market in bunkers has been down (a) as a result of worldwide economic trends; and (b) as a result of new rules which require ships to steam more slowly, and therefore they take less bunkers. But he will be extraordinarily disappointed to know – in fact so disappointed that he decided not to comment on it, although it is an extraordinary statistic worthy of congratulation – that bunker charges are in fact *up* last year in Gibraltar by 21%, confounding our enemies. (*Banging on desks*) Why did he not mention it, Mr Speaker? Why did he not remark about it? Why did he not change his speech about it? Why is he not listening to me? Very simple, Mr Speaker, because it does not help their cause. It does not help their cause that Minister Costa has delivered bunkering charges up 21% this year and that is why he ignored it.

It is normal, Mr Speaker, for any Government to welcome a new airline. Any Opposition should welcome a new airline and we of course will welcome any new airlines that come which are private sector initiatives, but I think that is absolutely normal. He seemed to criticise that before going on to say that of course in the GMA they have never had it as good as they had it in 2001-02, I think under Joe Holliday at the time, when they had had their record year and they had registered 45 ships. I fear that the Minister for Tourism has got a snout that is not going to let me get through this, he is so enjoying it, because he has just reminded me that last year, under this Administration, the GMA had its record year with 54 registrations and he had said it before the hon. Gentleman got up on his feet. He is supposed to be an able barrister. I mean that much of a change he could make. No, he could say, 'Mr Speaker I was going to say that the record year had been under the GSD at 45 registrations, but I have heard, and I am very happy for Gibraltar, the Hon. the Minister for maritime affairs say that last year they registered 54. I want to welcome that on behalf of the Opposition because what is good for Gibraltar is something that we welcome'. I have not even

1015 had to make a note. I was able to do it and I am sure he could have done it too, but he was not sincere in his speech. He wanted to deliver the *nasty* speech. The nasty party's nasty speech – that is what he wanted to deliver. He was not going to be shaken by any fact or any matter that might turn it into something a little bit other than just an onslaught.

1020 And he says, Mr Speaker, that people are staying here using our beaches and using our park – that 'vanity project' – only because they are locked in, and I was put in mind with that phrase of something that he will remember too, in 1985 when the... in 1982, when the frontier opened for pedestrians, I think, and that lady famously said, 'We have been here locked up like cats for so many years'. For a moment I saw him as the image of Carmen Warr (*Laughter*) standing by the frontier, finally liberated once it had been opened. I do not think many people at the Commonwealth Park have the feeling of being locked up, or at Sandy Bay. I think they feel very *free* actually that at last they have a green area in the centre of the city. I recommend to him that the next speech he writes on his laptop on one of the benches on Commonwealth Park. He might actually reach a different conclusion. I think there is a large measure of agreement between us that Spain's action in resigning from the Cordoba Agreement is despicable. I feel very able to say that I am delighted he still has that element of fervour in him that he can; but, of course, that might not be considered measured and reasonable language by those on that side of the fence.

1030 He does not like it, Mr Speaker, when we refer to Mr Caruana or Mr Montiel in any of the issues that we are talking about. So when we are talking about the 22 who were found jobs on average in the years that they were in Administration and we remind him that Mr Montiel was not in the office at the time... and when we talk about Mr Caruana, Sir Peter Caruana when he was Chief Minister and all of the issues that that gives rise to, I know that the Hon. the Leader of the Opposition is Mr Montiel's lawyer. He does not have to get too fidgety. I am not going to say much more. In all of those instances, Mr Speaker, we are perfectly rightly reminding them of what they did when they were in charge.

1040 What he cannot do, Mr Speaker, because it makes no logical sense, is say, 'We left you a golden legacy and a treasure trove, but do not talk about the past'. Well, it almost seems, Mr Speaker, as if he knows that there is no treasure trove, even before Sir Peter said so, because if he does not want us to talk about the past, it is because the past is best forgotten. The past *is* best forgotten, I agree. They have an abysmal record in employment and that is why it is right that the Hon. the Minister for Employment reminds the community *constantly* of what happened when they were in Administration, so that nobody sleepwalks into letting them back in; but I really had not expected that. That is why I can see this house-of-cards-style issue playing out. I can see the rivalry there – it is obvious. Fine, so be it. (*Laughter*) It is a very good thing. I am not shy of rivalry; it is a very good thing. He and I have enjoyed a rivalry for many years and there can be a friendship and a rivalry without a problem, but what I did not expect was, 'Do not talk about Sir Peter'. I knew it hurt that he did not come good on the promises about the leadership, but to say, 'Do not talk about Montiel. Do not talk about Caruana anymore'. This was quite incredible.

1050 I had seen him passionately follow Joe Bossano, and then turn his back on him, deny him three times quickly as he moved over to the other side; but now to see him do the same thing to Sir Peter, whilst still seated on the same side, this is of biblical proportions (*Laughter*) It was Peter who denied Christ (*Laughter*) and now it is happening the other way round – (*Laughter*) Absolutely fascinating. But, there is no other way. There is no other way to get away from 650 Gibraltarians more in jobs in two years, an average of 325 a year, other than to simply bury one's head in the sand, and deny the past and pretend it and they did not exist.

1060 But he says, 'There is a very poor service going on in the ETB. What is going on in the ETB?' I heard him say in a moment (*Laughter*) of slight passion, and he looked like a 90-year-old waving his walking stick, 'What is going on in the ETB?' It is terrible. There are now complaints, *complaints* that the phone is not being answered at the ETB and everyone here of course will want *every* public office to have its phones answered at the first possible moment. I will tell him what is happening at the ETB. They are finding people jobs. (*Laughter*) They have gone from answering the phone and employing 22 people a year, to not answering the phone and employing 325 people a year. I know which ETB I prefer. (*Laughter*) I just need to send them some people to answer the phone. It is not a difficult thing for the Government to do.

1065 He has heard me make the analysis about how many people they employed into the public sector, so he does not really want me to go through that again, because his complaint that the numbers are up 7.8% really do not sit very well with the fact that they went up 60% in their time, if not 68%. I still have not got the figure for 1996. So he needs to be careful with that one, and that is another area to avoid next year *para no hacer el tonto*. Financial Services and Gaming, Mr Speaker, up 1,050 jobs – 50% in two and a half years – so all the growth is not in the public sector as he has pretended. What a pity to see such talent wasted, Mr Speaker. Anyway, I am backing Mr Feetham as leader of the GSD for as long as I can.

1070 Mr Reyes reminded us that we gave a commitment not to destroy heritage sites, but now that we are in Government that commitment is tempered as a result of professional advice. Well, it always was going to be subject to professional advice. Nobody on this side of the fence is going to want to see a building that is about to fall down stay there simply because there is a heritage value to it. I think we have a cross-party

1075 agreement on that. But on the issue of the Main Guard, he said that they had planned it for years and they were very pleased to see it happen. Well, they planned so much for years, Mr Speaker, and what we have done is demonstrate to them how much can be done in a few short years by actually getting on and doing it.

1080 He then went through a list of issues that we were still pending delivery on: digitising the archives, replacing the place of the Neanderthal skull and delivering culture. He said, 'When?' Well, look, Mr Speaker, I am grateful that he is reminding me of my manifesto commitments. I have got them all in my head. They are all going to be completed on time before the next Election, but if he wants to help us to win the next Election by doing more than just reminding us of what he wants us to do, our position *always* had been – it is important that Mr Bossano hears this – that there were only two people who we would not accept in the GSLP, and that was Mr Feetham and Sir Peter. But now that Sir Peter has started to accept that everything we have done makes sense and is right, I am quite happy to propose at the next AGM that we should lift the veto there, and of course there is no veto for him if he wants to come in and help us to make sure that we comply with all our manifesto commitments on time.

1090 Then he said that we had inherited from the GSD a policy of supporting our sporting bodies to get over international hurdles put in the way of membership of their international federations. Well, yes, we had inherited it from you, I recognise that, and they had inherited it from us in 1996. A much more elegant way of putting it so that it is not an issue between us is that we all agree across the floor of the House, as the House *always* has before he and I were Members of it and regardless of who was in Government, that all our sporting associations should be entitled to form part of their international relevant bodies and without anybody putting political obstacles in their way.

1095 He said that the further football pitch was going to be a huge cost – that may come back to haunt him, just like the estimate that the Hon. Leader of the Opposition made about the Power Station costing £120 million, which it is not going to do – and that other sports need facilities too. Well, we agree, and I have told him across the floor of the House because it is an issue that I am dealing with, with the Minister for Sport, because it involves lands and other issues, which are inter-ministerial, that we looking and working with cricket and rugby to deal with those issues.

1100 Then he went on to say that the educational system is a source of pride, but after 42 years it needs to be changed and explained in that way why they put out a policy that simply asks questions and gives no answers. Well, I have no difficulty with them doing that, but I think we had the Hon. the Minister for Education explain to us what was their position before the Election and what is their position now, and that was amusing enough. But they put out a consultation which does not give any answers; it just asks questions. I have done that too, in some respects, because in some instances that is what you have to do. You have to make up your mind with information from the public, from the community and from business. When I did it, his leader said that it was disgraceful that I was not leading the community and telling them what I thought the results should be, but when they do it, it is the right way of consulting. Do not worry, I am used to it. So is everybody else and that is your problem. Then he said that what we should not do is gamble with Education in the future, and I could not agree with him more. That is absolutely right and I entirely agree with him.

1115 He took us to the Housing Works Agency, and said, 'What are you doing? For every two that goes, you only employ one'. Yes, I want to ask him... I have written to him already asking him a question that he asked me to write to him on at Question Time. I am going to write to him again, given his speech, to ask him to please clarify to me, given that they were in Government at the time but he has asked the question now, what it was that they intended to do with the Housing Works Association, because they are the ones who signed the agreement and said, 'Two out, one in', and that is a law of ever-reducing numbers which will get to zero at some stage.

1120 He expressed concern on behalf of constituents about the length of time that it has taken to refurbish their estates, because the refurbishment started a year ago and it is not finished yet. I really do not believe him I must tell him. It may be that one of his supporters with nothing else to talk to him about has tried to make a conversation in that way, but I do not believe that somebody who has been on an estate that has not been refurbished for 50 years, who has seen the refurbishment process start a year ago and knows it is going to finish by next August or September, is saying, 'When is this going to finish?' He is saying, 'Thank goodness this has started. Thank goodness this Administration has not listened to what you guys are saying about this being too expensive. I am really looking forward to next summer'. If there are slight personal issues, there are on every building site, I am confident that the Government and our contractors can deal with it.

1130 He will be, I hope, very happy and not cynically disappointed to hear that of the 1,500 people who were on the waiting list at the time of the last Election, approximately two thirds have already been housed, and that therefore we are very much on track to deliver on that fundamental manifesto commitment. He will not be so happy to hear that when he said that £130,000 per home at Charles Bruzon House was an extortionate amount of money and it was far too expensive, I am told today that that is *exactly* the same cost as every apartment at Albert Risso House. I really could not quite believe it. (*Interjection*) I could not quite believe

it. *Six years* later, despite inflation and the move in the market, what he said was too high is what they paid six years ago – another one not to repeat in the future. Talk about a hostage to fortune.

1140 But he said that we were nervous about their new policies. I want to tell him that we are delighted with their new policies. They should continue to roll them out, as many of them as possible, because they really do help people to see them in their real light, especially this sort of policy and this sort of... More of this, please. More of this as soon as possible, because if he thinks that we are stagnating and visionless and we are too thirds of the way in delivering through what they described as too ambitious and too expensive a manifesto, well, then I think there would be many people in the Western world who would like to have Governments as stagnating and as visionless as this, delivering 10.3% growth... and Mr Bossino would like to recall, because he has just looked at it a minute ago on page 1, the *highest* recurrent revenue in the history of Gibraltar and the *highest* surplus in the history of Gibraltar. So stagnating and visionless like that I will continue to be for many years, I hope.

1145 Mrs Isobel Ellul-Hammond used some very peculiar language in her address. She talked of us culling people and that is extraordinarily unfortunate because when you cull a person, what you do is you kill them. So she has made an accusation against the Government – in figurative terms... I am not suggesting that she says we have killed anyone – that we are culling people because of their nationalities. Well, there is another document that we give them just in time for the Budget session, which is called the Employment Survey. The Employment Survey tells them who is employed in our economy and what their nationality is, amongst other things. I do not know whether she bothered to look at it, but next year before making allegations of culling, she might like to look at it, because having been accused of culling for nationalistic reasons, despite what the Hon. Mr Bossino has described as the despicable campaign by Spain against Gibraltar, despite the Foreign Affairs Committee in the United Kingdom having identified that the Ambassador from Spain had to be summoned two more times than the North Korean Ambassador and thereby no doubt incurring the wrath of the Leader of the Opposition for having mentioned the words ‘North Korea’ and ‘Spain’ in the same sentence, if she had looked at the Employment Survey she might not have erred quite as she has. Compared to October 2012, Spanish employee jobs in the economy grew by 653, an increase of 18.1%, which means they now represent 18.6% of all jobs in our economy. That is not a cull. That is a reproduction – (*Laughter*) *Otra vez, ya vamos a llegar al tuyo, no te preocupes*. How can she call that culling... with a straight face?

1155 And then the calculations that she made about average sick leave, which she tells us was absolutely terrible at 15.5 days in the GHA and this is the measure of whether people are happy or not... in a place where illnesses run riot obviously, because people work with illness every day and what might apply to a car show room does not necessarily apply to a Health Authority – actually the GHA tells us that the figure is 14.8 days, not 15.5; but she said her gold standard was 4.4 days of sick leave. Next year, can they please excite me intellectually a little bit more and make this harder? The principal auditor had to take an interest in the Gibraltar Health Authority in 2007 because sick days had got so out of control. I am told from a sedentary position by others that she was a Board Member at the time. (*Laughter*) I am going to say it like that because I am not sure that she was... with that get out. The staff then was smaller, right. So there were in fact 200 *less* sick days taken in 2013 than in 2007, even though there was a larger staff.

1160 In 2007, when I am told she was a Board Member and when *they* were in Government, led by a man who they have described as the greatest Gibraltarian politician of all time *Otra vez* (*Laughter*) morale, one would have expected would be so high, led on the Board by the hon. Lady, led in Gibraltar by this paragon (*Laughter*) and with Mr McCutcheon in charge of the Gibraltar Health Authority. (*Interjection and laughter*) But really, one would want to ask oneself, what went wrong in the Health Authority where the golden standard of 4.4 was not the standard they hit? It was 18.2. (*Laughter*) If we take the whole of the GHA together, every GHA employee, actually it is 11.6 in 2013, led by the man who brings them joy once a year by dancing on the steps. (*Laughter and banging on desks*) So in 2007, three and a half days more per member of staff, and really, if her assumptions mean anything, she needs to really go back to the drawing board and ask herself what she and everybody else who was involved in the GHA then were doing wrong.

1170 Then she complains about overspending in the GHA. She said it was £5 million. It was not. It is actually £4.3 million of recurrent... £1.8 million is the pay review. So if they do not like that, she might want to say, next time she goes down to the Health Authority to shake people’s hands, she might want to say, ‘Look, I really like you. I really value what you are doing, but I am getting rid of the latest pay review because I have criticised the increase in the recurrent expenditure’. One million pounds was the result of Agenda for Change and also an agreement entered into by them. So £1.8 million pay review, their cost, and £1 million Agenda for Change, their cost – £2.8 million out of £4.3 million... I know they hate it when we break down the figure and show them it is their fault – and the rest was largely sponsored patients. So I propose to her to control that she should go down quickly to the Health Authority. We will allow her access. (*Interjection*) Stand outside the sponsored patients’ office and say, ‘The GSD wants you to stay in Gibraltar. We are not sending you away, and if the GSLP insists’ – it was GSLP Liberals – ‘on you going away for treatment, then I will be able to criticise the costs next year in the overrun. And you, person standing there doing a

sterling job helping them, you are not having your pay rise. And you, nurse, you are going back to where you were before Agenda for Change because I am now against this rising cost'. Otherwise can she at least not be hypocritical and not criticise the cost, which she would probably have incurred as well and in fact which principally *they* incurred.

She likes to criticise Xanit so much, and yet it was the GSD that started to use Xanit. The referrals are always supported by clinicians. There is absolutely no political interference whatsoever. It is really quite incredible that she takes the attitude that she takes, but I am not surprised, because as I have demonstrated by reference to data in relation to sick days, she has complained about Xanit, about recurring expenditure and all things which now she sees she should not have complained about if she wants to make any sense. She has complained about complaints. This is becoming more like Monty Python all the time. 'I have got a complaint about complaints. Is this the complaints office?' (*Laughter*) 'No, this is arguments'. (*Laughter and banging on desks*) Well, Mr Speaker (*Interjection*) it is really quite incredible to see and a credit, a huge credit to a man, who has demonstrated that the things he is good at, he really *is* good at. (*Interjection*) *Quien, tu?* (*Laughter*)

Mr Speaker, I am going to give Members the data for complaints and so they might wish to make a note. Complaints 2005 – 215... in fact, I will give them the breakdown: 2005 – formal 96, informal 119, total 215; 2006 – 74 formal, informal 122, 196 total; 2007 – formal 52, informal 140, total 192; 2008 – 57 formal, 140 informal, total 197; 2009 – 53 formal, informal 129, total 182; 2010 – formal 60, informal 105, total 165; 2011 – formal 48, informal 96, total 144; 2012 – formal 39, informal 109, total 148; 2013 – formal 39, informal 90, total 129.

In 2007, there were 192 complaints and people took 18.2 days off of sick leave in the GHA. In 2013, there were only 129 complaints – each of them matters – many of them encouraged by the Minister himself, who likes people to make formal complaints so that the process can be gone through and we can learn from anything that has gone wrong... not discouraged, as used to be the case in the old days – and people took 14.8 days off sick leave. I think that ship has been steadied, all credit to Dr John Cortes. (*Banging on desks*)

I am not going to pretend to do the mathematics that she does with the GPs again, because we would be here all day demonstrating to her how wrong she is about this. There is so much that I have been provided with where I can contradict her, but it is already five past two and the nose and the trough needs soon to be united. (*Laughter*) So I will leave a lot of that, apart from that I must say I was very disappointed with her attitude to Commonwealth Park. To say constantly, 'Well, at least we have a park. At least we have a park', as if that were not relevant or important. Even in health terms it is important, let alone in environmental terms; but we know they think it is a vanity project, therefore useless and irrelevant.

The issue of fixed-term contracts, sickness, absence and staff turnover at the Care Agency is something that has been plaguing that Agency since the time that they were there. They introduced the fixed-term contract. How can they complain about this now? It is absolute nonsense, but we are getting used to that from her. The turnover in the Care Agency, which she raised as an issue, I have the numbers for two... she may like to make a note to ensure she never refers to this again. In 2010, the turnover was 72, which is 14%; in 2011, the turnover was 81, which is 16%; in 2012, the turnover was 23, which is 4%; and in 2013, 35, which is 6%. I will accept her congratulations for having got that turnover down. In the Social Services Department of the Care Agency, the turnover in 2010 was 25 – 13.8%; 2011, 20 – 10.5%; 2012, 9 – 4.7%; and 2013 the number was 14 – 6.5%. Apologies also graciously accepted (*Laughter*) in relation to that issue.

Mr Speaker, we think we are doing a lot for children with autism... the Minister for Health has said so. The Minister for Social Services has said so. She has raised this issue with us. She knows and others know that they can raise any concerns they have about issues like this with us at any time and we will deal with being able to work on these issues whenever we can. Things like this should surely not be the sort of thing that becomes part of the political to and fro. We are open and ready to listen to ideas, to work together on these issues. We are in Government now and therefore they need to come to us for things to be done. But if they are ever in Government, on issues like this, should anything come our way, we would go to them. Let us not make this a football, please. There are plenty of other things that we have kicked about today that we can have a lot of fun with and we can enjoy without having to go down that road.

I think the Minister for Equality is doing a fabulous job in relation to all matters of equality. That does not mean women's issues. That means equality. *Everybody* equal, whatever dangly bits one may or may not have, however one may like to use them (*Laughter*) and that is what she has been achieving, Mr Speaker. It is not about women. It is not about men. It is about *equality*.

If we are revising the size of the rooms in the dementia facility, it is because what they left us was really not fit for purpose and once we open it, people will realise that we have done a fabulous job in doing so, as we have with the John Mac Home. We had to spend £4 million because they also left us something there that was not fit for purpose. We had factored that into the equation of being able to rehouse people. We showed it to very many people. Nobody wanted to stay there. Some could not, because of the way it had been designed.

1260 Of the overspend of £3.7 million, 2.6% is the extension of Agenda for Change and the £900,000 is domiciliary care. Please, let us, on the back of an envelope, on the back of a postcard addressed to the Chief Minister or the Minister for Social Services telling us which of those two she would cut... the pay cut of £2.6 million or the £900,000 on domiciliary care. Please, if she does say domiciliary care, can she not ask us about the waiting list and urge us to hurry it along, although they did nothing about it?

1265 Again, on the disabled, the SEC system I am told is new, so finding complaints seems very difficult and project search is something that we are taking advice on. As she knows, some of our people have travelled there very recently. We think we are being much more proactive on fostering and abortion... sorry, *adoption*, and therefore we are surprised to see her take these points at this stage.

1270 Well, Mr Speaker, what can I say? I think that deals with everything, except there are two things that I want to refer her to. Just like the Leader of the Opposition, she has had today her own bundle, and so I am just going to go through the bits left in the bundle.

1275 Total recurrent expenditure and overspend in the Gibraltar Health Authority, Mr Speaker, average 8.24%. The variance between 1997-98 and 2011-12 is a total of an overspend of £55 million... £55.8 million. It reaches 11.95% overspend in 2011-12 and 10% in 2008-09. In 2012-13 the variance is down to 1.13%. Well done, John Cortes. This year it is up again because of sponsored patients, and no doubt in some of their years it would be sponsored patients too, because as the Hon. the former Chief Minister said, spending on Health... look, it has to be controlled, but nobody is complaining because it is being spent on Health as long as it is spent in the right way. As he said, we redistribute that income, this record income in different ways. One of the ways we do it is by giving good healthcare. Now, she needs to decide if she wants to stop spending on Health and criticise overspending or ask us what the overspending is on. Let us analyse why we did not get it right in the estimates. How can we get it right next time? But a blanket complaint like that actually just serves to show up that in *their* time the overspending was usually worse than in ours.

1285 Mr Speaker, she has repeatedly accused us of cronyism – *repeatedly*. There is absolutely no reason to accuse us of cronyism. We have demonstrated in every instance that we have acted entirely properly in keeping with our practice and if anybody was ‘crony style’... cronyistic or whatever it is, that one, however you conjugate that word – it was them in the way that they made *a dedo* appointments. But, Mr Speaker, she seems to read everything that is put on social media. She is ever present on Twitter and Facebook. Has she not read the article that says that I am not being cronyistic enough? (*Laughter*) Does she not know that the criticism that is levelled at *me* and *the party* apparently is that we are not doing cronyism? ‘Picardo’ says *Panorama* ‘is soft to his enemies because he mistakenly thinks that is the way to win them over, and says, “There are people who expect things from me who are not getting them”’. I do not think I have ever been described as a ‘softie’ by any of them, except for the hon. the backbencher, who once said I did not have the steel to deal with negotiations with the GGCA. That was only in an interview *de la radio* in 2011-12 Budget. That was only because they had finally given up on him. They had taken him for as much as they could and he could not buy them, however hard he tried at that stage, Mr Speaker.

1290 Well, we are not being cronyistic in anything that we do. We are being very careful to be a Government of all of Gibraltar. It may be getting us into some element of criticism when somebody who says that they are supporters of us feels that they are not getting something that they feel they deserve. As I said repeatedly before the Election – and I actually meant as we all meant when we said in the Election on this side of the House the things that we were going to do – we were not going to be advancing anyone simply because of the party that they might belong to. Everything was going to be done on merit and I think that we have more than demonstrated that in the way that we have run the Administration of this country’s affairs in the past two and a half years.

1300 Let me quickly, Mr Speaker, move on to Mr Jaime ‘yawn’ Netto to deal with the issues he raised. A lot of what Mr Netto raised, we have already dealt with in our presentations. We have dealt with the issue of the Power Station. We have dealt with the fact that it is going to be gas etc, etc, and so I assume again a lot of his preparation was before the announcement. He wanted to defend diesel, but they are all against recurrent expenditure going up. One of the biggest costs is diesel, and he is either on his own defending diesel or they have wheeled him out to defend diesel. I do not think anybody believes that our environment was better looked after when he was the Minister than when Dr John Cortes, Minister for Environment, is the Minister. We are all very concerned about Western Beach. We are doing as much as we can in order to try and resolve that.

1310 He wants to return to culling apes. Well, we think that we can resolve the issue of the apes. We are on the way to doing it and we think that our solutions are much better than killing animals, which are sentient, and that has been our position for some time. Their position was that they should be culled. In the eight years I have been in this House they hardly ever culled, despite it being their position that they should cull, and they hardly provided any other solution; hence the problem we have today. Most of the macaques, if not all of the macaques that we have today, were engendered – i.e. created in monkey bellies before we were elected. So look we are dealing with it and it will happen. (*Interjection*) Well, blame the GSD when it

is true, because it is true. If you do not like it, do something about it. Change your understanding of the world so that you do not say things which open you out to this sort of criticism.

The Alameda Gardens are not dilapidated and I am really not seriously going to deal with Barbary partridges today, Mr Speaker.

Mr Speaker, the hon. the backbencher, as I said yesterday, has never said a boring word in this Parliament, to his credit. Yesterday, he moved the political debate of this community on by his statements as to what the state of the debts had been at the time that he left and how he would have funded his manifesto, statements which I have already referred to. So, Mr Speaker, I do not intend to go through that again. I am delighted that he has said the things that he has said about the economic performance. If he will allow me a personal reflection, it is a *huge* satisfaction for me personally to be here today, three years after I was there being called by him ‘unfit to govern this community’ and to receive his congratulations for the fantastic economic performance that we see today demonstrates that he is a man who is more interested in the wellbeing of Gibraltar than in a petty political argument that we might have had in the heat of battle three and a half years ago. I am very grateful to see that I have confounded my critic and that the numbers speak for themselves, and that he said the things that he said yesterday.

He knows that I have been quick to congratulate him also, whenever honour has been bestowed upon him... when he became a bencher in the Inner Temple and when he took his Knighthood – so I am grateful now for his kind words about the economic performance of my Government, especially juxtaposed to the things he used to say when he was much more enlivened in this debate. I am very grateful indeed. He knows, Mr Speaker, that the people who served him in the Treasury do an excellent job and would never put pen to paper to say anything that is one penny out and we can all rely on the information that they provide. His and my understanding of what a £100 million hole is in Government finances is slightly different because we did find that there was some of the £100 million that had not been accounted for yet – part of it had been incurred; not all of it had been incurred. It was £100 million spending commitments, he will know, and part of the debate was that we had to stop spending. I will come back to him, Mr Speaker, on issues related to – as it is pretty late now – Credit Finance Company Limited.

The issue of jobs, I want to deal with very quickly, which is to say only this, if I have not said it already, that when we were fighting it out in the Election campaign and Mr Licudi and Mr Bossano made the announcement of the excellent Future Job Strategy, which is working so well and already delivering fabulous results for our community, we had calculated – as he knows it became an issue in that campaign – that the minimum wage at £10,000 each per economically active individual who took it up would cost £4 million, because there were 400 people registered unemployed. The Hon. Mr Feetham was quick to come back to us on television and tell us that this policy was madness because it was going to cost £10 million – (*Interjection*) £11 million in fact. Yes, indeed, thereby disclosing that the number of economic actors, who were not gainfully employed, was closer to 1,100. I put it to him Mr Speaker, that if he uses... and he has never needed a calculator, but if he needed to, I am sure that his new leader would lend him the calculator I have bought for him – if he takes away from 1,100 or from 1,000 the 650 who have been found jobs, he will find himself with a figure of 350, which is the unemployed now. That is the simplistic explanation and there is much more detail in Mr Bossano’s speech that set out the detail of it, but it is not as if we have created 650 new Gibraltarians. Mr Feetham told us exactly where they were so we could find them and give them jobs. (*Interjection*)

Mr Speaker, I have not heard anything in the course of this debate which changes my mind in recommending to the House this Bill. If I may, just before I move on, thank the Hon. Sir Peter Caruana for his statement in relation to our consultation on Schengen and the Customs membership and the issues of excise, which we are fully aware of on this side of the House, because we have been researching it in some detail, but not all members of our community are. When he speaks, I know people do tune in to listen and so I think it has been a very helpful pointer to where the debate may go in the future.

But I have heard absolutely nothing in the course of the past two days which shakes me from my view that I should commend the Bill to the House, but hon. Members opposite have criticised so much, have really attacked the increases in spending so much without wanting to think about what it was that they were attacking, without wanting to investigate them, and then having been given the information and have continued to be of that view, that I am going to invite them not to support the Bill, if they mean any of what they have said.

So my view is this Bill is as good today as it was when I got up on Monday and I commend it to the House as a record breaker. This is as much a new dawn today as it was on 9th December. I have seen, Mr Speaker, as has John Cortes, young children walking around that are the fruit of the IVF policy that we have implemented. The new dawn, Mr Speaker, has a name and a surname, and it is working. It is working and delivering the best possible results.

But, Mr Speaker, the hon. Gentleman opposite me criticises me at the United Nations, criticises me when I go to Spain, criticises me on every issue that he can, and now he is criticising me on these record

1380 breaking numbers. Well, Mr Speaker, I commend the Bill to the House, *but* if they have the gumption to stand for what they believe, then they should not vote for this Bill to become an Act. (*Banging on desks*)

1385 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on 31st day of March 2015, and further sums of money to the service of the year ended 31st day of March 2013 be read a second time. Those –

Hon. Chief Minister: Mr Speaker, I call a division.

Mr Speaker: A division called.

1390 *A division was called for and voting resulted as follows:*

FOR	AGAINST	ABSENT
The Hon. P J Balban	None	None
The Hon. J J Bossano		
The Hon. Dr J E Cortes		
The Hon. N F Costa		
The Hon. Dr J J Garcia		
The Hon. A J Isola		
The Hon. G H Licudi		
The Hon. S E Linares		
The Hon. F R Picardo		
The Hon. Miss S J Sacramento		
The Hon. D J Bossino		
The Hon. Sir P R Caruana KCMG QC		
The Hon. Mrs I M Ellul-Hammond		
The Hon. D A Feetham		
The Hon. S M Figueras		
The Hon. J J Netto		
The Hon. E J Reyes		

1395 **Hon. Sir P R Caruana:** Mr Speaker, pursuant to the long-standing Parliamentary tradition that the whole House supports the Appropriation Bill in order not to deprive the Government of funding and the civil servants of their pay and thereby not meaning any more support for their spending plans that they meant when they used to support *our* spending plans, yes.

Hon. Dr J E Cortes: Much more briefly, Mr Speaker, yes.

1400 **A Member:** Surprise, surprise! It is unanimous.

Mr Speaker: By a small matter of 17 to 0 – (*Laughter and interjections*) – the ayes have it. (**Several Members:** Hear, hear.) (*Banging on desks*)

1405

ADJOURNMENT

Hon. Chief Minister: Mr Speaker, I move that the House do now adjourn until four o'clock this afternoon and we can then deal with other matters.

1410 **Mr Speaker:** The House will recess until four this afternoon.

The House recessed at 2.30 p.m. and resumed its sitting at 4.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.00 p.m. – 7.59 p.m.

Gibraltar, Thursday, 3rd July 2014

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The Gibraltar Parliament

The Parliament met at 4.00 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

SECOND READING

Appropriation Bill 2014 – Second Reading approved

Clerk: Mr Speaker.

Mr Speaker: Before lunch, the Clerk was cut off before he was able to stand up to proclaim that the Appropriation Act had been given a Second Reading. So for the record he should do so now.

5

Clerk: The Appropriation Act 2014.

COMMITTEE STAGE AND THIRD READING

Appropriation Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

10

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

Tobacco (Amendment No. 2) Bill 2014 – First Reading approved

Clerk: A Bill for an Act to amend the Tobacco Act 1997.
The Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20 **Clerk:** The Tobacco (Amendment No. 2) Act 2014.

**Tobacco (Amendment No. 2) Bill 2014 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time.

25 Mr Speaker, this is a short Bill, which was published on 3rd June 2014. Hon. Members will therefore note that the six weeks required after publication before the House is able to proceed upon such a Bill have not expired. I therefore yesterday certified this Bill, under section 35 of the Constitution, as one which could not await a longer period for the House's consideration, having consulted previously with the Hon. the Leader of the Opposition and having explained to him the Government's position in respect of this Bill.

30 The fact is, Mr Speaker, as I have indicated to the House, we shall not be calling a meeting for July in order to enable certain of the works to proceed, which are required in the antechamber and for the fitting of a lift to make this place accessible, and as a result this Bill, which could not otherwise be considered until I think the 16th July, could not come to consideration by the floor of the House until the third week of September. The Government considers that in the public interest this Bill needs to be on our Statute Book before then. It relates to issues which pertain to the retailing of tobacco and how that particular commodity can be retailed, and in particular how people, who are holders of tobacco licences, who breach the requirements of the Act are to be dealt with and their ability to dispose of their licences before courts dispose of any matters relating to offences which may have been committed under the Act.

35 The Bill is quite self-explanatory and I have had an indication from the hon. Gentlemen that it enjoys Opposition support. So I do not pretend to say more than that at this stage, although I will deal with any queries that hon. Members opposite may have if they express any.

40 In discussions with my Hon. And Learned Friend, the Minister for Justice, he has indicated a better way of dealing with 6B(1) in a way that is slightly more flexible. So instead of the type of notice that the Collector is going to require retailers to erect on their premises being set out in the legislation, I will be moving an amendment at the Committee Stage, which I am going to attempt to give written notice of in a few moments before we move to that stage, which will take the wording of the notice out of the Act in case it becomes necessary at any stage to make slight amendments as Customs allowances etc change, so that there is not the need to come here to amend the wording.

45 I will propose a wording which will nonetheless require the Collector to publish the type of notice that he wishes retailers to erect in the *Gazette*, as well as giving them notice directly in his discretion as licenceholders. That would be a more flexible way of ensuring that both the community at large and each retailer is notified of any changes and that this House does not need to become involved where simply a small amendment to a notice may be required.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

55 I will now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco Amendment No. 2 Act 2014.

COMMITTEE STAGE AND THIRD READING

**Tobacco (Amendment No. 2) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

60 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that... oh, hang on. 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

**Commonwealth Park Bill 2014 –
First Reading approved**

65 **Clerk:** A Bill for an Act to establish a park to be known as Commonwealth Park and for connected purposes.

The Hon. the Minister for Health and the Environment.

70 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker I have the honour to move that a Bill for an Act to establish a park, to be known as Commonwealth Park, and for connected purposes be read a first time.

75 **Mr Speaker:** I now put the question, which is that a Bill for an Act to establish a park, to be known as Commonwealth Park, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Commonwealth Park Act 2014.

**Commonwealth Park Bill 2014 –
Second Reading approved**

80 **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.

80 Mr Speaker, I mentioned Commonwealth Park extensively in my Budget speech, as have other contributors to this week's Budget debate, so I will keep this brief. In any case, Mr Speaker, it is the thousands of our fellow citizens, especially the hundreds of children who have, through their happy faces, their laughs and their excitement, already indelibly stamped on our community the reality and the success that is Commonwealth Park.

85 Mr Speaker, I have had few more enjoyable moments in my two and a half years as Minister than seeing my three-year-old grandson Ryan running with joy and giggling away as he experienced the grass under his little feet and splashed away in the play fountain. To me, Mr Speaker, that means many times more than all the glum faces, and all the comments of doom, and all the cynicism and all the criticism of the actually relatively little cost from all the Members opposite, and the whole community agrees. Mr Speaker, the Opposition's cynical view of Commonwealth Park, which clearly continues even now, is very reassuring to us on this side of the House as it proves categorically that they are not in touch with the pulse of our community; but that, Mr Speaker, is clearly not good for Gibraltar.

90 Commonwealth Park is an asset to Gibraltar that will bring huge benefits socially and healthwise to the people. It provides an area of beauty, by day and by night, bringing nature into the heart of our city. Mr Speaker, even after its opening, even after it has been so welcomed and acclaimed by our community, Commonwealth Park is still referred to mockingly by the Members opposite, notably by the Opposition spokesman for Health, when she kept on alluding to it in her Budget Speech of just a few days ago, insinuating that the investment in the park had been a waste of money.

100 Mr Speaker, little children, youngsters and teenagers, the middle aged and the elderly are all making use of this incredible new asset. Mr Speaker, people are commenting *no parece Gibraltar*. Well, Mr Speaker, what this Government is doing and what it plans to continue doing is that this sort of thing *si parecerá Gibraltar* will be Gibraltar (*Banging on desks*) because that is a new Gibraltar we are creating – a *different* Gibraltar. A Gibraltar that provides for the wellbeing of its people, to paraphrase the lady opposite, Mr Speaker, *para eso está el dinero, para el pueblo*.

105 Mr Speaker, the lady must clearly not be aware that there are plenty of studies that conclude that trees and green areas in urban settings serve to reduce aggression and improve the health of the surrounding community. Again, Mr Speaker, can the Opposition not take one step away from their obsession with Commonwealth Park and accept that they were wrong? Can they at least, Mr Speaker, support this Bill?

110 Mr Speaker, the response of the public to the park has been tremendous. Clearly it is something that the people wanted and something that the people want to keep; therefore, it is only correct, in the same way as the Alameda Gardens are protected in perpetuity and set out for the enjoyment of the community and visitors alike, well into the future, that this House should legislate to ensure such protection.

Following this, Mr Speaker, the rules of the park will be published in regulations as subsidiary legislation. It is with this purpose of ensuring that any change in use of this new and beautiful asset should

115 require the approval of this House that I commend this Bill to the House, not just for my little Ryan, but for
all the children of Gibraltar for many years to come... nay, Mr Speaker, in perpetuity.

I commend this Bill to the House. (*Banging on desks*)

120 **A Member:** Hear, hear.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the principles and merits of the Bill?

125 **Hon. D A Feetham:** Mr Speaker, yes.

Well, Mr Speaker, my little Gabriel is actually enjoying the park as we speak. It is his birthday and from Parliament I would like to wish him a very, happy birthday. It is his eighth birthday today (*Banging on desks*) and he too is enjoying the park, Mr Speaker.

130 We have never, Mr Speaker, taken issue with the park. Indeed, I note that the hon. Lady, when it was completed, actually tweeted that it was a very, very nice park. I happen to think it is a very nice park. We all on this side of the House think it is a very nice park, that perhaps we question the Government's priorities in pursuing the project of a park at the expense of perhaps pursuing a different type of project. In terms of its timing the park has gone first when other things that Gibraltar needs could have perhaps been given a greater priority, but nobody takes issue with the park Mr Speaker, and I want to make it absolutely clear.

135 Of course we also took issue with the fact that the way that the hon. Gentleman actually proceeded with the project after the General Election was different to the way that the project was characterised during the General Election, because of course the parking underneath the park mysteriously disappeared after the General Election, when we were telling them before the General Election that it is not possible to build a multi-storey underground car park underneath that park for geological reasons. The hon. Gentlemen... they said, 'No, we have taken expert advice on this and it is perfectly possible', only to bin the idea of the underground car park after they got elected. Perhaps we have been critical of what was, in our view, quite blatant cynicism on their part, but there is nothing wrong with the park and everybody on this side of the House thinks it is a wonderful park.

140 In relation to the Bill, Mr Speaker, when the Bill in relation to Alameda Gardens was brought before this House, my instinct at the time was to vote against the Bill. My instincts were to vote against the Bill because one cannot constitutionally, I thought, and legally I thought it was a complete and utter nonsense to come to this House and say, 'We are going to do something in perpetuity', because you cannot bind a future Parliament and really it was an artificial nonsense. (*Interjection*)

145 At the time I was persuaded by the Hon. the Chief Minister to support it on the basis that actually the wording 'in perpetuity' already existed in the Public Health Act, from which those aspects had actually been extrapolated, and indeed, because of it, we said, 'Right, okay. Well, if it is in the existing legislation already, we are going to be supporting it'. Having had time now to consider the position, to go back and see the reasons why that wording was included in relation to Alameda Gardens, I have to say that my original instinctive reaction to that Bill was absolutely correct, because of course the Public Health Act dated back to the 1950s. The wording of the grant of Alameda Gardens 'in perpetuity' was actually taken from the original grant, the original lease... the original grant from the then British Government to the people of Gibraltar. It was granted... 'Alameda Gardens are granted to the people of Gibraltar in perpetuity' and that then found its way into the legislation, but it does not make it the correct form or sensible form of wording or formula or legislative practice in relation to anything else, Mr Speaker.

155 The reality is that something continues to be so for as long as this Parliament wants it to be so. To say that it is going to remain a park 'in perpetuity' is just a gimmick and a nonsense –

Hon. D J Bossino: It adds nothing.

165 **Hon. D A Feetham:** – and adds absolutely nothing.

Mr Speaker, for those reasons, we are not on this side of the House prone to vote in favour of gimmicks or nonsense and therefore we will not be supporting this Bill.

170 **A Member:** Hear, hear. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the principles and merits of the Bill?

Chief Minister (Hon. F R Picardo): Mr Speaker, thank you so much to the Leader of the Opposition for having confirmed that they are not going to be supporting this Bill on the basis very much that is in

175 keeping with their description of Commonwealth Park, whether his son is there or not, as a vanity project, namely one which was useless and now the Bill to protect it is nonsense.

Well, the Hon. the Leader of the Opposition cannot mean the things that he has said if he has recalled the slightest bit of the constitutional law that he learnt whilst he might have been at University, because it is not nonsense to legislate in perpetuity. One legislates in perpetuity until another Parliament comes and undoes it, unless they do not, in which case legislation will stand in perpetuity. So, Mr Speaker, whether the word ‘perpetuity’ is in the Bill or is not in the Bill is not really a reason for voting in favour or against anything. In fact, what we have seen in the Hon. the Leader of the Opposition is a desire to speak against this Bill and vote against it, full stop. If he had *wanted* really to deal with the issue as a legal issue, he would have said, ‘Look, I have a concern *only* about the word “perpetuity”’. He would not have described it as nonsense and he would have said, ‘I have thought of another word we should use’, and I invite Members opposite to think of making the *small* amendment which would allow the Opposition to support the Bill.

So he has come here wanting to vote against the Commonwealth Park Act, not wanting to be constructive, extending their attitude of lack of support for what is happening at Commonwealth Park *de facto* into now this *de jure* expression of the park which will be the Commonwealth Park Act.

190 Mr Speaker, he says that they supported everything about the park, except perhaps the priority it has had in respect of the Government’s delivery of manifesto commitments. Well, again, Mr Speaker, I cannot take that point seriously. The hon. Gentleman I know likes to do social media mischief by saying, ‘Oh, a park before a power station, isn’t that terrible. A park before a housing estate, isn’t that terrible’.

Well, Mr Speaker, things are done when they can be done and some things are easier to do than others. We did not have to decide whether to power the park with diesel or with gas. We have not had to take any legal advice as to where to put the stacks or how high they can be. We have not had to consider with technical experts whether we should have six floors, eight floors or 15 floors on the park. It is a park and it is therefore easier and quicker to deliver than a power station, than a housing estate, or a waste treatment plant or any of the other things which are in our manifesto, which are timed to be delivered during the lifetime of the Parliament and which we are delivering during the lifetime of the Parliament.

So he has set up two excuses in order not to support the Bill and they will forever – in fact, Mr Speaker, in perpetuity (*Laughter*) – be in the *Hansard* as nothing more than that, ruses set up to avoid supporting what is, in my view, a very worthy Bill, which will ensure that this green area remains a green area for as long as somebody does not come to this Parliament and persuade the majority that it should be something else, and there maybe circumstances in the future where that is necessary, but we want to add this extra layer of protection for the park. We think it is the right thing to do. The use of the word ‘perpetuity’ in the Alameda Gardens protection in the Public Health Act is a useful model, if that comes from the original grant, well, that is a very good reason for having it in there; if it did not, the fact that we might all want to protect the Alameda Gardens is a very good reason for having it in there. Now that we are, with the opportunity to make this Bill, we want to express it in the terms that will provide the greatest amount of protection for the longest period and we want the Act itself to be a deterrent in the way it is expressed.

Mr Speaker, the concept of supremacy of Parliament is extraordinarily clear, from Dicey onwards we have all understood what it meant, and we do not need the Hon. the Leader of the Opposition trying to pretend that the use of the word ‘in perpetuity’ is a legislative device that does anything other than express the wish of this Parliament today, and that is a very good reason, Mr Speaker, because it is the wish of this Parliament today to support this Bill as drafted.

Mr Speaker: The Hon. Sir Peter Caruana.

220 **Hon. Sir P R Caruana:** Obligated, Mr Speaker.

Last night I had dinner in Queensway Quay Marina and as it was such a pleasant evening, my wife and I walked back to Irish Town from Queensway Quay Marina and we routed via the park, which looks absolutely spectacular.

Different people would design spatial use differently according to taste; that is true. I would have done one or two things differently, but that is just one person’s preference over another’s. The park, I would rather have seen it where we would have built it, opposite the English Steps and not in Commonwealth Parade. It would not have been as big as this, but it would have been the size of one third of the combined football pitches and the space in between the two. So we can argue about whether the pond is too big or too small whatever. I am not going to submit it to that sort of criticism. It is a beautiful public amenity. I would prefer to see it in a different place, not there, but that also is a matter of opinion. So in signalling to the House that I cannot support this Bill, it is *not* because I am not willing to eulogise one of their flagship projects, which I have just done.

Clause 3 of the Bill – notwithstanding that I have heard what the Hon. the Chief Minister has just said – is a legislative nonsense. There is a case for legislating for the park to give yourselves powers to make rules and regulations for its administration or for any other purpose to do with its running or with ... but to

legislate that the Commonwealth Park shall be perpetually set apart for the health, recreation and enjoyment of all persons, the key words there are ‘perpetually set apart’ because a park may not necessarily be for health, recreation and enjoyment. Children may fall over and hurt themselves and that is not for their health or enjoyment. So let us not be pedantic. A park is necessarily for people’s enjoyment and for people’s health, so the purpose of this is not in the words ‘health, recreation and enjoyment’, it is in the words ‘perpetually set apart’, that is the crux of this clause.

It is a legislative nonsense in two respects. First of all, because it is an attempt, which I think he acknowledges is ineffective, but nevertheless an attempt to go as far as he thinks he can into making it as difficult as possible for anybody to do differently, but of course it does not provide any greater protection for the longest possible period because it is still the same seven-day process or whatever it now is following the new constitution – *(Interjection)* Yes, thank you. It is now a six-week process to amend to repeal this Bill as any other Bill.

Nevertheless, the device to try and get everybody in this Parliament to say today that we are all here committed to perpetually set this apart. I am not... I think it is a fantastic facility, but I am not prepared to now commit myself that in three, four or five years’ time there may be a project of greater need for Gibraltar, of greater socio-economic need for Gibraltar that may require some of us, who may be in the House at that time either on this side or on that side in Government, to take the view that the park has got to be made smaller or that that end of it has got to be given up for some other necessary function, it is just an *unreasonable*, in my opinion, thing to say and unnecessary. I think it is unnecessary for the hon. Members to have the credit that they deserve and that the community may choose to give them for having executed this project. I think this is a wholly unnecessary device, which can only have as its objective getting us all to sign with our Parliamentary blood to never undoing a grand GSLP/Liberal alliance Government project. Religiously, I cannot support that, and I do not mean religiously in the church sense, I mean it in the word’s technical meaning. Religiously, I cannot support such a device.

I am told that the hon. Member has asked for words to be suggested in the alternative, and I would propose – and I am not going to make it a formal amendment unless there is an indication that they might be willing to support it... there is no point – that the words ‘perpetually set apart’ shall simply be changed to ‘operated as’. The Commonwealth Park shall be operated as a park for the health, recreation and enjoyment of all persons. Well, fine, Mr Speaker, to the extent that that is acceptable to them, what it means is that the difference between us is in the space between the meaning of ‘operated as’ and ‘perpetually set apart as’, well, that is not just semantics. That is not just semantics, it is about... and I cannot imagine that somebody might want to dismantle all of that park. I can see that in due course there may be a Government that decides that there is too much flat land allocated to it and the use to which it is put does not quite... also an unlikely decision, but possible. I cannot imagine that anyone would want to remove the park from there altogether, but that is not a reason for committing ourselves, us 17 individuals, that there will never be another need of Gibraltar greater than the desirability of this park, desirable as it is, and that is what I have difficulty with.

It is just an unnecessary curtailment of our obligation, as 17 Gibraltarians charged with this Parliamentary governance and those 10 charged with its executive governance, to abrogate our rights to make decisions in accordance with the needs of Gibraltar as they are at the time. I would be making the same point – if this was not about the park – if it was about the price of fish. This is not about the subject matter of the Bill, it is the concept.

Yes, of course I will give way to him, although he did not give way to me this morning. *(Laughter)*

Hon. Chief Minister: Because I knew what you were going to do and if you had not done it, they would not have done what you indicated they had to do.

Mr Speaker, this is about the curtailment of executive power in effect. If he will just bear with me, let me tell him why I think that is the case.

What we are trying to do – and it maybe that there is a measure of agreement that we can reach in what it is that we are trying to do – we are trying to take away from a putative future Chief Minister, who as he knows is the person who would agree that the land could be used for another purpose, the sole decision-making power to decide that park can be something else. So what we are trying to do is not shackle this Parliament, but empower it to be the entity that can decide in future, should those circumstances arise, that the park should be used for something further, because we think this is more than just a plot of land now that the executive can decide to use in a different way... much as the Alameda Gardens – for the reasons we have been discussing before and in another meeting – have also now got that character.

So if he takes that away from my intervention, a form of words that if it is offensive for him to think that we are, with the word ‘perpetuity’, shackling the Parliament in some way, and he can quickly think of a way that actually is empowering the Parliament – like, for example, ‘shall not without the consent of this Parliament be used for a purpose other than to be a park’ – I think maybe that has the effect of empowering the legislature over the executive in respect of this particular plot of land.

300 **Hon. Sir P R Caruana:** Mr Speaker, the hon. Member has to understand that I do not speak for the Opposition. I am a backbencher. I do not have a position as spokesman. I think it is clear – (*Interjection*) It is clear that this will be a matter for the Leader of the Opposition and my other colleagues on this side of the House.

305 But look, I am glad to hear what the Chief Minister has said, because if the object, if the purpose of this Bill is to make the ‘change of use’, for want of a better phrase, away from a park and a decision for the legislature rather than for the executive, I think that that is a legitimate objective. In this and in any other area of executive power that the Government of the day, whoever it is, decides that they want to add what he has called a ‘layer of protection’ from executive whim.

310 But look, Mr Speaker, if the Bill read, ‘Commonwealth Park shall be operated as...’ to which he could add if he wanted, ‘operated and preserved as a park for the health’, then by the law of Gibraltar the park could not be used; not only could it not be used for anything else without this Bill being repealed, but it would have to continue to be operated as, so they could not even close the park down, let alone use it for something else. They could not cease to operate it as a park, never mind cease to operate it as a park and apply it to some other use. They could not do *either* of those things without repealing this Bill and that would be, in my opinion, a perfectly proper legislative provision – (*Interjection*) Yes.

315 **Hon. Chief Minister:** So, Mr Speaker, with that understanding, which is really where we are going –

Hon. Sir P R Caruana: Only with the backbencher.

Hon. Chief Minister: Yes, absolutely.

320 **A Member:** Good enough for us.

Hon. Chief Minister: With that understanding, that is where we are going.

325 The use of the words ‘in perpetuity’ is simply there until a future Parliament wants to undo it. So whether you like it as a device or not, it is removed when a future Parliament removes it. So, with that device, can he just remind me of the words that he was proposing?

A Member: To operate it exclusively –

330 **A Member:** Operated as and preserved as –

Hon. Sir P R Caruana: Be careful with the exclusivity, because it means he will not be able to organise certain sorts of events in it. It might be perfectly appropriate. I just think operated exclusively... I mean he can add it if he wants, but he has got to be careful though that there is not a debate.

335 If the Minister for Heritage decides that he wants to organise a concert there, that someone is not going to have him prosecuted for breaching the Commonwealth Park Act or whatever this is going to be called.

A Member: Commonwealth Park – (*Interjections*)

340 **Hon. Chief Minister:** I think that the father of the House...He likes to be referred as such. The Father of the House, the oldest Member sensibly is suggesting that in fact we achieve it by leaving the Bill as it is, and adding the words, ‘shall not without the prior consent of the Parliament be operated other than as...’

345 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** In perpetuity.

Hon. Chief Minister: ‘... in perpetuity’.

Hon. Sir Peter Caruana: I am not going to...

350 Mr Speaker, the Opposition voting against this Bill is not the most important Bill that we will vote against. How much effort the hon. Member thinks it is worth making to obtain the Opposition’s support for this Bill is a matter entirely for them. I will not be supporting a Bill that in my personal opinion purports to bind *this* group of parliamentarians, including me, into what decisions we can make personally about this, as legislators, about the future use of this park.

355 So if he wants to leave the word ‘perpetuity’... he has expressed to me what is his objective, which as I have understood him was to make sure that an executive could not without the consent of the legislature cease to operate the park or use it for... or the land for any other purpose. I have offered him a formula of words that necessarily achieves that objective. If he wants to continue to put in the word ‘perpetuity’, I do

360 not think it is worth... or ‘perpetually’ or anything like that, which as he knows is a word that gives me difficulty. Fine, they are going to pass the Bill. More important Bills like this have gone through on a Government majority (**Hon. Chief Minister:** Yes, indeed.) and so I do not think it is very ... I leave the decision entirely for him.

Mr Speaker: If no other Member wishes to contribute, I will call upon the mover to reply.

365 **Hon. Dr J E Cortes:** Mr Speaker, I have very little to add to this exchange. I am very pleased of course to have heard the words of praise from both the official Opposition and the hon. the backbencher. The park is, as I said, for all of Gibraltar to enjoy, including, of course, the Members opposite. They have recognised the value and the beauty today, I think probably for the first time.

370 I think we have discussed the issue of change in words, and having had a brief discussion I am persuaded that we should keep it as it is. Mr Speaker, after all, it is Parliament at this point in time that decides that it shall be perpetually set apart. A Parliament in another point in time can take a different decision and then they have every right to come here and change that; but if the majority of this House feels that this is correct, then that is the decision that we have to take.

375 So I will leave it at that and when I am asked to, I will give notice for the Committee Stage and Third Reading.

Hon. Sir P R Caruana: Would the hon. Gentleman give way to me just before he sits down?

380 **Hon. Dr J E Cortes:** Yes.

Hon. Sir P R Caruana: I would qualify what he has said with these words: it is true that future Parliaments are not prevented from repealing this Act, but he *personally*, and I *personally* and anybody who votes in favour of this Bill *personally*, will have the legal power to do it, but they will be countermanding their own vote today. (*Interjection*)

385 Their own vote today was that it should be perpetual. If any of the people here in the future vote for this land to be used for any other purpose, they will be contradicting themselves in a way, yes; but his recognition, his *recognition* that he will be free to do that with just a shrug of the shoulders is the very purpose... is exactly the very same argument why we say it is unnecessary. I am grateful to him for letting me interrupt him.

390

Hon. Dr J E Cortes: Mr Speaker, the shrug of the shoulders was in no way meant to be offensive. It was saying... well, you know, these are –

395 **Hon. Sir P R Caruana:** No, it was not the shrug... I did not interpret it as offensive. The shrug I interpreted to mean that it could easily be done and – (*Interjection*)

Hon. D A Feetham: Will you give way?

400 Mr Speaker, I have very patiently listened to the exchanges between the hon. the backbencher and the Minister (*Interjection*) and also the Chief Minister – (*Interjection*) Absolutely. I have not wanted to intervene to see whether some measure of agreement could have been reached that would have been acceptable to the rest of the Opposition as well. I have to say that we have absolutely no difficulty with the wording that the hon. the backbencher has suggested. From the very beginning I have said that it is the word ‘perpetually’ that we find, as the Opposition, offensive, and that is the reason why we are voting against the Bill. But I wanted to make the position clear, less it be suggested that somehow the rest of the Opposition are not being reasonable by not – (*Interjection*) I beg your pardon? (*Interjections*) Yes.

405 Of course I want to add this as well, that simply because we are voting against the Bill, and I think that for the reasons that I have said during the course of my own intervention and I think it was clear from my own intervention, does not mean that we have any intention should we win the Election in a year’s time to bulldoze the park and build blocks of flats. (*Interjections*)

410 I have to say, Mr Speaker – (*Interjections*) Mr Speaker, I have to say, and I speak only for myself in relation to this, because one never knows what the position is going to be. I speak for myself. I think it is an excellent idea. It is an excellent park and I would not wish to see it used for any other purpose, but the reality is that what I would not wish to do, which is what I said during the course of my intervention, is do anything that can be interpreted as binding us in any way, shape or form in the future.

415 And of course I also think that it is a legalistic nonsense to add the word ‘perpetually’ and for those reasons we are voting against it. But there is no intention, and I want to make it absolutely clear, after the next General Election to go in with the bulldozers and bulldoze the entire park – that is not the point. (*Interjection*)

420 **A Member:** You will give way back to somebody –

Hon. Dr J E Cortes: No, I am giving my way back to the Chief Minister.

425 **Hon. Chief Minister:** Mr Speaker, at least now it is clear that what they want to do is pretend until the next Election that they are not going to bulldoze the park, but leave themselves the doors open after the next Election for the possibility of bulldozing the park, and I thank hon. Members opposite for making their position clear.

430 Why it is they cannot live with the word ‘perpetually’... I am minded to move an amendment to include the words ‘eternally, until Armageddon or salvation come uponeth the whole of the world for all time’, but I think given that I do not think they stand a chance of winning the next Election, we are alright with ‘perpetually’.

Dr J E Cortes: *Per omnia secula seculorum* Mr Speaker, I have nothing further to add, so I will wait to be called to give notice for Committee Stage.

435 **Mr Speaker:** I now put the question, which is that a Bill for an Act to establish a park to be known as Commonwealth Park, and for connected purposes, be read a second time. Those in favour? (**Government Members:** Aye.) Those against? (**Opposition Members:** No.) The Opposition are...?

440 **Hon. D A Feetham:** No.

Mr Speaker: Carried by Government majority.

Clerk: The Commonwealth Park Act 2014.

COMMITTEE STAGE AND THIRD READING

Commonwealth Park Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

445 **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: Are all hon. Members agreed that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Income Tax (Amendment) Bill 2014 – First Reading approved

450 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.
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 Income Tax Act 2010 be read a first time.

455 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax Amendment Act 2014.

**Income Tax (Amendment) Bill 2014 –
Second Reading approved**

460 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, the principal purpose of this Bill is to enable QNUPS, Qualifying Non-UK Pension Schemes, to be offered from Gibraltar. Hon. Members will be aware that QNUPS are pension schemes established in a country or territory outside the United Kingdom and which must fulfil certain conditions in order to be recognised in the United Kingdom. Indeed, Mr Speaker, as the Government announced in early
465 March, we have been in consultation with the Gibraltar Association of Pension Fund Administrators and in discussions with HM Revenue and Customs in order to enable to allow Gibraltar based QNUPS to be recognised in the United Kingdom.

Broadly, Mr Speaker, QNUPS recognition can be achieved, among other ways, by fulfilling the following two conditions: (1) The scheme must be open to persons resident in the country or territory in which it is established; and (2) the scheme is liable to taxation on its income, which we have set at 2.5%, as indeed we did with QROPS in 2012 and either of the following conditions: (i) the scheme is approved or recognised by or registered with the relevant tax authorities in the jurisdiction in which it is based; or (ii) the scheme rules must provide that at least 70% of the member's relevant scheme are designed to provide a lifetime income. The new Section 14B of the Act will amply provide for these and other conditions to be
470 met.

Mr Speaker, QNUPS are highly attractive for a number of reasons, not least because they can invest in a wide range of assets and because they are exempt from United Kingdom inheritance tax on a member's death. The fact that we will now be able to offer these pensions schemes from here is an important step, a further step in establishing Gibraltar as an international pensions centre.

480 Mr Speaker, I should mention that the Government has taken this opportunity to amend section 14A, which allowed for QROPS, Qualified Recognised Overseas Pension Schemes, to be recognised in order to clarify the language regarding the jurisdiction from which funds in the scheme may be transferred. Specifically, these amendments are subsections (2) and (5) of section 14A. The amendments do not alter the substance of the transfer jurisdiction provision.

485 Also as regards 14A, we are introducing an amendment to allow the Commissioner of Income Tax to vary the commutation percentage of 30% in case of any changes that are made in the United Kingdom legislation. This amendment is to be found in subsection (3)(a) of section 14A. Incidentally, this flexibility for the Commissioner is included in the new section 14B. We will of course keep QROPS and QROPS legislation in the United Kingdom under review and introduce any needed changes to our own legislation as and when those may be required.

490 Finally, Mr Speaker, you will note that I am moving three amendments to the Bill. The first is simply to capitalise 'tax' in the long title. This is in a letter, Mr Speaker, that I have forwarded to the Speaker and I have copied the hon. Member on 24th June.

495 The second and third is remove the wording 'as to residency' since it might be taken to mean that the source of income could only be funded by a resident of the United Kingdom or Gibraltar, something which is not required by the UK's QNUPS legislation and which would therefore unnecessarily restrict QNUPS offerings. The substitute wording makes a reference to the UK's statutory instrument that sets out the actual criteria for QNUPS.

500 Mr Speaker, I would like to say how happy I am with the efforts of the Finance Centre executives, in particular in this case, Mr Michael Ashton, in bringing to fruition this exciting development for the pensions industry in Gibraltar.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

505 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. D J Bossino: Yes, Mr Speaker.

510 The Opposition will be voting in favour of the Bill. I have had the opportunity of discussing the provisions contained in it with the Hon. the Minister for Financial Services, who has just spoken on the Bill, and I need to recognise, acknowledge and thank him and his team, in particular Mr Lloyd DeVincenzi, who wrote to him in relation to the points that I raised yesterday by e-mail, in respect of which I think all of them have been addressed.

515 But simply to refer to some of them, for example, I think clause 2(a) which amends the wording in section 14A of the Income Tax Act is a very helpful amendment indeed. Mr DeVincenzi is absolutely right when he says that that particular clause... section rather, required clarification. I can understand why it would have been confusing to both practitioners and those in the Income Tax office, having read through it,

and indeed the Minister and I had opposite interpretations as to the effect of that particular wording and I think that the amendment, as it currently stands, clarifies the issue very satisfactorily.

520 I also raised a point in relation to clause 2(c), which says that for the purposes of this section, ‘the term “country, territory or jurisdiction of the European Union”’, which appears in the previous section, ‘means the United Kingdom’. I simply asked why is it exclusionary of all other states within the EU. It has been explained to me. At the moment it only relates to the UK, but the wording would remain as it stands in order to give the relevant authorities the flexibility to add other states of the EU, and I think that is something which ought to be welcomed and I accept the explanation given by the Hon. Minister’s team in
525 relation to that.

Mr Speaker, clause 2(d) of the Bill... yes, which is in effect the entirety of new section 14B or soon to be new section 14B, which is in effect, as it has been explained, introduces into the Statute Book the QNUPS products. My question was the wording as it stands. The wording of soon to be section 14B is very similar to section 14A, which is currently in the Statute Book. I do not understand, given the very difference
530 in substance in terms of the wording, why there was a need for an entire new section. That again has been addressed and explained to me and I am happy to accept and vote in favour of the wording as it currently stands, subject to the amendments, which have been moved by the Minister and given notice to me today. I daresay some of them, I think, as a result of some of the points that I hopefully helpfully made to the Minister yesterday.

535 Mr Speaker, there is also a reference to a Statutory Instrument, which is then defined as meaning the Statutory Instrument enforcing the United Kingdom in the exercise of the powers conferred by the relevant section of the Inheritance Tax 1984, which is the English statutory provision. I think that is very useful and it ought to be there and it is something which I welcome in terms of the drafting.

540 An explanation has also been given, which again is satisfactory, as to why it is that it is going to be... that this particular provision is going to have retrospective effect to 6th April 2006, which also features in section 14A and it has got to do with the dove-tailing of the provisions as they stand in England and Wales.

So, for all of those reasons, I am very happy with the Bill as it currently stands and the Opposition is equally happy to be supporting it.

545 **Mr Speaker:** Does the mover wish to reply?

Hon. A J Isola: Mr Speaker, just very briefly.

I am grateful to the hon. Members for their support. In effect the 14A and the 14B, one strand of the 14A is for QROPS and the 14B is for QNUPS, in effect replicating the main difference being that in 14B there is reference, as the hon. Member has said, to the Statutory Instrument which sets out the criteria in the United Kingdom legislation as to what is required for a pension scheme to qualify as a QNUP.
550

Mr Speaker, the changes that have been made to 14A are basically to simplify and clarify some of the language and I am grateful to the Members. I do not think there is anything further to add.

555 I am excited by yet another product. Obviously as hon. Members will know, the QROPS that were introduced by my Learned Friend, my predecessor the Hon. Mr Licudi, have proved extremely successful with the pensions industry. We have a number of schemes that are leaving one of our major competitors, Malta, trailing in our wake, and the number of members of each of those schemes is growing at an alarming rate. So I am delighted with the success of the QROPS product and I am very much looking forward to QNUPS doing equally the same for our pension’s community, Mr Speaker. *(Banging on desks)*
560

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax Amendment Act 2014.

COMMITTEE STAGE AND THIRD READING

Income Tax (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

565 **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.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

**Appropriation Bill 2014;
Tobacco (Amendment No. 2) Bill 2014;
Commonwealth Park Bill 2014;
Income Tax (Amendment) Bill 2014**

570 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should
575 resolve itself into Committee to consider the following Bills clause by clause: the Appropriation Bill 2014;
the Tobacco (Amendment No. 2) Bill 2014; the Commonwealth Park Bill 2014; as well as the Income Tax
(Amendment) Bill 2014.

In Committee of the whole Parliament

**Appropriation Bill 2014 –
Clauses considered and approved**

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on
31st March 2015 and further sums of money to the service of the year ending 31st March 2013.
580 Clause 1.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2 – Head 1, Treasury, subhead 1, Payroll.

585 **Mr Chairman:** Stands part of the Bill.
I shall be saying ‘stands part of the Bill’, unless some hon. Member indicates that they wish to rise to
raise any matter.

Clerk: Subhead 2, Other Charges.

590

Mr Chairman: Stands part of the Bill.

Clerk: Head 2, No. 6 Convent Place, subhead 1, Payroll.

595

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

600

Mr Chairman: Stands part of the Bill.

Hon. Mrs I M Ellul-Hammond: Mr Chairman –

Mr Chairman: The Hon. Mrs Ellul-Hammond.

605

Hon. Mrs I M Ellul-Hammond: Mr Chairman, with regard to Other Charges, 14 Grants (b) Other
Grants and Donations, the estimate was for £530,000 and the forecast outturn was £815,000. And again,
there is an increase for the estimate this year. Could the Hon. the Chief Minister provide a reason as to why
it has increased? Are there new beneficiaries as part of the donations and could he provide a list and
amounts for them, please?

610

Chief Minister (Hon. F R Picardo): Yes, Mr Chairman.

These are, as she rightly says, the annual grants. Some of them have increased and some of them are the
same. They do not all increase. There is, for example, here the one that has increased, which I think is the
one responsible for the increase, is the Multiple Sclerosis Therapy Centre increase, which goes up to

615 £468,000. This is the provision of oxygen, which is not done through the GHA. It is not funded through the GHA now, it is funded through here, and I think that is what results in the increase.

Mr Chairman: Any other questions?
Other Charges, stands part of the Bill.

620

Clerk: Head 3, Customs subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

625

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

630

Clerk: Head 4, Broadcasting, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

635

Mr Chairman: Stands part of the Bill.

Clerk: Head 5, Income Tax, subhead 1, Payroll.

640

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

645

Clerk: Head 6, Parliament, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

650

Mr Chairman: Stands part of the Bill.

Clerk: Head 7, Human Resources, subhead 1, Payroll.

655

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

660

Clerk: Head 6, Immigration and Civil Status, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

665

Clerk: Subhead 2, Other charges.

Mr Chairman: Stands part of the Bill.

670

Clerk: Head 9, Financial Secretary's Office, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

675 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 10, Procurement Office, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

680 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

685 **Clerk:** Head 11, Civil Aviation, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

690 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 12, Town Planning and Building Control, subhead 1, Payroll.

695 **Mr Chairman:** The Hon. Selwyn Figueras? No.
Payroll, stands part of the Bill.

Clerk: Subhead 2, Other Charges.

700 **Mr Chairman:** The Hon. Selwyn Figueras.

Hon. S M Figueras: Yes, Mr Chairman, I am grateful.

As I indicated earlier today during the Chief Minister's reply, in subhead 2(b) Land and Property Management shows an overspend of £620,000 over the estimate and the Hon. Chief Minister did indicate that... did explain certain reasons why there was an overspend. Is this the entry for that overspend?

705

Chief Minister (Hon. F R Picardo): Yes, Mr Chairman.

Mr Chairman: Other Charges, stands part of the Bill.

710 **Clerk:** Head 13, Health, subhead 1, Payroll.

Mr Chairman: Payroll, stands part of the Bill.

715 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 14, Environment, subhead 1, Payroll.

720 **Mr Chairman:** The Hon. Mr Jaime Netto.

Hon. J J Netto: Yes, thank you, Mr Chairman.

In relation to Head 1(a) Salaries for the Ministry, we have an estimate for 2013-14 of £46,000 and a forecast outturn of £46,000 and yet the estimate for this new financial year is £72,000. Could we have an explanation for the increase?

725

Minister for Health and the Environment (Hon. Dr J E Cortes): If you look at the establishment, Mr Chairman, there are two new Environmental Protection Officers and one additional Executive Officer and that makes up, I believe, the difference.

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Hon. J J Netto: I am not quite sure I follow the Minister because the one I have quoted, which is 1(a) Salaries, is in relation to the Ministry and if the Minister looks at the establishment figures at the beginning

of the page, it is exactly the same number. So we are not talking about the staff members in the Department, we are talking about the Ministry. So the numbers are the same, but there is an increase in the figures. So what is the explanation?

Hon. Dr J E Cortes: Yes, sorry, I get it now.
There is now the PA of the Minister, who is now an HEO grade, rather than an EO grade.

Mr Chairman: Is there any other question?
Payroll, stands part of the Bill. Yes?

Hon. J J Netto: Sorry, there is one other issue I would also like some explanation, if I may, Mr Chairman?

In relation to 1(e) Salaries, which is the salaries of the Department we are talking about here. We had an estimate for 2013-14 of £710,000. We have the forecast outturn, which comes to a lower figure, and yet we have an estimate of £900,000. Again here, if we actually look at the figures for the establishment figures, it has only gone up by two particular persons, so it is basically a jump of £900,000 against a forecast outturn of £662,000. It is quite an extraordinary tall figure and I would like some explanation.

Hon. Dr J E Cortes: Yes, Mr Chairman.

I am advised that there we do have the additional Environmental Protection Officers. I am also advised that the Senior Officer's salary was last year being filled on an acting capacity and the actual salary of the Senior Officer, who had been seconded to the Care Agency, was shown elsewhere. That is the explanation for that difference.

Hon. J J Netto: I am sure there must be more than that explanation, Mr Chairman, because even if we add two extra bodies... the wages for two extra bodies, and if we take into account the comment on the Chief Executive, it still could not account for the difference between the estimate and the forecast outturn. It is just too big a figure.

Hon. Dr J E Cortes: It also takes account of the vacancies that there have been that are now coming in and I believe it also takes account of the possibility of taking on more Environmental Protection Officers.

Hon. J J Netto: What vacancies are coming in, because it is not reflected in the establishment figures?

Hon. Dr J E Cortes: The establishment figures show the posts, but it does not reflect whether any of those were vacant during the course of the year.

Mr Chairman: Payroll, stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. J J Netto: Yes, Mr Chairman.

Could I ask in relation to 2(a)(iii) Enforcement and Diving Section, there is an entry, which is a new entry, of £20,000. Could the Hon. Minister please explain what is envisaged will be happening during the course of this financial year with regard to this amount of money?

Hon. Dr J E Cortes: Certainly the Enforcement Officers came in during... I think halfway through last year and therefore that is another reason why it did not reflect in the earlier question. This is a new section which is carrying out enforcement of different bits of legislation, as I described in my Budget address, and also the diving section, which is now carrying out things like, for example, the translocation of certain species when they have to be moved for some development. They are doing monitoring, tagging of underwater structures, like reefs and so on, so that is a *new* activity which is very new and just came in during the latter part of the last year, and that is what that is about.

Hon. J J Netto: Mr Chairman, if I could move the Hon. Minister to item 2(3)(c) Air Quality Monitoring, it goes from an estimate 2013-14 of £363,000, which also shows the same forecast outturn, but there is an increase in the estimate for the new financial year of £440,000 – almost, say, £100,000 more. Could the Minister please enlighten us as to why?

Hon. Dr J E Cortes: Yes, I did mention this in my speech as well. This is the purchase of new equipment to be able to fulfil our obligations under EU and to extend the monitoring to other substances,

795 for example, metals, throughout Gibraltar, and not just in one or two areas. So it is to do with improving the
air quality monitoring, which obviously will have the ultimate effect of informing how we improve the air
quality.

Hon. J J Netto: In relation to item 2(3)(e)(i) the running of the Alameda Gardens, Mr Chairman, we see
800 the difference between a forecast outturn of £900,000 to an estimate of £1,105,000. Could the Minister
please provide some information as to why there is increase in the expenditure?

Hon. Dr J E Cortes: Yes, it was the estimate the previous year. There were a number of vacancies
which had not been filled which now are going to be filled.

805 Also the 200th anniversary of the Alameda Gardens is coming up in April 2016 and this will allow
certain works to be carried out in preparation for that. I am sure that the hon. Member welcomes the fact, as
he had criticised the Alameda Gardens, that there is going to be some more investment this year.

Hon. J J Netto: Does it mean that the new investment is to do with the particular pathways of Alameda
810 or to do... what is extra?

Hon. Dr J E Cortes: I am not sure of the detail, but I am happy to provide him with that information if
he writes to me, but obviously I am not sure of all the details and what that is going to concern. I believe it
does involve some repair to pathways, but I stand to be corrected.

815 **Hon. J J Netto:** Mr Chairman, in relation to item 2(3)(f) Apes Management Expenses, Healthcare and
Food, we have a forecast outturn of £180,000, yet the estimate is £300,000. Can the Minister provide some
explanation?

820 **Hon. Dr J E Cortes:** Certainly, again the estimate the previous year was £273,000. This has two main
elements in it: (1) it brings in the Ape Management Plan, which he is very keen to see and which he will see
very soon; and (2) this takes account of the Gibraltar side costs of the export operation, which we are
planning for a few months' time.

825 **Hon. J J Netto:** Mr Chairman, in my Budget address, one of the things I criticised the Minister for was
the question of the GONHS contract in relation to the culling of seagulls. What I did mention at the time
was the fact that in previous years I think the contract originally that GONHS used to have for the culling of
seagulls was something to the tune of £100,000 and the FERA company had something like £110,000.

830 We have noticed by the figures provided by the Minister that the FERA company now does not exist.
GONHS seems to have subsumed both the amount of money that they had before in GONHS, plus the
FERA company, and they are culling much less seagulls than they used to do before for less money.
Therefore I think it is not a value for money initiative in having terminated the FERA contract because we
have one company only doing much less than what they used to do before.

835 Given the criticism, how is the Minister going to account for the fact that we are putting basically the
two budgets that existed before in the two companies into one, GONHS, whilst we are having less culling
of seagulls?

Hon. Dr J E Cortes: Mr Chairman, the FERA used to take in the first year a lot more... I think it was
close on £200,000 or £199,000 for a six-week contract, so obviously value for money is something that I
think we had better not talk about.

840 But certainly the details of how this is going to be broken up, that does not necessarily mean that all this
money is going into one contract. The details of how this is going to be broken up and so on are being
discussed by the Department's Chief Executive and during the course of this year she hopes to roll out a
gull culling operation which will show figures.

845 Clearly, obviously of course, if figures for culling drop it could be one of two things: it could be less
effort or if the effort is the same, fewer gulls. This is a study that has to be carried out. This figure includes
a study to see how successful the gull culling is in real terms, but it is something that is still being sorted
out.

850 **Hon. J J Netto:** Mr Chairman, with all respect to the Hon. Minister, if he wants to do any more study,
he should have done the study before he took the FERA company out from providing such a service.

The question that the Minister really needs to state is whether GONHS needs to employ many more
people to compensate for the loss of the FERA company in order to match the figures that both FERA and
GONHS used to cull before.

855 **Hon. Dr J E Cortes:** I am wary of going into too much detail in this particular Bill, but if he writes to me, I am happy to give him more detail.

I must say that there was a study carried out before, but in this kind of study you have to do it regularly because you have to chart the trend and see how populations are changing. So a study was done before, but you have to do this regularly and I am sure that the hon. Member agrees.

860 As I say, the details are being dealt with by the Chief Executive, not by me personally. So if he does want more details and he writes to me, I will ask Dr Torres to draft a reply that will satisfy his questions.

Hon. J J Netto: Mr Chairman, as far as satisfaction I will certainly be raising questions in Parliament in the future, rather than writing letters.

865 But can I move on to item 3(l) in relation to conservation measures? I know that there is an entry, it could be a nominal entry of £1,000, but given that there is an idea of doing some particular projects on conservation, could perhaps the Minister provide some information?

Hon. Dr J E Cortes: Thank you.

870 It is a nominal sum. If you consider that we are at the point of publishing an Upper Rock Management Plan, which is not yet totally costed, that is the main reason for having that token entry there.

875 **Hon. J J Netto:** Mr Chairman, finally on 2(4)(f) Commonwealth Park, I see that there is an entry for the maintenance of the park of £100,000, but if I do recall in answer to one of my questions by the Hon. the Minister, I think he did say that the maintenance would be £160,000. If I am right, does it mean that we need to amend this particular figure?

880 **Hon. Dr J E Cortes:** No, Mr Chairman. This document was obviously prepared before the tender process had run its course and because there is some flexibility in the upkeep of planted areas and so on, the intention is to keep it within the Department's budget.

Mr Chairman: Other Charges, stands part of the Bill.

Clerk: Head 15, Equality and Social Services, subhead 1, Payroll.

885 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

890 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to Other Charges 2(7) Equality, there is a figure for £100,000. Could the Hon. Minister say what this is for?

895 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** It is the same figure as last year, Mr Chairman. I recall that the hon. Lady asked me the same question last year and the answer is the same as it was last year. It is projects that we have in the forthcoming year. Some of them which had been planned this year. We have not been able to undertake all of them, but certainly the intention is to undertake them this year. A lot of it will have to do with the establishment of a Commission – (**Hon. Mrs I M Ellul-Hammond:** And conferences?) Yes, and conferences and awareness initiatives related to the projects.

900 **Mr Chairman:** Other Charges, stands part of the Bill.

Clerk: Head 16, Education, subhead 1, Payroll.

905 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. E J Reyes: Mr Chairman, if I may?

910 On Head 2(12), there is an entry for contract officers of £46,000. Can the Hon. Minister please enlighten us a bit more on what the £46,000 entails?

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Yes, Mr Chairman.

This relates to the educational psychologist who has been recently engaged on a contract. She has in fact replaced a previous educational psychologist who was also on a contract and so it is not new money. The

915 previous payment was made, I believe, under Salaries. We were told that this was incorrect because it is a contract position and therefore it should be reflected separately. So it is the same position, but a new person having taken a new contract and being reflected in a different way.

920 **Hon. E J Reyes:** I am grateful, Mr Chairman, to hear he has the accounting staff, who obviously advise us on where to best charge it.

Just below that one, Head 2(13), there is a forecast outturn in respect of relief cover of £23,000 having been incurred in the last financial year, and yet once again we revert back to the previous estimate of only £1,000. So if we are only expecting £1,000 as well, why was there an additional expense of £22,000 occurring in the last financial year? Can the Minister assure us that this was just a one-off expense incurred and not something that is foreseen, otherwise I am sure his estimate figure would have been a bit higher?

925 **Hon. G H Licudi:** Yes, Mr Chairman.

This is for relief cover. There was a token amount set out at the beginning of the year because we do not know. This is, I understand, administrative cover that was supplied by a private contractor. At the beginning of the year we do not know how much relief we are going to require. This is the amount that was actually expended last year and again we are providing the usual token cover next year because we do not know exactly how much relief cover will be required.

930 **Hon. E J Reyes:** Yes, but Mr Chairman.

I am not quite certain. The Minister has just said it was in respect of administrative cover by a private provider, as opposed to being teaching cover, and it is completely different to cover by teachers. What sort of administrative cover was needed that we had to engage a private contractor?

940 **Hon. G H Licudi:** Yes, certainly. The teaching cover is provided elsewhere under Payroll, in particular cover for maternity/paternity, which is £530,000, and temporary cover for other absences, £400,000, which is due for this year. This is generally the supply list which we now do, particularly for maternity leave, we do on a contract basis because we know how long the person is going out on maternity leave. Whenever teachers go off sick there is certainly a supply list which continues to be used, as the hon. Member well knows. So that provision for teachers is covered separately and this is purely for administrative cover when it is needed.

945 **Hon. E J Reyes:** So may I rephrase my question? What is meant by administrative cover? Does it mean clerks of the Department of Education? What is meant?

950 **Hon. G H Licudi:** Yes, it is essentially clerical workers within the Department of Education and within the school environment. Clerical where there is either maternity leave or extended sick leave and there is a need for a cover, but separately from the teaching cover, which is provided from the supply list and which is provided for separately.

955 **Hon. E J Reyes:** Am I right then, Mr Chairman? Indeed, I think the Minister mentioned that this was contracted through a private supplier or whatever, so it is not like the teacher supply where you put your name down on a list and then if need be you are called up, this is done through an agency. If that is the case, because these relief cover in schools could end up having contact with pupils and so on, is there any type of vetting or whatever, given the proximity with young school children involved?

960 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** This was a decision that was taken a couple of years ago, which I think we mentioned when we introduced it for the first time, which was that there were some Departments that had a relief cover vote predominantly to cover office staff. In other Departments when office staff was away on sickness or other absences, the remaining staff were simply expected to cover the workload with whatever was left. We decided to standardise the procedure and every single Department now has a relief cover Head, but it is primarily the clerical staff in the headquarters and it might mean also the cover, for example, of a school secretary. But the people who do that cover are in fact people that are recruited through an agency and they cover throughout the Government, not just in the Education Department.

970 **Mr Chairman:** Other Charges, stands part of the Bill.

Clerk: Head 17, Policing, subhead 1, Payroll.

975 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

980 **Clerk:** Head 18, Prison, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

985 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 19, Gibraltar Law Courts, subhead 1, Payroll.

990 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

995 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 20, Gibraltar Regulatory Authority, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1000 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1005 **Clerk:** Head 21, Attorney General's Chambers, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1010 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 22, Justice, subhead 1, Payroll.

1015 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1020 **Clerk:** Head 23, Social Security, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1025 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 24, Employment and Labour, subhead 1, Payroll.

1030 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1035 **Hon. J J Bossano:** Mr Chairman, in my contribution I mentioned that the Head had kept within the approved Budget and that there was little change for this year. When the Hon. Member opposite Mr Bossino spoke, he said that the Employment and Labour Department had seen a 15-fold increase in

1040 expenditure. A 15-fold increase in expenditure would mean that the vote was going up from £60 million to £234 million, which would make it 50% of the entire Budget. I do not quite know how he got that figure, but I hope he does not think he is voting to spend £234 million in the Employment and Labour Head. I do not understand how he calculated that there had been an increase of £32.5 million.

1045 So since clearly this thing was set in the general principles of the Bill, and we have now come to this point and the figures are in front of us, I would welcome clarification to see if somebody in my Department has been going up by 15-fold or is going to be spending £32.5 million without my knowing it. I want to find out.

Hon. D J Bossino: Mr Chairman, the spots are very much there. *(Laughter)* Still.

In relation to this, it is interesting that the Opposition is now answering questions of the Government; it should be the other way – *(Interjection)* Exactly. We are preparing and readying us for Government.

1050 Mr Chairman, in relation to the 15-fold increase, the point I made was that it is a 15-fold increase from where we left it, and that is –

Hon. J J Bossano: In this Department?

1055 **Hon. D J Bossino:** Yes, that is the point I made and wonder if that exists.

But given, and I was going to... I toyed with the idea of raising the point and in the event I thought I will raise it some other time, but given that he has given me the opportunity, I will ask him this. He gave an explanation in relation to the staff complement. He gave an explanation I think as to where the AAs, the Administrative Assistants... I think he said they would be distributed to other Departments, but can he give an explanation as to why he feels that there is no need for them in his Department? As I understand it, the intended position is that they would go down from currently a complement of 25 AAs in his Department down to one.

1060 **Hon. J J Bossano:** Yes, because it is going back to what it was before. It went up. It went up as a temporary measure, and I explained it in last year's Budget, but since there is not an increase this year of £32.5 million to my knowledge, and he is responsible for the things that he says in this House and we are now at the point of approving the expenditure, if he thinks he is approving an increase of £32.5 million, I would like to know where he got the £32.5 million from.

1065 Surely, Mr Chairman, if he has stated in Parliament in the general principles of this Bill that the vote has gone up by £32.5 million, he has to make himself responsible for the things he says. If he has made the figure up, he should retract it.

1070 **Hon. D J Bossino:** Mr Chairman, he is obviously – as I pointed out to him during the course of my intervention – more used to being on this side of the House than on that side of the House. He seems to be very intent in asking questions. *(Banging on desks)*

1075 I really do not recall referring to that figure in terms of expenditure, the £32.5 million. I will check my notes, but I do not recall making a reference to that particular figure. The *Hansard* is there, but I will check my notes as to what I intended to say. If I said that figure, it may have been uttered in error, but I will double check it. I will write to him.

1080 **Hon. J J Bossano:** I suggest if he gave wrong information that he should stand up the next time and retract it.

Hon. D J Bossino: I will check it.

1085 **Mr Chairman:** Is there any other question under Other Charges?

Hon. J J Netto: Yes, Mr Chairman.

1090 **Mr Chairman:** The Hon. Jaime Netto.

Hon. J J Netto: I am not quite sure whether we are dealing with Other Charges or not. Are we on Other Charges?

1095 Can I therefore raise one particular question in relation to 2, 8 and 9? These are sums of money, which in the last financial year were allocated to Head 14 Environment, under the title of Relief Cover. I am trying to get my head around this issue as to what is the relief cover that was being provided last year by the Environment Department and then why has it been transferred over to Employment.

Hon. J J Bossano: No, I think the hon. Member, Mr Chairman, is misreading the footnote.

1100 What has been transferred is not the relief cover; the relief cover was there already last year. There was a token vote of £1,000 and during the year £14,000 was spent because there were people absent on maternity leave and sick leave, and again there is a vote of £1,000 this year.

The footnote refers to subheads 8 and 9, which is Gibraltar General Support Services and Gibraltar Cleansing Services, which comes to £2 million, which was previously in the Environment.

1105 **Hon. J J Netto:** That is right. So what is it that this particular company, Gibraltar General Services Limited, will be providing for? (*Interjection*)

Hon. J J Bossano: Mr Chairman, if the hon. Member remembers anything from the time that he was in Government, he will remember that when employees were moved from one Head to another, there was always a footnote telling you where you could find them in the previous estimates.

1110 The footnote here tells you that if you look at the outturn for the Environment you will find that there are disappearing subheads, which are now appearing in this one. It happens every year. It happens throughout the Departments and it happened when he was in Government and all it means is that the responsibility for a particular activity is now under me, as opposed to being under the Employment for the Environment. Nothing else has changed.

1115

Hon. Dr J E Cortes: If I may assist,

1120 I think that previous to it being the Environment in the year before we came into Government, the budget was under Technical Services. It is only because some of the activities that they do happen to be Environment related that they were passed to me, but a lot of the other activities are not and therefore there was no absolute logic that they should be under the Ministry for the Environment. I am more than happy that my hon. Friend has taken them over. The same services are still provided and those that work for the Environment still do and so on. There is no issue there at all.

1125 **Mr Chairman:** Other Charges, stands part of the Bill.

Clerk: Head 25, Statistics Office, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1130 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1135 **Clerk:** Head 26, Port and Shipping, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1140 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 27, Tourism, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1145

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1150 **Clerk:** Head 28, Public Transport and Commercial Affairs, subhead 1, Payroll.

Mr Chairman: The Hon. Selwyn Figueras.

Hon. S M Figueras: Mr Chairman, yes, just a couple of queries.

1155 In relation to the establishment figures, under subhead 6 Gibraltar Development Corporation Staff, is set to go up by six and perhaps the Hon. Minister is able to provide some clarification as to why that is to happen.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes, Mr Chairman.

1160 Five of them relate to Transport Inspectors and the other GDC employee in the last year appeared as an HEO, but then the transfer from the HEO to the GDC did not happen and she stayed as a GDC member. That is right. So last year it appeared as a civil servant and this year it appears as a GDC because the transfer did not happen.

1165 **Hon. S M Figueras:** I am grateful.

Mr Chairman: Stands part of the Bill.

1170 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 29, Housing Administration, subhead 1, Payroll.

1175 **Mr Chairman:** The Hon. Selwyn Figueras.

Hon. S M Figueras: I am grateful, Mr Chairman.

1180 I was just going to quickly ask in respect of the Other Charges, sub subhead (2), the Operation Expenses, and in particular Consultancy and Professional Fees Enterprise, the estimate was £15,000 and the forecast outturn was £35,000... then also additionally it may just assist you to ask at this point in relation to sub subhead (3), Marketing Promotions and Conferences – whether perhaps the hon. Minister would be able to describe the events, in terms of Promotions and Conferences, that that expenditure Head covers?

1185 **Hon. N F Costa:** Sorry, could the hon. Gentleman repeat the question?

Hon. S M Figueras: Yes, indeed. I am happy to assist, Mr Chairman.

1190 Sub subhead 2 Operational Expenses (a) Consultancy and Professional Fees – and this is on Head 28... yes, we did go back – and on sub subhead (3) on Other Charges it is Marketing Promotions and Conferences, I was wondering whether the Minister could perhaps provide a flavour of what it is that those events were that are covered by that expenditure?

1195 **Hon. N F Costa:** Mr Chairman, I am afraid that from the information that has been provided to me that there is no list of breakdown of the conferences or promotions. So, if the hon. Gentleman will allow me, I will seek that information and write to him. I am grateful.

Hon. S M Figueras: Mr Chairman, sorry, there was the other point on subhead 2, which was the Operational Expenses, the Consultancy and Professional Fees Enterprise. Could he just explain what that is? I do not recognise it.

1200 **Hon. N F Costa:** Yes, Mr Chairman, this relates to a breakdown of invoices to ISOLAS, regarding amendments to the OFT, and also for work relating to a breach of contract to Hassans.

Mr Chairman: Right, so that is Head 28, Other Charges, stands part of the Bill. Come back to Head 29.

1205 **Clerk:** Head 29, Housing Administration, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1210 **Clerk:** Subhead 2, Other Charges.

Hon. E J Reyes: Yes, if I may, Mr Chairman?

1215 On subhead 2(2)... the Minister is going to have to help me on this one – on subsection (n), which is a States Cleaning of Internal Communal Areas, I think it is quite understandable what that one is, but just before that on subsection (i) it says Cleaning of the Estates. My first question is: am I correct in assuming that this the cleaning of external areas in the Estates, as opposed to the internal communal areas within a given block? Can I start with that first question?

1220 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Chairman, the cleaning of the Estates, the subsection (n) refers directly to 'El Turno' whereas subsection (i) refers to the other general cleaning of the Estates that was always there, which is the roads, pavements etc.

Hon. E J Reyes: Thank you Mr Chairman.

1225 So having established that, can I home in on (i)? The actual expenditure in 2012-13 was £2,600. An estimate was made for the following year of doubling that figure and providing up to £5,000, yet the forecast outturn is double or quadruple the previous year –it goes up to £10,000. Now for the forthcoming year we go back to what had been sought before, which is down to £5,000. So given that figure having quadrupled from one year to another, why are we only having what was the real expenditure last year? Was it because there was someone off cleaning or some other explanation the Minister could enlighten us with?

1230 **Hon. P J Balban:** Mr Chairman, the over expenditure was as a direct result of a need to replace fused bulbs with energy saving bulbs.

1235 **Hon. E J Reyes:** Mr Chairman, I am not that content about this. Is there no other better way of accounting for things that are connected with lighting and so on, given that there is a subsection there of electrical services and so on, than putting it down to cleaning of the Estates? It does require a bit of a stretch of the imagination to clean the Estate and say the expenditure was in respect of buying lower energy consuming bulbs. *(Interjection and Laughter)*

1240 **Hon. P J Balban:** I did not hear the question. Could you repeat the question?

1245 **Hon. E J Reyes:** Mr Chairman, what I was trying to get at is that my logic at least said when cleaning of estates one tends to think of cleaning, hygiene-wise and so on. I did not quite expect to have an expenditure for buying less energy consuming light bulbs to be classified under 'Cleaning of Estates', and I said more so because there are other subheadings, like, for example, electrical services, and it might perhaps have made a bit more sense to have that one distinguished as separate. Electricity is very very separate to buying bleach or detergents to use with mops and buckets.

1250 **Hon. P J Balban:** Mr Chairman, it is actually a cleaning and maintenance contract and under the maintenance contract it also includes changing the bulbs. The bulbs have been changed for ones which are more environmentally friendly, which are the bulbs of LED with lower energy consumption, and these are more expensive than the regular bulbs which were changed before.

1255 **Hon. E J Reyes:** Fair enough, Mr Chairman, and should I require a further breakdown, perhaps I can in the future question and ask the Minister for a breakdown of what were traditional detergents and light bulbs and so on.

Mr Chairman: Is there any other question? No.
Other Charges, stands part of the Bill.

1260 **Clerk:** Head 30, Technical Services, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1265 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 31, Driver and Vehicle Licensing, subhead 1, Payroll.

1270 **Mr Chairman:** The Hon. Selwyn Figueras.

Hon. S M Figueras: Apologies, Mr Chairman, it is in respect of subhead 2.

1275 **Mr Chairman:** Payroll, stands part of the Bill.
Head 31, Other Charges.
The Hon. Selwyn Figueras.

Hon. S M Figueras: I am grateful, Mr Chairman.

1280 Three queries in relation to subhead 2 on Operational... or rather on subhead 4, Motorcycle Safety Campaign Expenses, a query why there has been no expense given for the estimate of £6,000.

Then on the Incentive Scheme, am I to read from the £2,000 forecast outturn that that is just for hybrid vehicles that have been registered this year?

And interestingly in respect of (6) Tachograph Cards there is quite a significant estimate there of £85,000, an expenditure of £900.00.

1285 Finally, actually on (2)(c) Driving Licences, that I have just spotted here, there is an estimate of £115,000 and an expenditure of £2,000.

Perhaps there is an explanation for those entries. Thank you.

1290 **Hon. P J Balban:** Mr Chairman, I start off with subhead 2, 4 first of all, and the query was to do with Motorcycle Safety Campaign Expenses. The underspend was actually due to the fact that the motorcycle footrest campaign is in the process of being launched and was expected to be carried out in the last financial year, but for logistical reasons it is going to be done this year. So that is the reason why that appeared and disappeared there.

1295 As to item (6), the Tachograph, the funding has been put in place for the purchase of equipment and related expenses in respect of the implementation of the tachograph card, as per EU Regulations, and we are actually still under negotiations with the DVLA in the UK.

1300 Then we go back to Driving Licences, which is (2)(c), the under-expenditure was actually due to the non-purchase. There was a need for an extra 5,000 driver licence blank cards so that it was budgeted for, but because there has been a change in service provider in the UK, this spend and delivery date has now become March 2015.

Hon. S M Figueras: I am grateful, Mr Chairman.

1305 **Mr Chairman:** Other Charges, stands part of the Bill.

Clerk: Head 32, Utilities, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1310 **Clerk:** Subhead 2, Other Charges.

Hon. J J Netto: Yes, Mr Chairman, if I may?

1315 In relation to item 2(b), which comes under the heading of Commercial Works, I notice that the estimate for the financial year 2013-14 was £1½ million, and yet the forecast outturn is almost twice as much and it comes to £3 million. Could we have an explanation as to why the expenditure has been almost doubled the estimate?

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Chairman.

1320 I have been informed that there is much more commercial work that the GEA is doing and therefore it would be also reflected in the revenue, so the more commercial work that the GEA does, the more revenue at the other end that they get. So the increase there has been is obviously the pay or the costs of the GEA doing these commercial works, but there will be more revenue elsewhere.

1325 **Mr Chairman:** Stands Part of the Bill.

Hon. J J Netto: Can I just in relation to item 2(4)(a) contract AquaGib Ltd, there is an increase in the new estimate to £2,210,000 from... well, either the forecast outturn or the estimate. So could we have an explanation as to why the increase in the contract for AquaGib Ltd?

1330 **Hon. Chief Minister:** Mr Chairman, this is the shortfall in the non-increase of the tariff, as regards our policy not to increase water charges – *(Interjections)*

Mr Chairman: Any other question?

1335 **Hon. J J Netto:** I think the Hon. the Chief Minister was referring to item 2(3), which is in lieu of the water tariffs, I was not referring to that one. I was referring to item 4(a), which is to do with the contract with AquaGib Limited for salt water.

1340 **Hon. S E Linares:** Mr Chairman, it is a contract that there is with AquaGib, and therefore if there are more services to be done, the contract has to go up. So there is more to do, so therefore the fee of the contract goes up.

1345 **Hon. J J Netto:** Mr Chairman, I am not quite clear, because if there is more to do, as the Minister classified, I would have thought that that would have come under additional maintenance, but I am talking about the contract of AquaGib. Could he provide better clarification for that?

Hon. S E Linares: Mr Chairman, it is the salt water supply contract. In the contract it states how it goes up. Every year it must go up, so that reflects the going up and it is in the contract. It is to do with the contract with AquaGib.

1350 **Hon. E J Reyes:** Mr Chairman, if I may?

If in the contract it says by how much it has to go up from 2012 to 2013, it only went up by less than £3,000 and from 2013 to 2014-15 it goes up by £½ million. I do not see a proportional increase.

1355 **Hon. S E Linares:** I keep on getting informed that it is in the increase of the contract, so I would suggest that it is – (*Interjections*)

Hon. J J Bossano: Mr Chairman, the relationship between the Government and AquaGib is one where the fresh water is charged to the customer, but the salt water is not metered. It is not based on consumption; it is based on the areas that are covered.

1360 Part of the areas that are covered keeps on increasing, both with new estates and with the transfer of MOD estates to the Government of Gibraltar, which previously were not in the original contract. The contract is based on the areas covered and not on the water supplied and that is why it can change from one year to another, depending on how much AquaGib takes over as responsibility for the supply of salt water.

1365 **Hon. S E Linares:** Mr Chairman, if it does assist, in my Budget Speech I said that there was a capital investment of £595,000, I think it was on two specific projects that were included. So therefore those two projects, which include salt water supply to those properties, are to do with the increase here.

1370 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 33, Collection and Disposal of Refuse, subhead 1, Payroll.

Mr Chairman: Well, there is no provision there and so obviously it stands part of the Bill.

1375 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1380 **Clerk:** Head 34, Sports and Leisure, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1385 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 35, Fire Service, subhead 1, Payroll.

1390 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in relation to 2(1)(e) Office Cleaning, Government Cleaning Scheme, the forecast outturn was £31,000, up from £25,000 estimate, but again the estimate for this coming year is £25,000. Could the Hon. Minister explain if it cost £31,000 to clean in last year, because that is reflected in the forecast outturn, why is that not again estimated for this coming financial year?

Hon. S E Linares: Mr Chairman, it is called budgetary control – (*Laughter*) Absolutely. So much for the arguments that they put...

1400 It is in the estimates. We estimated £25,000 and last year, if you see the actual, was £30,000. Then we estimated £25,000. The forecast outturn is £31,000, so this year we want to control it again to £25,000.

Hon. D A Feetham: May I commend the hon. Gentleman to No. 6 Convent Place?

1405 **Hon. Chief Minister:** Yes, he certainly can, Mr Chairman, where we will gift to him all of the data, which I went through this morning, so that he can look at exactly how much they overran in their time. I have it in my bag. I think that the total cost overrun in the 16 years that the GSD was in power was £158 million and the last year, Mr Chairman –

1410 **Mr Chairman:** No. No.

Hon. Chief Minister: It was £54 million.

1415 **Mr Chairman:** No, that is the end of that.

Hon. Chief Minister: Okay. I am quite happy to carry on if he wishes.

Mr Chairman: Please call the next Head. (*Interjection*)
1420 You have a question on the other charges? Very well.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, under 2(2) Operational Expenses (a) Maintenance of Fire Service Equipment, again the same question. It was estimated £20,000. The forecast outturn was £27,000 and again estimated for this year £20,000. Is the answer the same, budgetary control? (*Laughing*)

1425 **Hon. S E Linares:** Absolutely. (*Laughter*)

Mr Chairman: Any other question on Other Charges?

1430 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Chairman.
I will be asking the Minister next year to see if there has been any budgetary control under those subheads.

1435 But finally, under Other Charges (3) Brigade Review the estimate last year was for £8,000, and that was not used. Now, again, £8,000 is budgeted for this coming year. Could he explain what that £8,000 is for, because I believe in answer to questions he said that Sir Ken Knight had offered his services *pro bono* and I was just wondering what the £8,000 is for?

1440 **Hon. S E Linares:** Mr Chairman, it is not only to do with Ken Knight. Ken Knight was not doing it *pro bono*. Ken Knight was doing it at cost, not *pro bono*, and therefore the difference could be that he could be charging that. But there are other issues in the review that we need that amount that has been estimated... or approximate.

Mr Chairman: Stands part of the Bill.

1445 **Clerk:** Head 38, Culture and Heritage, subhead 1, Payroll. (*Interjection*) Sorry, Head 36, I beg your pardon.

Mr Chairman: Head 36, Culture and Heritage, Payroll, stands parts of the Bill.

1450 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: The Hon. Edwin Reyes.

1455 **Hon. E J Reyes:** Thank you Mr Chairman.
I see the introduction under 2, subsection (vi), Contracted Services, Culture and Heritage, which the Minister explained in his previous reading of the Bill, the contribution is going to be £3 million. Can I ask, at this stage, is it just a contribution of £3 million, which is then used in whatever, or are there going to be detailed breakdowns later on coming in a future thing of how the £3 million was actually used and what the

1460 outturn is... whether we actually went over the £3 million or was any money left over from the £3 million?
I am enquiring how the accountability during the course of the financial year will work.

Mr Chairman: Can I direct the attention of the hon. Member to the footnotes. Has he noted the footnotes? (*Interjections*) You are asking about – (*Interjections*)

1465 **Hon. E J Reyes:** Yes, Mr Chairman.
What I am asking is... I know they have estimated £3 million. I am asking is that £3 million, 'Here you are. It has been given and I am going to demand these services from you'? I am asking will a future edition of the Estimate Book say, 'Right, in the forecast outturn we actually went over £3 million' and then one can query or whatever, or is it just going to be £3 million off and then that is it?

1470 **Hon. Chief Minister:** No, what will happen, Mr Chairman, is that he will see if we have contracted services what the next amount we will have to pay will be. So if next time it is £2½ million, he might say, 'Well, what happened? How did you save that money?' Whereas if it is £3½ million, he might ask us that question, 'How did the contract change? Why are you paying some more?' It is a contracted service, and so in the same way as you have other contracted services, for example, Master Services (**Hon. E J Reyes:** Exactly.) where we pay an amount, we cannot account for what happens outside of the payment of that amount other than as client.

1475 **Hon. E J Reyes:** The Chief Minister's clarification has actually answered what I was trying to get at. I am so grateful that has cleared up that point for me. Thank you, Mr Chairman, and the Chief Minister as well.

Mr Chairman: Stands part of the Bill.

1485 **Clerk:** Head 37, Postal Services, subhead 1, Payroll.

Hon. J J Netto: Yes, Mr Chairman, could I ask, because I notice that in Payroll (1)(a) Salaries, the estimate is lower than the forecast outturn, and in fact it is lower than the estimate of the previous financial year, but when I look at the establishment figures for the complement, it has actually gone up by two individuals. Could I have an explanation for this? (*Interjections*)

1490 **Hon. S E Linares:** Mr Chairman, sorry for the delay.

If I remember correctly and just by the word 'arrears' rang to my ears, excuse the pun, but there was payment that was due to the postmen and women and therefore it was to do with the back pay that they were owed, it was to do with the fact that the increase in their wages was not given to them from 2008 or 2009. There was no increase given to them and we backdated it since they did not get it. It was given as back money, so that is the difference there.

1500 **Hon. J J Netto:** So presumably the arrears that the Hon. Minister is referring to is in relation to the amount of the forecast outturn, which is much greater than the estimate for the last financial year.

Hon. S E Linares: Yes, Mr Chairman. We paid it out and therefore it is £1.4 million and so now (*Interjection*) the difference, *that* difference is the back money that was paid through the salaries. (*Interjections*)

1505 **Hon. J J Netto:** So are we saying that those arrears that were owed to the complement were part of the calculation when we did the estimate for 2013-14?

1510 **Hon. S E Linares:** Not necessarily, because there is a difference of £1.337 million to £1.48 million and then it goes down to £1.2 million. There could well have been payments in the estimates and prepared for 2013-14 and 2014-15 this year.

Hon. J J Netto: No, Mr Chairman, the point I was trying to labour on, if I am right at least, is that when we had the estimate for 2013-14 for the complement of £1,337,000, that represented the amount of people in the last financial year was 64.

1515 However, now we have an estimate for this new financial year, which is *less* than the estimate of the last financial year when we have a higher complement of 66, by two. To my knowledge that has got nothing to do with arrears being paid to the men.

Hon. S E Linares: Well, Mr Chairman, that is the explanation that I am given, that it is the arrears, so –

1520 **Hon. J J Netto:** Mr Chairman, I accept that is the only explanation that he has been given, but it does not seem to be clear to me that the explanation has a sense of logic.

Hon. S E Linares: Well, it might not have a sense of logic to the hon. Member, but it does have a sense of logic to the Treasury people and those are the ones who have given me the advice. (*Interjections*)

1525 The explanation is similar to what I am saying, that in 2013-14, if we look at 2013-14 it is £1.3 million, and therefore that calculation could have included some monies that were to do with back money or any other that was owed to them at the time.

1530 The estimate for this year to every single postman and woman is £1.2 million that we have in the Book and so it is not that we are going to underpay anybody else. The calculations are done as is there. The £1.4 million is the difference between that. The £1.4 million is the back money that was paid.

Hon. E J Reyes: Yes, Mr Chairman. I think I understand the hon. Member is saying that the forecast outturn is of course higher because there has been that expenditure of money and so on.

1535 If I can take the Minister a financial year further back, the actual expenditure of 2012-13 is £1.344 million and what we are estimating for 2014-15 by having *two* more employees, one of which is an HEO and therefore it is a substantial salary, the other one being an Administrative Assistant, which is much lower.

1540 Even the figure two years later on is lower than the actual expenditure of 2012-13. I am leaving out the 2013-14 because there was an element of payment of back money and so on, which I think the Minister has tried his best with the explanations. But, two years further down when everybody else's cost on the payroll goes up, there seems to somehow be here the only Department that increases a complement by two people and yet has a saving of what... £60,000/£70,000, or something like that.

1545 **Hon. S E Linares:** Mr Chairman, another explanation could well be that people who retire or have retired, retire at the top end of the scale, and therefore if you recruit people at the bottom end of the scale, they will be earning much less. Therefore we have recruited, in fact, some of the supply ones that were around... we recruited. So, because the complement is increasing and maybe from the 40 single operational grades some of them have retired and gone and now, we get new ones in and they come at the bottom of the grade. That could well be another explanation.

1550 **Hon. E J Reyes:** Yes, Mr Chairman, it could be an explanation. But I understand and I have lived within the Civil Service and know that there is a difference between someone entering a particular grade at the top, but a £70,000 interest... It is something that the Minister for Employment, I am sure, would like to look at these figures and would probably take it as a personal challenge. He will look into it and we can take it up at another moment, Mr Chairman. I am not going to take any more time. I trust the Hon. Minister will certainly welcome the hobby I have given him for the coming weekend. (*Laughter and interjections*)

Hon. J J Bossano: I will have the explanation for the next meeting, Mr Chairman.

1560 **Mr Chairman:** Any other question?
Stands part of the Bill.

Hon. J J Netto: Mr Chairman, I do not think we have covered Any Other Charges.

1565 **Mr Chairman:** We have not covered Any Other Charges yet.
Payroll, stands part of the Bill.
Other Charges.

1570 **Clerk:** Subhead 2, Other Charges.

Hon. J J Netto: Yes, Mr Chairman, thank you.

1575 In relation to item 2(3) Outgoing Mail and Bulk Mailing, there is quite a sharp drop in the forecast outturn of £100,000 against an estimate for 2013-14 of £400,000. Could the Minister please provide some information as to why this is?

Hon. S E Linares: Yes, Mr Chairman, this is an annual thing; it is not a scientific thing. It depends on how many letters go out and when the postal services pay out each other, balance out each other, then that will be worked out at the end of the year. So the estimate again is £400,000 and the forecast outturn was...

1580 if you look at the actual in 2012-13 it is £348,000. So therefore there was an estimate of £400,000 and then the forecast outturn came down to £100,000.

This year they have estimated £300,000 and so it is a thing that goes up and down depending on the volume for the postal services, which is mail and bulk mailing. So it is to do with how many letters, parcels and things are sent to different parts of the world.

1585 **Mr Chairman:** Other Charges, stands part of the Bill.

Clerk: Head 38, Civil Contingency, subhead 1, Payroll.

1590 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1595 **Clerk:** Head 39, Youth, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1600 **Clerk:** Subhead 2, Other Charges.

Hon. E J Reyes: Mr Chairman, may I ask on subhead 2(2)(c) Office Cleaning, where it says Government Cleaning Scheme, there was an actual expenditure in 2012-13 of £2,392 and the forecast outturn is only £3,000, even though there has been an estimate of a huge increase up to £16,000. Something must have happened that the expenditure was not incurred and we have gone for a near halfway figure of what the previous year's estimate was of £10,000.

1605 Can the Minister say what had been estimated but never actually took place, hence giving us that grateful saving of £30,000? What is he expecting to happen that will require perhaps even £7,000 more than we predicted was spent at the last financial year?

1610 **Hon. S E Linares:** Well, Mr Chairman, it was not budgetary control, so we will get that right from the start. *(Laughter)* It was to do with the instructions that were given to try and clean and do all the cleaning of the youth clubs. Youth clubs were not... it was not that they were not cleaned, it was that there was only one cleaner that was doing the whole shift of trying to do all the youth clubs.

1615 Therefore, like he rightly says, although the actual was £2,300 and then it went up to £16,000 because the instruction was given that you can have a company or you can contract people to clean the youth clubs, they are only actually spending £3,000 and we have said, 'Right, okay. We will go down. We will have a little bit, not £16,000. We will go down to £10,000, see if with £10,000 you can then do all the youth clubs'.

1620 But it is to do with the cleaning of the youth clubs. Obviously we are hoping and envisaging that they will use more. They are open during the weekends and so these are the issues that might increase the slight expenditure there.

Hon. E J Reyes: Yes, I am grateful, Mr Chairman.

1625 Can I just be a little pedantic and suggest to the Minister that perhaps for the following year... my first interpretation when one sees 'office cleaning' is you tend to think of a small private space that one of the youth workers tends to have and from the explanation the Minister has explained, that this could encompass the whole moreso communal areas in respect of the youth clubs, perhaps a little change in the wording there saying, 'Youth club area cleaning' or 'club areas', other than making us simple-minded people just think at the beginning of a space where the youth worker is, as I know they tend to work within very confined spaces trying to give as much area as possible for the enjoyment of our youngsters?

1630 **Hon. S E Linares:** I will definitely give those instructions to the Treasury and they can do it... no problem.

1635 **Mr Chairman:** Other Charges, stands part of the Bill.

Clerk: Head 40, Financial Services, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1640 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: The Hon. Mr Bossino.

Hon. D J Bossino: Thank you Mr Chairman.

1645 I wonder if the Minister could assist in relation to the items under 2(1). They are all the subject of considerable reductions and I think in respect of three of them a nominal amount of £1,000 provision is being made. Can he explain why that is the case?

1650 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, budgetary control, Mr Chairman (*Laughter*) and obviously LED lighting, which is working very effectively.

Mr Chairman, obviously when I was elected in the by-election and took over my Ministerial responsibilities, in order to exercise more budgetary control I share an office with my very good friend, the Hon. and Learned the Minister for Justice, and therefore the costs have been apportioned between the two Ministries and that is really why it explains that difference.

1655 **Hon. D J Bossino:** Mr Chairman, also in relation to – thank you for that – (3) Marketing Promotions and Conferences, I see that there was not any actual expenditure in 2012-13, no estimate in 2013-14, a forecast outturn of £17,000 for 2013-14 and a considerable increase in terms of the estimate for this coming financial year of £120,000. Can he give an explanation in relation to that?

1660 **Hon. A J Isola:** Yes, I think he mentioned Marketing Promotions and Conferences, but I think you were referring to Consultancy Services.

1665 **Hon. D J Bossino:** You are absolutely right. My error.

Hon. A J Isola: Yes, consultancy services, Mr Chairman, is a consultant that we are using for specialist services in relation to, for example, the National Risk Assessment, which is being prepared. It is an obligation under the forthcoming Money Laundering Directive and the FATF requirements, which is in process... it is being publicised. Also, legislative work which the consultant is also doing, and that is just for this forthcoming year.

Mr Chairman: Stands part of the Bill.

1675 **Clerk:** Head 41, Gambling Division, subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1680 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 42, Gibraltar Audit Office, subhead 1, Payroll.

1685 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1690 **Clerk:** Head 43, Supplementary Provision, Head 1(a) Pay Settlements.

Mr Chairman: Stands part of the Bill.

1695 **Clerk:** (b) Supplementary Funding.

Mr Chairman: Stands part of the Bill.

Clerk: That concludes clause 2.
Clause 3.

1700 **Mr Chairman:** Clause 2, stands part of the Bill.

Clerk: Clause 3, Head 44, Contribution to Government-owned Companies.

1705 **Mr Chairman:** The Hon. Selwyn Figueras.

Hon. S M Figueras: I am grateful Mr Chairman.

This is the point I alluded to during my intervention the day before yesterday and it was in respect in particular of the fact that there is an analysis missing from this year's Head 44 that was present both in last year and the Budget Book the year before, which provided information as to where the contributions were going.

1710 As an example, we know from last year's Budget Book that of the £17.7 million that the Government contributed to its own companies, £2.7 million went to the Gibraltar Bus Company and that £3.7 million went to the Gibraltar Car Parks Ltd and so on. That analysis is not here and I was wondering whether there was any particular reason for its omission this year.

1715 And as an additional point, which I also raised in the intervention and which the Chief Minister did not deal with in his reply, I also note that the expenditure of the Government-owned Companies is not within the Book and I merely made the observation that... I do not know what the protocol is in that respect certainly, but merely to point out that it would certainly be something that would be helpful and I do not know what the policy is in respect of that. Perhaps the Chief Minister can assist.

1720 **Hon. Chief Minister:** Mr Chairman, the trading companies have never been reflected in the Book, even when they were trading when they were in Government. What we have been doing for some years, since we were elected, is giving his right of breakdown here of what the contribution is going for, but what we had found is that on occasions it was necessary to change the allocation of the contribution. So what we propose to do, which I think the hon. Gentleman will find more useful and I think will be helpful to the House, is to provide the breakdown of the £25 million on the outturn, rather than on the contribution. So, in other words, next year in the Book he will have how the £25 million has been distributed in the companies. *(Interjection)* It may be less or it may be more – *(Interjection)* yes, and the contribution for the following year. So in that way he will see exactly where the money goes, and obviously where the money goes will indicate the estimate of where it is going next, but it is not always exact because it is company expenditure.

1725 So the estimate breakdown will be replaced with the outturn breakdown so that we know exactly where the money has gone, rather than where it is intended to go, and that will give us a guide of where it is likely to go the following year.

1730 **Hon. S M Figueras:** Mr Chairman, I am grateful for that, but I am keen to understand why it is... I mean it is only an estimate at the end of the day that has been provided thus far. I am keen to understand why it is that the estimate has been assessed as no longer necessary or unhelpful, because I do not know what the position –

1740 **Hon. Chief Minister:** Mr Chairman, we could simply give him a breakdown that suggests five, five, five and five, depending on... or not like that, but depending on salaries etc, but we would rather give the House a detailed breakdown of where the money has gone and because it is in the companies, the companies are not like the Departments. Remember, there are different employment rules that apply in the companies etc. There is much more flexibility in companies and so it is not so detailed. It is not so fixed and so we think the best thing to do is to give the House the actual payments of where the money has gone and that is what we intend to do, which will show him exactly where the money has gone and will likely be a better guide – it will be like the columns – to where the money is going to go the following year.

1750 **Hon. D A Feetham:** Mr Chairman, that is the decision of the Government. At the end of the day they have provided an explanation and we are not here to debate it.

1755 Just to say that it is helpful to have an estimate or an indication as to the present intention of the Government of where it intends to invest its money. I mean that is what you did last year. Now that may change because the Government may do something different. I certainly at the moment struggle to see the benefit of the practice that the Hon. the Chief Minister is going to be effectively deploying in the future departing from the practice as last year, but at the end of the day we are not here to debate it.

Hon. Chief Minister: Mr Chairman, let us be clear.

When they were in Government they did not show any of these losses anywhere in the Book, which was the subject of debate between us and it will, I am sure, continue to be. What we are saying is we have to

1760 cover these losses. This in part goes to the black hole, but is also recurrent expenditure. We are now bringing that onto the balance sheet.

1765 What we are saying is having brought it onto the balance sheet with indications of where the money was likely to go, because it is company expenditure and not Departmental expenditure which is not as rigidly fixed, we would rather show you where the money *actually* has gone. We think that is the best way of doing it. Members opposite next year will have the benefit of seeing exactly how this money has been spent and that will be a better guide for them of where it is likely to be the next year, subject of course to the fact that in the companies it is not as rigid in terms of moving money from one area to another, because that is the business efficacy that companies bring to the Government.

1770 But they will see something, which we never saw when they were in Government, which is how there is a distribution of contributions to the company to cover their liabilities and they will see it as it exactly occurs, rather than as an estimate.

1775 **Hon. D A Feetham:** But, Mr Chairman, why have you not put the figures of how it is that you have spent the money this year as an indication for next year?

1780 **Hon. Chief Minister:** Mr Chairman, we are looking to introduce a new system of accounting for the companies in the Book in the context of this financial year and that is the decision that has been taken; therefore, in the next Book he will have that breakdown. He cannot with any moral authority assert that we should have done that which they completely failed to bring into the Book. We brought it into the Book as estimate. We now think that in order to give even more precision to the Parliament of the way that the money is spent, we will bring it *not* as estimate, but we will bring it as outturn. That is our position.

1785 It will be here from next year. It is absolutely much more accurate than the estimate and its transparency of where money is spent, rather than where money is going to be spent. Our *estimate* is that we need £25 million to contribute to the companies. The distribution will be as to how that is actually distributed, which is what the Parliament should know... how was it distributed.

1790 The hon. Gentleman will know that in Departmental monies there is an exercise and a paper trail for virement of money from one to the other. In the companies, because the contribution is just down to companies, the money can be spent in one place or another and there is much more change in the way that companies can account for things and that is why we want to bring to the Parliament, the actual expenditure to be entirely transparent with the Parliament and the people of where every penny has been spent, and I cannot imagine anybody wanting to stand in the way of that.

1795 **Hon. D A Feetham:** Mr Chairman, it is not that I am standing in the way of anything. He has outlined... and I apologise to him for my inquisitive mind, but he has just outlined what is a change of policy. I am just trying to understand the change of policy, because of course if he is trying to be more transparent, then I commend him for that. If he is trying to be more transparent and what he is saying is, 'Well, we want to give actual figures', because those actual figures then give a better more precise guide as to how the money is going to be spent next year, the point I am making is you had an estimate last year... give precise figures.

1800 This year, because this year you had precise figures in relation to the estimates that you gave last year and it would appear this year in the Book, because we would then have, on his own rationale by parity of reasoning, a better more precise guide for next year. That is the only point I make.

1805 I understand the explanation that he is giving me, but of course that does not mean that I am not entitled to make the enquiries that arise out of his own explanation. (*Interjection*)

1810 **Hon. Chief Minister:** Mr Chairman, he can make whatever enquiry he likes, I do not mind. I think if he had an inquisitive mind, he would not have fallen into the traps that I laid for him in my opening speech and he would have asked himself whether he should say some of the things he said about recurrent expenditure. It is what I say (*Interjection*) because I also have a mind inquisitive enough to make those determinations for myself.

1815 But I do not think he realises what he is pursuing. He can simply ask me in the next Question Time to give him the breakdown for this year. I am not pretending to hide it. I am going to give it for the following years coming forward, but at the time that the Book was prepared, we decided to introduce the new policy and we did not put in this year's breakdown.

1815 He should just take his inquisition into the next Question Time where he can ask me for the breakdown which will stand as the – (*Interjection*) Sorry?

A Member: You obviously do not like questions.

1820 **Hon. Chief Minister:** No, I love questions. It gives me an opportunity to run rings around you. *(Laughter)* So if he just asks the question, he will have the breakdown and then as from next year it will be in the Book as *actual* breakdown.

Clerk: Subhead 1, Contribution to Government-owned Companies.

1825 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 45, Transfer from Government Surplus, subhead 1, Payment to Social Assistance Fund, Import Duty, Transfer from Government Surplus.

1830 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 46, Contribution to the Improvement and Development Fund, subhead 1, Contribution to the Improvement and Development Fund.

1835 **Mr Chairman:** Stands part of the Bill.

Clerk: That concludes clause 3.

1840 **Mr Chairman:** Clause 3, stands part of the Bill.

Clerk: Clause 4, the Improvement and Development Fund, Head 101, Works and Equipment, subhead 1, Works and Equipment.

1845 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 102, Projects.

1850 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, under Works and Equipment, item (u) Civil Contingency, if the Hon. Minister could explain there was a forecast outturn in 2013-14 for £120,000 and an estimate for this year of £200,000. Could he confirm is this one for the mobile units that were purchased and is it £200,000 for the upgrade of the bunker or is it the other way round?

1855 **Hon. S E Linares:** No, Mr Chairman, it is to do exactly what she has just stated, which is to do with the wonderful, necessary and very important command unit that we have bought. It is an estimate. We know more or less what it is going to cost, but we envisaged that there might be other things like software or computers that might have to be included and also some training, although the training is going to be funded by the company that is doing it, but there could well be extra training that we do. So that is what it is.

1860 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, the £120,000 is also for the command unit from last year, as well as the £200,000 estimated?

1865 **Hon. S E Linares:** In order for the command unit to be done you have to pay a sum upfront, which is the £120,000, which then procures the thing and they start doing it. They will not start doing any command unit unless you pay them up front and then the rest is the balance.

Mr Chairman: Stands part of the Bill.

1870 **Clerk:** Head 102, Projects, subhead 1, Beautification Projects.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Roads and Parking Projects.

1875 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 3, Relocation Costs.

Mr Chairman: Stands part of the Bill.

1880 **Clerk:** Subhead 4, Reclamation Projects.

Hon. J J Netto: Yes, Mr Chairman, what I would like to ask, because I see in Reclamation Projects an entry of £200,000, is this money for the new site of the new Power Station? I would not say so, because of the amount of money we are talking about here. So what likely reclamation are we talking about if it is not
1885 the one for the Power Station?

Hon. Chief Minister: Mr Chairman, most of the reclamations, as he knows, will be paid through the companies, because they produce assets and they go into the companies and that is the way they have always been accounted for. So this may be revetment works on some reclamations – *((Interjection))* Yes,
1890 maybe. We have not got the information here. I can check and it is an interesting thing to check because of all of the costs of reclamation are elsewhere in GLRC or somewhere. So we will have a check on that and let him know, but I am almost sure it is going to be revetment work on existing reclamations. It may be a study, as well, into reclamations.

1895 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 5, Other projects.

Hon. J J Netto: Just perhaps one clarification in relation to 5(n) Boat Moorings, and the entry of
1900 £40 million. Is this £40 million for one financial year or are we talking about this particular project straddling into two financial years with a balance to be paid in the next financial year?

Hon. G H Licudi: Yes, Mr Chairman.

1905 That is the estimate of what we expect to spend during the course of this year. The project will be completed, as I have said, by the summer of next year and therefore it will straddle another financial year and the final amount will be paid during the course of the next financial year.

Hon. S M Figueras: Mr Chairman, yes, in relation to subheading (r) the Sustainable Transport and Parking Plan, I note £340,000 is a forecast outturn for 2013-14 and an estimate of £100,000 for 2014-15.
1910 Could the Minister explain whether this is just the cost of the contract to Mott MacDonald or whether it also includes expenses in relation to the gathering of information in the survey?

Hon. P J Balban: Mr Chairman, this is actually a token figure provided last year, despite £400,000 having been bid for. The over-expenditure incurred was in relation to payment of consultant's fees. The
1915 funding for this year is the balance to complete the plan.

Hon. S M Figueras: Sorry, I just want to be sure of the point because the hon. Minister referred to the estimate last year and the outturn, but he has actually dealt with the estimate for 2014-15. Could he just say, because I am not certain of what I heard, that the £340,000 has exclusively gone to the consultants or
1920 whether that also included expenses in relation to the gathering of information?

Hon. P J Balban: Mr Chairman, I will have to find that out exactly, but I would assume if that is to do with the whole traffic plan that it would include, in my opinion and I would have to check, the actual survey in the plan as well. I am pretty sure, but I will have to confirm that. But in my opinion it would be the whole
1925 lot.

Hon. S M Figueras: I am grateful, Mr Chairman.

Hon. J J Netto: Mr Chairman, if I may?

1930 It is one particular question that really applies to three particular items and so it is the same thing. It applies to 5(s), (t) and (u), and the question is that we had some sort of estimate for the last financial year, but no forecast outturn obviously, as those particular projects never started and so there was no expenditure. Then in terms of the estimate, I see in those particular items £1,000. Is it likely that that a nominal fee just
1935 in case the project starts? Why do we have this situation?

Hon. P J Balban: Mr Chairman, this is a token figure.

Hon. J J Bossano: Just to have a Head there –

1940 **Hon. P J Balban:** It is just to have a Head in the place where we need to charge and we know where to charge from.

Hon. J J Netto: So is the project going ahead or not going ahead?

1945 **Hon. P J Balban:** Mr Chairman, as far as (s) is concerned, the filling of city centre paving stone gaps, that is one of our manifesto commitments and we have already found the suitable material and we are going to go ahead with that project. The project, yes, is going ahead.

As far as...

1950 **Mr Chairman:** Is there any other question? (*Interjections*)
Any other matter here?

1955 **Hon. P J Balban:** Mr Chairman, as I said earlier, the £1,000 are simply token figures and so it very much depends. They are there in case – (*Interjections*) yes, it depends on the time the project started and whether it started later on in the financial year, then obviously it will be less than if it is started earlier, and then it will be more. But they are token figures and it is just to have a Head in place for those projects.

Hon. J J Netto: So the Minister has not got a clue as to whether it will start or not start. That is basically what he is saying.

1960 **Hon. Chief Minister:** The Minister is in exactly the same position, as every Minister has been who has come to this House with a token set out in the estimates, to ensure that if possible a programme starts that year and there is a Head open for it, and if it does not that it will happen another year, where the Head will already have been open.

1965 I think the position has been put clearly. There is now a very clear indication from the Minister that (s) is likely to start in this financial year, but (t) and (u) are not yet ones that we can say with any certainty are likely to start in this financial year.

1970 **Hon. J J Netto:** Mr Chairman, with the greatest respect, if he has no certainty, why put an entry into the Estimate Book?

Hon. Chief Minister: Because the budgetary style adopted by this Parliament for centuries, if it had been around for that long... decades, as it has – is to put a token when you *might* start – (*Interjection*) Well, you might start. So you give yourself the *ability* to start.

1975 **Hon. S M Figueras:** Mr Chairman, another point – not to pick on the Hon. the Minister for Housing – on point (x) Soft Loans and Repairs to Housing Estates, a couple of questions.

1980 Would the Minister be able to say what proportion of the £2.1 million outturn has gone to Soft Loans and what proportion has gone to Repairs to Housing Estates; and, if so, in respect of both the loans and the actual repairs, what estates that is in respect of?

1985 **Hon. Chief Minister:** Mr Chairman, he will see that FS is the reference there, the Financial Secretary, who is here and is the person who administers that. He will remember that in the course of my Budget Speech I announced that the Soft Loan element is the contribution by the Government to the *interest* payable on loans, so that a cushion is provided by the Government. The Financial Secretary tells me he does not have the breakdown here, but he is able to provide it.

So if the hon. Gentleman wishes to write to me, the Financial Secretary can provide him with that information. It is in my Ministry because it is the Financial Secretary who deals with it.

1990 **Hon. S M Figueras:** I am grateful.

Hon. J J Netto: Mr Chairman, if I may?

1995 There is an item 5(z)(h) Reef Creation Programme and there is an entry of £1,000. I do not know whether the Minister for the Environment perhaps could enlighten us as to what reef in particular he has in mind, or the Department has in mind during the course of this financial year?

Hon. Dr J E Cortes: Well, this is a token sum. The creation of additional marine habitat is something that I mentioned in my Budget Speech. This refers mainly to the possibility of sinking of vessels, which has been carried out for many years, and is also related to the creation of habitat within reefs. That is where the immediate plans are, like in the planting of sea grasses. So this is really related particularly to that.

2000 **Hon. S M Figueras:** Apologies, Mr Chairman, just to come back to the point which we have been discussing, the entry on (x) is Soft Loans and Repairs, and I just wanted the Hon. Chief Minister to confirm that it is in fact just soft loans in respect that we are talking about? He also mentioned interest only in respect that that took £1 million of the forecast outturn.

2005 **Hon. Chief Minister:** No, I said that the Financial Secretary did not have the breakdown between soft loans and repairs with him, but he can give him that breakdown. And with the soft loan element, what the Government does, which I announced in my Budget Speech... in the last one and I think I repeated it in this one, the way I was explaining another aspect of it is that the Government funds the interest (*Interjection*) to make the loan soft. So there is a grant by the Government. If you go back to my Budget Speech, I have explained it. (*Interjection*) No, it is not. No.

2010 The *breakdown* of how much is interest and how much is repairs – (*Interjection*) exactly, and that is what he will get from us if he writes to the Financial Secretary and give it to him.

2015 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 6, Equity Funding.

Mr Chairman: Stands part of the Bill.

2020 **Clerk:** Subhead 7, New Projects.

Mr Chairman: Stands part of the Bill.

2025 **Clerk:** That concludes –

A Member: It does indeed. (*Laughter*)

Mr Chairman: Clause 6.

2030 **Clerk:** That concludes clause 4.

Mr Chairman: That is clause 4?

2035 **Clerk:** Yes.

Mr Chairman: Yes.
Clause 4 or 5?

2040 **Clerk:** Clause 4. (*Interjections*)

Mr Chairman: Clause 4, stands part of the Bill.

Hon. Chief Minister: Mr Chairman, I propose a recess for five minutes.

The House recessed at 6.50 p.m. and resumed its sitting at 7.15 p.m.

**Appropriation Bill 2014 –
Clauses considered and approved**

2045 **Mr Chairman:** Okay, we are on Clause 5.

Clerk: Clause 5.

Mr Chairman: Stands part of the Bill.

2050 **Clerk:** Clauses 6 and 7, relating to Appendices B to J.

Mr Chairman: Does any Member have any question or any clarification that they wish?
Yes, the Hon. Mr Netto? (*Interjections*) Yes, okay.

Clerk: Appendix B, Gibraltar Development Corporation.

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Hon. J J Netto: Yes, perhaps, Mr Chairman, just a quick clarification because I notice on the first page, page 150, on the Establishment figures, the title of a Conservation Officer, and given that this falls within the Gibraltar Development Corporation, could I have some sort of clarification as to the nature of this Conservation Officer, in terms of what that person is doing and whether that particular person is seconded to a particular Government Department, Authority or Agency?

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Hon. J J Bossano: Mr Chairman, as the hon. Member knows, from what was said before, the decision was taken by the previous Government in 2011 to put everybody in the Civil Service. If he goes back to the statement the Government made then about the GDC as it was then, which is what was restored after 9th December, the GDC effectively has no function of its own. None of the people here that are paid by the GDC do work for the GDC, just as was the case before when the GDC existed before and before the decision was taken to dismantle it.

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So everybody here is working for an entity which is shown in the pages that follow, which tells you the different Departments. Treasury, Convent Place, Environment, Equality and Social Services, Telecommunications and Justice, these are the Departments that effectively are supplied by the GDC with labour. So the GDC really is like an employment agency, which is non-profit making. It pays people and it charges a client, a Department, for the money that is paid to the employee. So in effect the 116 people that are being employed in 2014-15 are all distributed as is shown in pages 153, 154, 155 and 156. That is it. That is what they all are. The Conservation Officer is somebody in all probability in the Environment, I would imagine, because that seems to be the most –

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A Member: I think it is Heritage.

Hon. J J Bossano: Or in Heritage, yes.

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But each of them are there on the basis that, for example, when the gaming companies or somebody else wanted to recruit somebody that was not going to be made part of the permanent complement of the Civil Service, rather than employed directly in something new, which would then have to be a gaming agency as it were, what happens is that they are shown in the GDC. The GDC then charges the Head of Expenditure in the gaming area as Other Charges and this is exactly what was being done until the decision was taken that everybody should be made a civil servant in October 2011, in which case the GDC would have disappeared and everybody would have been shown in the Civil Service complements.

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We gave everybody that had been moved the opportunity of coming back and continuing with the relationship that existed before. As Members know, about 60 decided that they did not want to come back and 90 decided that they wanted to come back, and therefore it is the people who came back plus new bodies that have been created in new areas. So where there is a new grade appearing here... in this case the Conservation Officer was there last year, but I understand that he is in the Heritage and it is about conservation of buildings, rather than conservation of flowers or plants.

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Members will see, for example, that there are changes. We have got five Transport Inspectors here and there were none last year; but it is not that they are doing any work for the GDC. There was a Counsellor last year, but there is not one this year. So in effect in the course of the year the GDC provides a home for the people that different Departments wants to recruit who are not Civil Service grades and then they are put into the complement of this, but in effect the GDC of its own initiative does not create complements because it does not have any money of its own to pay people anyway and it charges Departments or Agencies or whoever for the people that it supplies.

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But the actual Conservation Officer was there already last year and I thought he was in Conservation in an Environment, but it is in an Environment, in terms of buildings that the person is responsible for. But it is a grade that was there already, not a new one – (*Interjection*) I do not think I should name the individuals, but – (*Interjection*) Sorry.

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Hon. J J Netto: I am grateful, Mr Speaker, for the explanation... sorry, Mr *Chairman*. I am grateful to the Hon. Minister for the explanation given, but I think we are somewhat confused because I think that the Hon. Minister for the Environment in a helpful way was saying that this was someone seconded to Heritage, and I think that even the Minister of Employment also mentioned Heritage, and yet when I look at the pages... in fact, the actual Minister told me in the first part of his speech to look between pages 150 and 153 (**Hon. J J Bossano:** Yes.) but the only entry I see is for the Environment on page 153 for a total of

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£27,000. So I am not quite sure whether we are talking about this Conservation Officer is seconded with Environment or is seconded with Heritage. Could I have some clarification there?

2115 **Hon. J J Bossano:** There is a staff service salary which is £50,000, which is Head 2, No. 6 Convent Place, but I do not know whether that is this particular officer or not. The fact is that the identity of the individual would tell us what it is, but I do not think it is right to mention people's names. So – (*Interjection*) it is under No. 6 I am told, yes. (*Interjection*)

2120 **Hon. J J Netto:** So do I take it that – (*Interjection*) So the Hon. Minister is saying that this particular officer is seconded in No. 6 Convent Place?

2125 **Hon. J J Bossano:** What I am saying is that the GDC gets paid out of the No. 6 Convent Place vote for one officer, which is shown as 'Technical Division', and that officer I am told is a Conservation Officer. So what this tells you is in terms of the pay that is shown in the payments, which is reflected on the income side by the receipts that the GDC has, this gives you a breakdown of the receipts from the Head of Expenditure that has been voted.

2130 That is to say we have already, Mr Chairman, voted in the Head 2 for the pay of this Conservation Officer, and this Conservation Officer is shown in the breakdown that says 'Technical Division'. So it is somebody who is a Technical Officer in No. 6, which is I think where he was before 9th December 2011 in charge of work that is being done on conservation projects and with a background in heritage and conservation.

2135 **Mr Chairman:** Any other question?
We are dealing under clauses 6 and 7 with Appendices from B to J.

Clerk: Appendix C, Gibraltar Regulatory Authority.

2140 **Mr Chairman:** Please indicate if there are any questions or otherwise we cannot make any progress.
We are at Appendix C and we are dealing with Appendices up until J under these two clauses. (*Interjections*)

I do not have to say 'stands part of the Bill' because... I do not think I do have to because the Appendix does not stand part of the Bill. It is the whole clause. I will then call out –

2145 **Hon. D A Feetham:** Mr Chairman, what you want us to do is to indicate which ones up to J –

Mr Chairman: As the Clerk –

Hon. D A Feetham: – rather than –

2150 **Mr Chairman:** As the Clerk calls out the Appendices, please indicate if you have any question.

Hon. D A Feetham: Yes, that is what I thought. Yes.

2155 **Mr Chairman:** Okay?
So we are Appendix C.

Clerk: Appendix D, Borders and Coastguard Agency.

2160 **Hon. D J Bossino:** I see that Borders and Coastguard, 'Office Manager' is in italics and it is going to be replaced by an 'Administrative Officer' according to the notes there. Is the idea to subsume that particular office? Is that officeholder to become an AO or is the AO to come from outside? I just do not understand how that is exactly going to work. Can an explanation be given?

2165 **Hon. Chief Minister:** There is no such thing as AO's or anything like that in this Agency. Those are grades which you are imputing from the Civil Service. (*Interjection*) Sorry? (*Interjection*) There would be no AAs within here, unless there were people who were seconded to the Agency as AAs and were in any particular level of the Agency.

2170 But what is happening here is that the Borders and Coastguard Manager is becoming... is not going to be replaced and there is going to be an Administrative Officer instead, which is what the CEO has advised us was what he needed.

Hon. D J Bossino: I am not sure I follow the Chief Minister.

So when there is a reference here to Administrative Officer, it is not necessarily referring to the Civil Service grade. Is that correct? (*Interjection*) It is just a description being given to that particular position.

2175 **Hon. Chief Minister:** An officer who is going to do administrative work.

Hon. D J Bossino: So the Borders and Coastguard Office Manager will now be known as an Administrative Officer, but not necessarily to be equated to an AO within the Civil Service grading.

2180 **Hon. Chief Minister:** She is not going to... the Manager is not going to change name; the *role* is going to change.

Hon. D J Bossino: And will be known as an AO, but not necessarily an AO *à la* Civil Service.

2185 **Hon. D A Feetham:** Is it the same person? (*Interjection*) It is the same person. It is not that you are basically effectively doing away with the Manager and replacing her, as you said, by an Administrative Officer.

2190 **Hon. Chief Minister:** I do not know the answer. I do not get involved in who the individuals are that do these jobs. I try and stay completely away.

Hon. D A Feetham: I am not asking about the individual. I am just trying to understand.

2195 What you are doing is you are doing away with the Manager's job and is it that there is already an Administrative Officer there that is effectively... so, in other words, doing away with the Manager, but there is already an Administrative Officer there or is it that somebody is being converted from Manager to Administrative Officer? That is the question.

2200 **Hon. Chief Minister:** I do not know the answer to that because I do not get involved in the day-to-day running of the Agency. I allow the CEO to do that and whether he is recruiting somebody to that post or he is converting somebody to that post is not an item on which I am sighted.

Clerk: Appendix E, Gibraltar Health Authority.

2205 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with regard to Other Personnel, item 15, could I have further clarification for the employers pension contributions, which was estimated last year at £693,000 and the forecast outturn went up to £900,000 and now there is an estimate for £1½ million? If the Hon. Minister could explain the increases please.

2210 **Hon. Dr J E Cortes:** I am told that this is a reflection of the number of people in posts. (*Interjection*) It is people who have joined the number two and number three – (*Interjection*) Okay, the guaranteed superannuation. So it is people who have joined and therefore more provision has to be made in there.

2215 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with regard to other recurrent expenditure, item 26, the ICC Health Centre, I am assuming that increase in the outturn and the estimate... is that linked to the new expansion that the Primary Care Centre will see?

2220 **Hon. Dr J E Cortes:** The hire or the rental of the ICC had to be reviewed because the contract expired and therefore there was an increase and it did include a couple of extra rooms, and that is what is reflected there.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, item 34, School of Health Studies Expenses, is the School of Health Studies not run by the ETB and why does it come under the Head of the Health Authority rather than the ETB?

2225 **Hon. Dr J E Cortes:** No, the School of Health Studies is run by the Health Authority. The Government's Training Officer takes the role of supervising the School, but it is actually run as part of the Health Authority.

2230 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Chairman, under Capital Expenditure there is an item of £3½ million estimate for this financial year. If the Hon. Minister could give an indication as to what this amount is for, please.

Hon. Dr J E Cortes: Yes, I can give a general indication.

2235 About £¼ million, I believe, is for the new CT scanner that is due to be replaced this year and the tender is already in process. There are also works to be carried out in an expansion to the ground floor therapy and cardiac rehab area. There is also a whole programme of replacement of equipment and purchase of new equipment. There is a rolling programme to replace equipment in all the wards. As I say, a lot of the equipment, which was bought new for the Hospital, is now reaching the end of life and that all comes from there.

2240 **Hon. Chief Minister:** Mr Chairman, can I just ask the House to note that the estimate for 2013-14 and the forecast outturn for 2013-14 demonstrates a difference which is £6 million, which is quite a short difference compared to the differences we looked at this afternoon historically in the GHA.

2245 **Clerk:** Appendix F, Care Agency.

2250 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, with regard to item 36, under Other Recurrent Expenditure, Security Services, there was a forecast outturn of £110,000 from an estimate of £39,000. If the Hon. Minister could confirm if this is in relation to security services for individuals with behavioural problems that needed looking up.

2255 **Hon. Miss S J Sacramento:** It is actually also in addition to a security guard at Bruce's Farm because there was a concern about having vulnerable people up in the Upper Rock and having untrained care staff with them; but it is something that may be redressed when we do the training. But it has been in relation to unforeseen needs for security.

Hon. Mrs I M Ellul-Hammond: And finally, Mr Chairman, again, Capital Expenditure, there is an amount of £250,000. If the Hon. Minister could perhaps provide us with a general breakdown of what that will be for.

2260 **Hon. Miss S J Sacramento:** Sorry, I did not hear that... in relation to which part?

Hon. Mrs I M Ellul-Hammond: Capital Expenditure.

2265 **Hon. Miss S J Sacramento:** There have been a number of capital improvements this year – for example, we have finally been able to fix the balconies at Mount Alvernia after quite a substantial period of time of 10 years. We have also had – (*Interjection*) In Mount Alvernia not only have we fixed the balconies, but there was a problem with the retaining wall. It is an east facing wall at Mount Alvernia and that required a substantial amount of work done to it. Generally we have had to undertake refurbishment in the whole Care Agency Estate. As you know, the Care Agency owns a lot of buildings and it requires constant refurbishment.

2270 **Hon. Mrs I M Ellul-Hammond:** Yes, can the Hon. Minister confirm, Mr Chairman, you mentioned that this is work that has been done and so you are referring, I am assuming, to the forecast outturn figure. I am asking about the estimated figure of £250,000 for 2014-15 and if that is earmarked for anything specific.

2275 **Hon. Miss S J Sacramento:** Mr Chairman, the refurbishment works are not complete and so it is something that straddles both financial years. There are issues that we have in relation to... we need to purchase vehicles for the Care Agency as well and that is included in this. There are various things that we needed to continue too. There are certain buildings that require a facelift and uplift because a lot of them have not been refurbished for a long time. This will include things like, say, for example, the refurbishment. Some of it will refer to the refurbishment of the Jewish Home, for example.

Clerk: Appendix G, Gibraltar Port Authority.

2285 **Hon. E J Reyes:** Mr Chairman, on Payments, 18, under Training, there seems to be a constant figure there of £60,000 as the outturn and the estimate again. Does that include as well those that the Minister said, who were being trained, so there would be the future port operators and so on or what? Does he have an indication of some sort of breakdown, even if it is rough on what the training actually comprises?

2290 **Hon. N F Costa:** Mr Chairman, while the breakdown is being looked for...from memory I can tell him that the training this year has in fact related mostly to the new recruited VTS officers and in fact also, if I

recall correctly, the amount spent as a result of the recruitment of the five additional VTS officers came in higher than that, but the exact information is being obtained for me.

2295 Yes, Mr Chairman, as I was saying there is a course relating to VTS, also courses relating to STCW Fire Fighting, Personal Survival at Sea, Social Responsibility and First Aid, and also a course on counter-pollution equipment familiarisation. There is also a course on internal auditing and quality management. There is also the course on VTS supervisor, and various health and safety courses and also a course relating to accident investigation.

2300 If he wants, and he writes to me, I can certainly give him the full detailed course and the breakdown of the actual cost so that he can have a better idea and a full picture.

Hon. E J Reyes: Yes, I am grateful, Mr Chairman. Yes, I think I had better take it up there and we can look at more individual items.

2305 Thank you.

Clerk: Appendix H, Housing Works Agency.
Appendix I, Gibraltar Electricity Authority
Appendix J, Gibraltar Sports and Leisure Authority

2310 **Hon. E J Reyes:** Yes, Mr Chairman, on Payments, section 14, the Stay and Play Programme, which is part of the Summer Sports Programme – in fact which was extended as well to encompass the Easter period and so on – the forecast outturn in respect of Stay and Play is £19,000 and yet the estimate has been drastically reduced down to £2,000. Perhaps the Minister wants to enlighten me somehow or other?

2315 **Hon. S E Linares:** Yes, Mr Chairman, the thing is that we do not want to isolate or segregate the Stay and Play as an item on its own and so what we envisage to do soon is to incorporate it within the Sports Development Projects all in one inclusive, and therefore there is no separation of the Stay and Play as a separate unit. Why should we have Stay and Play and not the other sports – chess or the football or whatever? It should all be incorporated and what we have done this year is cut down so that we can have
2320 that specifically, at least for that part, but we are hoping that next year we will incorporate it completely to the Sports Development Unit. I hope that...

Hon. E J Reyes: Yes, Mr Chairman, if I take that for my understanding we have cut down by £17,000 and so it has not been done away with altogether to keep a provision of £2,000. Understandable, but that cut
2325 down was £17,000 in the way it is reflected here in the Book.

Taking what the Minister has said on board, if I look further down at number 24, Sports Development Project, it still remains £150,000. I thought perhaps then that one might have now been inflated by the £17,000... you know, rob Peter to pay Paul, and so we are actually £17,000 worse off in available funds.

2330 **Hon. S E Linares:** Yes, that is correct, there is £17,000 *less*; but should we need more money, we would get supplementary for that. But we are hoping that we can do it with the same amount of money that we have for Sports Development Projects. So, yes, you are right, it is a cut down, but it is not going to be necessarily a cut down from the Stay and Play.

2335 **Hon. E J Reyes:** Yes, and I think the Minister when he was trying to explain to me, he mentioned the Sports Development Projects, which is what I looked at straight away, but then he mentioned that the eventual aim was to make it part of the Sports Development Unit. Was that a simple slip of the tongue, because the Sports Development Unit has £10,000 allocated and from my recollection that is something that they use? It is sums of money that they use throughout the year and not what the programmes –
2340 *(Interjection)* Sorry? Sports Development Unit is number nine, because the Minister mentioned the words Sports Development Unit, I immediately had to look at what was there. *(Interjection)* He meant... oh, that is understandable, Mr Chairman. In fact it is better, because that way it goes down on the record in *Hansard* that he means Sports Development Projects, which is number 24.

2345 Mr Chairman, whilst I have the microphone on, can I take the Minister to sub-point 20, the Playground Expenses? The actual expenditure in 2012-13 was £208,000 and in 2013-14 it was £170,000, yet he has kept the estimate the same even though the expenditure was £90,000 more than what was estimated last year. Does he have any information that could enlighten me on that one?

2350 **Hon. S E Linares:** Yes, Mr Chairman, it is to do with what I said in my Budget address. We have now a team of three people who before used to do *some* parts of the parks; now they are *completely* engaged in doing the parks. We can then cut down on certain costs that we had in the park – for example, security,

opening and closing and other issues that the parks have. So this maintenance team will take on board this type of work on a 24/7 basis.

2355 So we are hoping that... and that is why we put the same estimate, because this year we carried on because of the way of restructuring the whole of the maintenance team it has taken a little bit of time and therefore we are hoping that this year we can...in fact I can tell you that they started on 1st July, which is only yesterday. So they have started and are now engaged totally on the parks and that maintenance team will then hopefully be on budget and not what we have been paying for, which is the forecast outturn at £170,000. There have been many costs to that.

2360

Hon. E J Reyes: Yes, Mr Chairman, so if I have understood it correctly, I think the Minister is saying that a lot of that expense went to things that actually... human resources and so on. So the human resources are being catered for elsewhere and so on.

2365

The actual maintenance costs, sometimes the replacement of equipment and so on, is that then really the main bulk of what the £80,000 is left?

Hon. S E Linares: Yes, because they are incorporated in wages somewhere else. So, yes, it would be replacement and tools and equipment, and basically – (*Interjection*) yes, exactly.

2370

Hon. Mrs I M Ellul-Hammond: Mr Chairman, with regard to item 26, Elite Athletes Assistance and Injury Treatment, there is an estimate of £80,000. Could the Hon. Minister explain what that is targeted for?

Hon. S E Linares: Well, again, that was as stated in my Budget address in which it will deal with both those items which is a manifesto commitment. It is the Elite Athletes Assistance and Injury Treatment.

2375

What we have done is incorporate them both together. We had them, last year, divided. If you look, it is £40,000 and £40,000. We have done the £80,000 this year, because again we do not know how many athletes are going to be injured and we do not know how many athletes are going to be elite. So we took the decision of incorporating them both and therefore that vote will cater for both.

2380

Hon. Mrs I M Ellul-Hammond: Mr Chairman, but could he explain... where did the £20,000 go to? Paying health professional or to...

Hon. S E Linares: No, Mr Chairman, these were certain athletes that were given certain monies to be able to fulfil their...for example, there was a chess player, a tennis player, and what we did was we gave them some aid in order to...it was deemed...

2385

There were certain criteria that they were elite and they were doing well and therefore we gave them some money aid to fulfil their sports. So it is not to do with any health issues.

Hon. Mrs I M Ellul-Hammond: So, Mr Chairman, could the Hon. Minister then explain what the injury treatment bit is then that would be included in the £80,000?

2390

Hon. S E Linares: Well, that will depend, because again we are working, together with the Sports Advisory Council and all the Associations, on how we best deal with this and therefore again it is all put together. We do not know how many players will be injured and therefore it is like a sum which we reckon could well fulfil that, but if it does not, if it is less I am sure Mr Bossano will be very happy that it is less, and I will be very happy because we do not have any injuries; but if it is more, we will have to then review it as and when it comes. (*Interjections and laughter*)

2395

Hon. Mrs I M Ellul-Hammond: Mr Chairman, we are saying injury treatment? By whom, then? By the GHA? By a separate injury clinic? He has not quite explained how that system works.

2400

Will that individual sports man or woman *not* go to the GHA? Would they receive separate sports injury treatment? If he could elaborate.

Hon. S E Linares: Well, Mr Chairman, we are not in a position to say that yet, because we do not know yet which is the best way to do it. There are issues. I mean the obvious, one is, do we allow a sportsman and woman to take preference to somebody who has an ill. We do not know how to do it. We would probably use the private. We do not know at this stage. So it is still open whether we go through the public, i.e. the GHA, or through the GHA that we go to the private.

2405

Hon. Mrs I M Ellul-Hammond: So, Mr Chairman, the Minister is saying that this £80,000 at the moment is a token figure while you explore and implement a new service.

2410

Hon. S E Linares: Yes.

2415 **Clerk:** That concludes clauses 6 and 7.

Mr Chairman: Clauses 6 and 7, stand part of the Bill.

Clerk: Clauses 8 to 11.

2420 **Mr Chairman:** Stand part of the Bill.

Clerk: The Schedule, Parts 1 to 9.

2425 **Mr Chairman:** Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Tobacco (Amendment No. 2) Bill 2014 –
Clauses considered and approved**

2430 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997.
Clause 1.

Mr Chairman: Stands part of the Bill.

2435 **Clerk:** Clause 2.

2440 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have given notice of an amendment, which does what I suggested earlier, which is change Clause 6B(1) from the wording at the moment that says, ‘a notice displaying the following statement’ and sets out the statement, to ‘a notice displaying a statement in such terms as may be required by the Collector of Customs (and set out it by Notice in the *Gazette*) shall be exhibited at every premises’. I have given written notice of that proposed change.

I understand it is not controversial.

Clerk: The long title.

2445 **Mr Chairman:** I think I should put the amendment in the terms moved by the Chief Minister.
All in favour? (**Members:** Aye.) All against?
Clause 2, as amended, stands part of the Bill.

2450 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Commonwealth Park Bill 2014 –
Clauses considered and approved**

Clerk: A Bill for an Act to establish a park to be known as ‘Commonwealth Park’ and for connected purposes.

2455 Clauses 1 to 5.

Mr Chairman: Stand part of the Bill.

Clerk: Schedule.

2460 **Mr Chairman:** Stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Income Tax (Amendment) Bill 2014 –
Clauses considered and approved**

2465 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.
Clause 1.

Mr Chairman: I really do not think that there is a need for an amendment; it is typographical.

2470 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, Mr Chairman, but there are a series of –

Mr Chairman: We might as well move it –

2475 **Hon. A J Isola:** –there are a series of other changes which are in a letter, which I have given notice of.

Mr Chairman: But on another occasion, if that sort of thing happens, there is no need for an amendment. If you just point out that it is typographical and then get the printers to –

2480 **Hon. A J Isola:** Yes, Mr Chairman, but there are a series of others in clause 2, which are in the letter that I have given notice of.

Mr Chairman: Okay. Fine. (*Interjections*)

Clause 2, we will put the amendment of which the Minister has given notice. Those in favour?

2485 (**Members:** Aye.) Those against?

Clause 2, as amended, stands part of the Bill; and the long title, as amended, stands part of the Bill.

BILLS FOR THIRD READING

**Appropriation Bill 2014;
Tobacco (Amendment No. 2) Bill 2014;
Commonwealth Park Bill 2014;
Income Tax (Amendment) Bill 2014 –
Third Reading approved: Bills passed**

2490 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have the honour to report that the Appropriation Bill 2014; the Tobacco (Amendment No. 2) Bill 2014; the Commonwealth Park Bill 2014; and the Income Tax (Amendment) Bill 2014 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

The Speaker: I now put the question, which is that the Appropriation Bill 2014; the Tobacco (Amendment No. 2) Bill 2014; the Commonwealth Park Bill 2014; and the Income Tax (Amendment) Bill 2014 be read a third time and passed.

2495 Those in favour of the Appropriation Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Tobacco (Amendment No. 2) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Commonwealth Park Bill 2014? (**Members:** Aye.) Those against? (**Members:** No.) The Opposition are voting in favour? Carried by a Government majority.

2500 Those in favour of the Income Tax (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

So I now move that all these...well, no, we have voted for them there is no need to.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn until 10.30 tomorrow morning, in time I believe for us all to attend the important reception to say farewell to –

2505 **A Member:** At 10.30 a.m. tomorrow?

Hon. Chief Minister: At 10.30 tomorrow morning to say farewell to our Bishop, and I hope to see all the Members opposite there sticking their snouts in the trough. *(Laughter)*

2510 **Mr Speaker:** The House will now adjourn until 10.30 –

Hon. D A Feetham: Mr Speaker, yes, I will be there, but I am going to pick up my wife so I will be slightly late.

2515 **A Member:** We will hold the trough for you.

Mr Speaker: The House will now adjourn until 10.30 tomorrow morning.

The House adjourned at 7.59 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.35 a.m. – 12.51 p.m.

Gibraltar, Friday, 4th July 2014

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The Gibraltar Parliament

The Parliament met at 10.35 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with the laying of a Report and Government motions

Clerk: Mr Speaker.

Mr Speaker: Before I call on the Chief Minister, I would like on behalf of all Members to wish the Hon. Jaime Netto a very happy birthday. (*Applause and banging on desks*)
5 The Chief Minister.

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 the laying of a Report on the table and Government motions.

10 **Mr Speaker:** Ordered to lie...no. My apologies, my mind was elsewhere.
Those in favour? (**Members:** Aye.) Those against? Carried.

PAPERS TO BE LAID

Clerk: Papers to be laid, the Hon. the Chief Minister.

15 **Chief Minister (Hon F R Picardo):** I have the honour to lay on the table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2013.

Mr Speaker: Ordered to lie.

GOVERNMENT MOTIONS

Honorary Freedom of the City of Gibraltar – Conferred upon Sir Graham Watson – Motion carried

20 **Clerk:** Government motions.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'This House resolves that the Honorary Freedom of the City of Gibraltar be conferred upon Sir Graham Watson for his outstanding defence of the interests of Gibraltar and promotion of the wishes of the people of Gibraltar in the European Parliament and elsewhere.'

25 Mr Speaker, I think that Sir Graham Watson needs no introduction to anybody in this Parliament and indeed anybody who may be watching the proceedings of this House. He has been a stalwart defender of the rights of Gibraltarians in his capacity as one of the representatives of the people of Gibraltar in the European Parliament.

30 He is of the Liberal Party, but we know that those that represent us in the European Parliament of all the political parties that we have the choice of electing in European Parliamentary Elections do an excellent job. There are some that go further than others in discharging their obligations to the people of Gibraltar and I think Sir Graham is one such person. He has distinguished himself in the way that he has looked out for Gibraltar. Once we became his constituents, he has been careful to ensure that issues which relate to Gibraltar are referred back to Gibraltar to the Government of the day, to those in Gibraltar who he knew he could take clear soundings from on how issues might be relevant to Gibraltar and of course, in particular, he has had a very strong relationship because of his partisan affiliation with the Deputy Chief Minister, who is the Leader of the Liberal Party in Gibraltar and has therefore become his first port of call and his representative in Gibraltar.

40 But it was obvious to those of us who were able to observe the recent visit of a number of Gibraltarians to Brussels of all political denominations that Sir Graham was there for them throughout the period of their important visit, and that really represented what Sir Graham has been doing for Gibraltar. He really has been going beyond the call of duty, beyond his obligations since he became our representative and since we became his constituents. Now that unfortunately he will no longer be representing us in Brussels as an MEP, it is right that the people of Gibraltar should recognise his stalwart efforts by the bestowing of this award of the Honorary Freedom of the City.

45 Mr Speaker, if I may, before I sit down, the hon. Members will have seen that there are a number of motions bestowing the Freedom, the Medallion of Honour and then the Medallion of Distinction. We have not done many of those since we were elected. We were concentrating on issues related to the politics that we discussed yesterday – let us not go back into that debate – and we have now had an opportunity to look at the question of the honours that this House bestows. People watching and listening should see this lengthy list that the Parliament will be considering today as a catch-up in respect of the Medallions of Distinction that we feel should be awarded and the Medallions of Honour that should be awarded. We do not expect always to be coming back with a long list, although there may be instances where worthy individuals are brought to our attention that we will be bringing to this House for distinction, but today that is why we are dealing with all of these motions together.

Mr Speaker: The Hon. the Leader of the Opposition.

60 **Hon. D A Feetham:** Mr Speaker, yes, the Opposition will be supporting the motion. I am not sure whether Sir Graham Watson – I will be corrected or I will be told no doubt in the Chief Minister's reply – is in fact a member of the Liberal Party... I mean the *local* Liberal Party. It makes absolutely no difference, Mr Speaker, because the Opposition does not look at these things in terms of membership to any political party associated with local political party partisanship. At the end of the day really, the test is to look at whether somebody has defended Gibraltar, whether somebody has made an outstanding contribution to the defence of Gibraltar, to the defence of the rights of the people to self-determination, to defence of our sovereignty, and certainly this is an individual who really has gone out of his way to do precisely that.

65 I have to say, as I have said publicly when the result was announced of the European Elections, that I was very, very sad indeed to see that somebody who has worked so hard to advance the interests of this community was not elected at the European Elections – that was a very, very sad loss for Gibraltar.

70 But I am happy, on behalf of the Opposition, to support this motion today.

Mr Speaker: I now put the question... oh, sorry.
Does any other Member wish to contribute?

75 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I thank the hon. Member for his support and for his words. I would be grateful also for the opportunity to say a few words on the motion.

80 Sir Graham was an MEP from 1994 until 2014, which is 20 years. He was one of our seven MEPs and then six MEPs from when Gibraltar voted in the European Elections for the first time in 2004. But even before he became our MEP, I remember in 2002 going to there was a congress in Bath of the European Liberal Democrats. This was a time when we were fighting against the joint sovereignty campaign and there was a motion which was tabled in that congress supporting the right to self-determination of the

people of Gibraltar and supporting our European Union rights as well, and it was Sir Graham Watson then, before he became our MEP, who actually chaired that particular meeting. So even before he was elected for this constituency he took an interest in Gibraltar issues.

85 I think the Chief Minister has made the point very well. What Sir Graham has done is to go beyond the call of duty and while there have been many MEPs and MPs, and there still are, who are friends of Gibraltar, I think Sir Graham took it a step further and he went beyond what would have been expected of him. There is an example of that in 2006, where for the first time we managed to overturn a civil aviation measure, which sought to exclude Gibraltar from its application. There was a vote in the European
90 Parliament, which Graham organised by tabling an amendment, and it was to do with disabled air passenger rights. We won the vote and for the first time the Parliament took out a clause which sought to exclude Gibraltar from the application of a new measure. What happened after that is that Cordoba came into play within a few weeks and obviously that meant the new measures would apply to Gibraltar automatically, but this was the first time that something was done in the Parliament where we actually managed to overturn
95 the exclusion of Gibraltar from EU, a new aviation measure, and it was largely due to Sir Graham Watson's efforts.

In 2014, as the Hon. the Leader of the Opposition has said, in May of this year the European Elections took place. Graham won the Gibraltar vote with 66% of those who voted actually doing so for him and for his party, and unfortunately, regretfully, because of the situation in the United Kingdom and because of the way that we are as a joint constituency, he was not elected to represent us.
100

But certainly I think it is very fitting and very welcome that the Chief Minister has chosen to move the motion and I certainly will be supporting it.

105 **Hon. D A Feetham:** Would you give way please?

Hon. Deputy Chief Minister: Yes.

Hon. D A Feetham: Mr Speaker, I should also have said during my contribution, also in response to a contribution that the Hon. the Deputy Chief Minister made during his speech, that I think that it is a good
110 idea for this individual to somehow be kept on, on behalf of Gibraltar. I note that that is the intention on the Government side and it will have support on our side. I think that we cannot afford to lose...

Provided it is obviously done transparently and all the rest of it, leaving all that aside, I think that it is important that individuals, such as these, with the wealth of experience and the contacts in Europe to be kept on, on behalf of Gibraltar, and certainly I think that the choice by the Government of keeping Sir
115 Graham Watson working in some capacity in Brussels on behalf of Gibraltar is a good decision and we will also support that.

Hon. Deputy Chief Minister: Mr Speaker, I am grateful to the hon. Member for his words of support and this is something the Government is looking into. Obviously there are two sides to the equation and we need to see what emerges from it, but he is right that Sir Graham is very well connected. He has managed to facilitate meetings for us and attendance at events and conferences, which would simply not have happened without his contacts, and so I am certainly very grateful for that support.
120

Mr Speaker: Does any other hon. Member wish to speak?
125 The Hon. Dr John Cortes.

Minister for Health and the Environment (Hon. Dr J E Cortes): If I may, Mr Speaker, just some very brief words.

I have got to know Sir Graham over the last two and a half years. His attitude in private is as enthusiastic in favour of Gibraltar as it is in public. He hosted a visit that I paid to Strasbourg about a year and three months ago and facilitated meetings with Commissioners, with MEPs and so on, and the doors that he was able to open were quite impressive.
130

But just one point that I would like to make, the Freedom of the City of Gibraltar is conferred by this House on behalf of the city, but the fact that the Liberal Party, clearly because of Sir Graham, did so well in the recent European Elections, means that on this occasion that the conferring of the Freedom of the City is almost by public acclaim by the city and I think that says it all, Mr Speaker. (*Banging on desks*)
135

Mr Speaker: The Hon. Steven Linares.

140 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, just to say through the years as a Liberal Member, a member of the Liberal Party, I have gone to many, many conferences in which Sir Graham has been present. He was not only a politician; he was a personal friend

of mine. I had gone to his house. I had eaten – (A Member: He is.) Yes, he is, sorry. Yes, okay. Sorry. He is a personal friend of mine and I have lots of contact with him, with Dr Garcia, and like I said, he has invited me to his home and I have met his family and so it is not only the fact that he has done a lot for Gibraltar, but he is very close to us as friends. Therefore this motion is very, very fitting to Sir Graham and I am really pleased that the people of Gibraltar now recognise all the sterling work that he has done.

Thank you very much. (*Banging on desks*)

Mr Speaker: Any other Member?

Yes, the Hon. Albert Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, just very, very briefly.

I have only known and worked with Sir Graham for the last 12 months, since my election to this House, and I think it is absolutely crucial that we understand and recognise, as we are doing today, the importance of people like Sir Graham and others before him and hopefully many others after him, with the good work of the Gibraltar office and hopefully an office in Brussels will deliver in times of need, because at the end of the day, Mr Speaker, Gibraltar needs desperately to have friends. In our times of need, as indeed in 2003 and 2004 and in this past 12-month period when the going gets tough, we need our friends and Sir Graham Watson has certainly been standing aloof and above all others in standing up for us at every possible juncture and difficulty.

For me, Mr Speaker, I find that Sir Graham has been an absolutely exceptional individual and an exceptional friend of Gibraltar and I am delighted to support the motion, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful that the Members of the House who have spoken have indicated their full support for this motion. The Leader of the Opposition referred to the partisan aspect of this and said it was not relevant, and he is of course absolutely right.

The House has conferred the Freedom on members of the different United Kingdom political parties who have shown their affection and their support for the people of Gibraltar in the discharge of their functions in different Parliaments, some of them in the House of Lords, some of them in the House of Commons, and Sir Graham now in the European Parliament, regardless of political affiliation and it is right that we should continue to do that. And just springing to mind, Lord Bethell of the Conservative Party and Andrew MacKinlay of the Labour Party to think of only two of the many who have rightly had the Freedom bestowed on them by different generations of Parliamentarians in Gibraltar.

I am grateful for the indication from the hon. Gentleman about the work that Sir Graham might do for Gibraltar in the future, and of course any such arrangement is entered into transparently. Whether the details are to be published is another thing, for the reasons we have discussed before in relation to another person who has given equally distinguished service in the European Parliament, and that is Glyn Ford, who represented Gibraltar's interests in the European Parliament even before we were his constituents. But he will excuse me for jibing at him, that we are considering a £¼ million package with an allowance for his children's education and some housing allowance in Brussels. I am delighted to see that he supports that, even though there is only one Sir Graham Watson and we cannot interview for another one.

Mr Speaker: I now put the question, in the terms of the motion moved by the Hon. the Chief Minister. Those in favour? (Members: Aye.) Those against? Carried. (*Banging on desks*)

**Gibraltar Medallion of Honour –
Bestowed upon Ernest Montado CBE –
Motion carried**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'This House bestows the Gibraltar Medallion of Honour upon Ernest Montado CBE, who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular, for services

to the public service in politics; Mr Montado having served as Chief Secretary under four successive Chief Ministers.'

Mr Speaker, the contribution that Ernest Montado has made to the public life of Gibraltar has been recognised already to a great extent by the bestowing upon him of the award of Commander of the British Empire, the CBE, which is indeed a very high honour bestowed by Her Majesty on those who have shown exceptional service in whatever walk of life they may have pursued.

The Government considers that people like Ernest Montado must also be recognised directly by the people of Gibraltar for the work that they have done. To an extent, to many the recognition by this Parliament of the work that they have done is perhaps, dare I say, as important, if not more so than recognition by the award of CBE in a *different* way, because of course an honour from Her Majesty, such as being made a Commander of the British Empire, is hugely important, but a grass roots recognition of that work – and I say grass roots, because this Parliament represents the *people* of Gibraltar – is an honour from the people up, rather than from the sovereign down and it can mean just as much.

Mr Speaker, the trajectory of Ernest Montado in the Civil Service is one that is well known to all Members of the House and it is clear that people should not be bestowed honours for doing their jobs as Civil Servants, and there is no question of this being a reflection of simply an honour being bestowed because Ernest Montado did his job. This honour is being bestowed because Ernest Montado did *more* than just his job, and having served four Chief Ministers in itself is no mean feat, in the sense that he was able to enjoy the trust and confidence of four different Party Leaders of *three* different political parties at different times in Gibraltar's history, spanning Chief Ministers of different generations. At least he served four different generations of Chief Ministers as well. If I may say so: Sir Joshua, representing the first Chief Minister, yourself the second – a different generation of Chief Minister – Mr Bossano the third and Sir Peter Caruana the fourth.

And in that service, I am very jealous to say, you had somebody who was not just the Head of the Civil Service, able to run the administration entirely admirably with the support and respect of every civil servant, who thought of Ernest Montado as a just and equitable leader of the Service, but also you had a political advisor with a small *p*, who understood the political issues between Her Majesty's Government and Her Majesty's Government of Gibraltar, who understood the issues with the Kingdom of Spain and all the surrounding issues, and therefore was not just somebody who might turn up to take a note. He was somebody who was very useful to have available in the service of Chief Ministers and I daresay that the work that he did is as important a part of the advancement of the people of Gibraltar as the work done by the Chief Ministers that he served, and I can put it no higher than that.

I have had the pleasure of working with Mr Ernest Montado in private practice, but not with him serving as a civil servant. After I became Chief Minister, he made himself available to me so that if I needed anything he would happily, at absolutely no cost, assist the Government of Gibraltar. He has on two or three occasions done so and we have been very grateful indeed for him doing so in a way that seeks absolutely no reward, but as he says, simply to continue his service in the service of his people, the people of Gibraltar.

Therefore it is absolutely right in my view that it should also be the *people* of Gibraltar who recognise the service given by Mr Montado by the bestowing of the Gibraltar Medallion of Honour, which short of the Freedom is the highest recognition that this Parliament can award for a lifetime of service.

I therefore, Mr Speaker, commend this motion to the House.

Mr Speaker: Does any hon. Member wish to contribute to the debate on the motion?

Hon. D A Feetham: Mr Speaker, yes, very shortly.

Mr Speaker, we are absolutely delighted and certainly from a personal perspective, *I* am absolutely delighted in being able to rise today to support this motion to bestow this honour on Ernest Montado.

The Hon. the Chief Minister said that we do not bestow honours on people just simply for being civil servants, but this is a man who has actually been a Chief Secretary with distinction. He has served the people of Gibraltar with absolute distinction and he is one of the most distinguished Chief Secretary's, the most senior person within the Civil Service we have ever had here in this community. A man who has always been, even after he retired as Chief Secretary, at the end of a telephone, extremely, extremely approachable.

A man who has always been a fountain of knowledge, and in the same way as the Hon. the Chief Minister has had dealings with Mr Montado professionally, I have also had dealings with Mr Montado professionally. In the same way as the Chief Minister has been able to draw upon his knowledge when he has been a Chief Minister in an informal, as I understand it, consultancy terms, I have been, as Leader of the Opposition, also been able to telephone Ernest in moments where there has been or I have had some doubt about any particular issue or I have wanted to bounce something, use him as a sounding board, and he

250 has always been somebody who has been there at the end of the telephone or been prepared to meet with me to always give me very sound advice, impartial objective advice.

I think that he is a man who thoroughly, thoroughly deserves this particular honour and we are certainly delighted in supporting it.

255 **Mr Speaker:** Does any other...?
The Hon. Joseph Bossano.

260 **(Minister for Enterprise, Training, Employment and Health & Safety) Hon. J J Bossano:** Mr Speaker, I do not want to say a great deal, because I think we all know Ernest very well... those of us who have been around in politics for a long time, but I think there is something about what he was able to contribute which was directly the result of his own progression within the Service.

265 He built the Statistics Department which we have today. He started off there and in fact the increasing sophistication of our numbers, which other people do not seem to enjoy as much as I do, I think he is responsible for having put us on that road. Of course it is very important that because he was from that part of the business, he was able then to take on the role of Financial Secretary, and take on the role of Chief Secretary and on occasions acted as Deputy Governor. So he actually brought when he was finally in Convent Place, having had a career within the Service, that touch on all the important bits of the business. He dealt with the United Kingdom, as the Chief Minister has mentioned, and he had a great deal of knowledge of how to deal with people in the Foreign Office and in Government Departments in the United Kingdom. He was often able, certainly in the ages that I was there, to go off and doing it on his own without the need for a political directive as to what the policy was because he instinctively knew what the policy was.

270 And he, himself, of course was at a very early age in the young AACR, so he had also that instinctive political element as you know, because it was in the old days of the AACR that he had that instinctive element of feeling nationalistic about Gibraltar, feeling that the protection of our people and our country had to be the very core value of everything that we did, and that if we had to have differences of opinion with London in order to defend our homeland, then so be it. And I think he brought that in, in a way which did not in any manner or form dilute his basic commitment that he had to be a completely impartial civil servant and therefore he gave the advice, whether the recipient was getting the advice he wanted to hear or not, which he felt professionally was the correct advice, but I think it came with the kind of commitment he would have had, had he chosen to be a politician in defence of Gibraltar. So I think it is a good opportunity that we remember just how much he has done for Gibraltar.

280 **Mr Speaker:** Does anybody else wish to contribute?
Mr Edwin Reyes.

285 **Hon. E J Reyes:** Thank you, Mr Speaker.

I rise to make a very small contribution as well. I think we all share the same thoughts about Mr Montado's qualities and as a Parliament we are above all highlighting his contributions towards politicians on whichever side of the House they have sat.

290 But I am sure I also speak on behalf of my hon. colleague, Steven Linares. We have both had the pleasure in the past of being Presidents of the Gibraltar Teachers Association and Mr Montado had this ability to offer us sound and impartial advice that we obviously both took advantage of at some stage or another. Whether it be at social functions or whatever, we used to pick his brains, and say, 'How do you think a politician will react when we come up with this claim?' and so on. I must say that Mr Montado always remained faithful to all the politicians, but you could see at heart that he was a worker. He was a civil servant and would really have made a very good trade unionist had he not had such a wonderful career within the Civil Service itself and perhaps would have become one of the leading personalities had he chosen that path.

300 So I wish to record on behalf of all trade unionists, and I know Mr Bossano and Mr Netto would also wish to join me, thanks, Mr Montado, for your contributions and above all for your sincerity every time you offered any advice.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, very few words.

305 I think I must be one of the few people in this House at the moment who actually served as a civil servant while Mr Montado progressed in his career from statistician to Chief Secretary, and I recall those days well, back in the mid to the late 1980s.

I served in the Civil Service, both as an EO and then as Manager of the Health Authority at the time and I have great memories – a theme that has been said across the House this morning about him – of the guidance and advice that he could give and the fact that he bestowed great confidence. When you knew that

310 Ernest Montado was dealing with a matter, then you knew that it would be dealt with fairly and that the problem, if there was one, would be resolved.

He was and continues to be a man, as I say, who bestowed great confidence and a man of great wisdom and I think that that is a quality that is all too rare, and therefore I am very, very happy to support this motion.

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Hon. Chief Minister: Mr Speaker, I am grateful to Members on both sides of the House for their support of this motion.

If I can just deal with one of the things that the Hon. Mr Reyes said, accepting everything he said, but just reminding him that politicians are workers too and if Ernest Montado had decided to become a politician and he had stayed on this side of the House, certainly he could have done so without forgetting that he was a worker. *(Laughter)*

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Mr Speaker, I think one of the things I omitted to say when I was presenting the motion is that one of the qualities that I identify in Ernest Montado – and I think the Hon. the Minister for Employment, Mr Bossano, who as Chief Minister served with him, as you did, encapsulated – was that he would give the opinion that he believed was right, whether it was or not what the politician wanted to hear. That on some occasions is expressed as having the courage to speak truth unto power and it is one of the most important functions that civil servants fulfil and I think that Ernest Montado represents that quality. He does not shy away from giving an opinion, which he believes is the right opinion, simply because of the standing that the person he may be expressing that opinion to may have and the fact that they may obviously think the opposite.

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I think it is also true to say, although I stand to be corrected, but I think it is true to say that Ernest Montado is probably the Gibraltarian to date who has attended the most sessions of the United Nations where Gibraltar has been represented, because he did all of those which involved Joe Bossano and he did most of those that involved Peter Caruana, whilst Sir Peter went to both of the Committees, and that is indeed a distinction. I think he, in his period will have attended meetings – you will be better placed to confirm this or not – with delegations that attended Brussels and Airport Agreements, now discussions, all the way up to the discussions in Cordoba that led to the Trilateral and the Cordoba Accords, and if he was not there, he was certainly in the background involved in the preparation for those meetings etc.

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In fact, I seem to recall from my discussions with Ernest that there was one occasion when he was not just Acting Deputy Governor. I think there was one occasion that for one reason or another there was even a need for an Acting Governor, and he was an Acting Governor. I do not think he was the first Gibraltarian or the only Gibraltarian to have filled that function, but he was certainly one of the few Gibraltarians to have fulfilled that function. And in keeping with the bestowing of the CBE on him, I think the fact that at the time of an older constitution he was able to enjoy the confidence of the United Kingdom Government, such that he might be entrusted with the Office of Governor of Gibraltar, demonstrates the sort of man that we are bestowing the Gibraltar Medallion of Honour on today.

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Mr Speaker: Before I put the question, may I ask leave of the House to associate myself with what has been said?

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Hon. Chief Minister: Yes.

Mr Speaker: Ernest Montado was economic advisor of the Government during the years when I was Minister for Economic Development and Trade, and in 1986 when Joe Pitaluga retired, Sir Joshua and I persuaded him – and we had to persuade him – to take on the job of Chief Secretary because he had set his heart on being Financial and Development Secretary. But we pointed out to him that we had no doubt that he would be able to do much more for Gibraltar in the post of Administrative Chief Secretary than he would as Financial and Development Secretary and I think events have proved that that has indeed been the case.

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The Chief Minister is quite right that there has been one other Gibraltarian to have acted as Governor and that was Sir Howard Davies, and in fact my last comment is to say that I regard Ernest Montado as the greatest civil servant that Gibraltar has had since Howard Davies. *(Applause and banging on desks)*

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Hon. Chief Minister: Would you give way? *(Laughter)*

Mr Speaker, there is one thing which I have omitted to mention, which your intervention has prompted me to, which is that Ernest Montado has sat in this House and very few civil servants have sat in this House. But when he has acted as Financial and Development Secretary in the days of the 1969 constitution, there have been some occasions when the Financial and Development Secretary was absent from Gibraltar and therefore he stood in his place and came to this House to represent him. So he has also been a Member of this House, something which is highly unusual for a civil servant.

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Mr Speaker: I am now going to finish up with an advert. He is collaborating with me now in the writing of my memoirs (*Interjections*) so he is still someone that I cherish enormously.

I now put the question in the terms of the motion moved by the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried. (*Applause and banging on desks*)

**Gibraltar Medallion of Honour –
Bestowed upon John Alcantara CBE –
Motion carried**

375 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'This House bestows the Gibraltar Medallion of Honour upon John Alcantara CBE, who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular, for services to the law and politics; Mr Alcantara's main achievements being his time as a puisne judge of the Supreme Court of Gibraltar and his service as Speaker of the House of Assembly.'

380 Mr Speaker, John Alcantara is very well known to the community, but I want to start with something that I found out only when I read *Gibraltar: The Making of a People*, the book by the Deputy Chief Minister, which stands as one of the necessary tomes that anybody wanting to understand our politics must read. What I found out there was that the John Alcantara that I knew as a law student as a judge had actually been a firebrand young politician in the AACR in the years after the war and that he took the route of the law only after deciding not to take the route of politics; but he was to come back to politics in a
385 different guise much later in his life.

John Alcantara is not a man who covets any honours and I wonder whether we will be able to persuade him that the recognition of his people must result in him accepting this Medallion of Honour. I am sure we will be able to because he has demonstrated all the best qualities that Gibraltarians have... the ability to discharge functions that had not previously been associated with Gibraltarians, to sit in judgement over
390 other Gibraltarians and to do so entirely dispassionately as the law requires was something that others believed could not be done by somebody from this community and required the importation of skill from outside, and John Alcantara demonstrated that that was not in fact the case. Today, we have a Chief Justice, who is a Gibraltarian, and after him, of course, very distinguished service by Felix Pizzarello, both as magistrate and as Supreme Court puisne judge also.

395 I came to know John Alcantara, in my own legal practice, as a Judge of the Supreme Court and then also as a magistrate. He went in his retirement back to the Magistrates' Court when he was asked to do so because Gibraltar had a long interregnum between the appointment of a magistrate and a successor and we needed somebody to fill the role and the then Government asked him to come back to the Magistrates' Court and he did as good a job in the Magistrates' Court as he had done years before when he was
400 magistrate before being elevated to puisne judge.

He and Nati moved away from Gibraltar to Belize for some years so that he might be able to obtain the experience necessary to become a puisne judge in the Supreme Court of Gibraltar and having done that, and having served with such distinction in the Supreme Court, he was bestowed his CBE. He came back to politics, Mr Speaker, late in his life to become Speaker of this House. He was Speaker when I was elected
405 and he discharged also then the function of Mayor as you are doing now. And Speaker of this House I found him always to be affectionate for all Members and assisting in as much as he could, advising Members on both sides on how they could make their contributions better, which usually involved the word 'shorter' (*Laughter*) and always kind in his approach to all of us.

Mr Speaker, I do not want to say anything about the reasons why John Alcantara stopped being Speaker, those are recorded in *Hansard*. I often come across the passage when I review... in preparation for my
410 Budget debate, my discipline is to review all the Budget debates before, read again what Chief Ministers have said before and what Leaders of the Opposition have said before, and I come across that difficult passage, which I think marked all of us a little bit who were here in the House that day.

415 But John was good enough to stay as Speaker for a very special session of this House, which was the session in August when we celebrated the 300th Anniversary of a British Gibraltar, which he presided over as Speaker of this House, and he presided over other functions that day as Mayor.

Mr Speaker, John Alcantara is regarded by people in this community with the very, very highest regard for the work that he has done for this community in every function that he has undertaken. He recently lost Nati his wife, and I hope that the people of Gibraltar will be able to demonstrate to him the affection in which they hold him and the regard in which they have, the work that he has done, by the bestowing of this Medallion of Honour. *(Banging on desks)*

Hon. D A Feetham: Mr Speaker, I had hoped to be able to rise to say I associate myself with every single word the Chief Minister says and then perhaps to say a few words and sit down. I have to say that he has injected an element of controversy that has been unnecessary by reference to the passage in *Hansard* in relation to the reasons why Mr Alcantara decided to leave. I have to say, Mr Speaker, unnecessary... but nonetheless, we are delighted to be able to support this motion in the same way as we supported the other motions.

I did not have the privilege of either appearing in front of Judge Alcantara, as he then was. I was a barrister in England from 1992 until 2000 and also I never coincided with him in this House when he was Speaker of the House, but I have had dealings with him on a social basis, in the sense that I have met him I have spoken to him. He has always been extremely, extremely courteous. He comes across in my mind as a very patient man, a man who is able to listen, and a man that again, as with Ernest Montado, is able to impart on an objective premise advice that is always useful.

But anybody, Mr Speaker, that is able to serve this community with the distinction that Mr Alcantara has been able to serve this community by actually holding three of the most important positions that you can hold as a member of this community, including Speaker and also a Judge of the Supreme Court, I think that deserves recognition, and for all those reasons, Mr Speaker, again the Opposition is happy to support this motion. *(Banging on desks)*

(Minister for Enterprise, Training, Employment and Health & Safety) Hon. J J Bossano: Well, Mr Speaker, like most people who have been around, and they have been around for as long as I have been around *(Laughter)* we have had a lot of things in common and things on which we disagreed.

Certainly, at a personal level I have always thought of him as a good close friend of mine and in his rulings in this House, there were rulings that I was not happy with, but the whole purpose of having a Speaker is that the Speaker is the one who decides the ruling. I remember at one stage where he decided that we were asking too many supplementaries and he would ration us to two supplementaries each and then he made an exception for me because I was the Leader of the Opposition, and so he allowed me to have three. *(Laughter)* Perhaps because not everybody thinks mathematically like I do, the result of that was of course that we immediately increased the number of questions and then we were entitled to put as many questions as we did as supplementaries to a bigger number of questions in the first place.

But the decisions that he took were the decisions that he wanted to take in order to make sure that the Parliament did not degenerate, frankly, into Members wrangling with each other, as opposed to getting on with the business, which is what the Parliament exists for and what we are being paid to be here for. It is inevitable that frequently, because we have got strong views, we forget what it is that we are supposed to be doing and question the opinions of each other. I think he did a very good job as a Speaker. We supported him throughout the time that he was here when he was doing things that we enjoyed and when he was doing things that we did not enjoy, because at the end of the day... clearly, I never appeared before him as a judge *(Laughter)* and it would have been a very bad thing if I had because I am not a lawyer. *(Laughter)*

So I am happy to associate myself with this and I wish John all the very best and he knows how much affection I have always had for him and how much respect I have had for him as our Speaker. *(Banging on desks)*

Hon. Chief Minister: Mr Speaker, I am grateful for the indication of support from the Leader of the Opposition. I do not see how a reference to a historical fact can inject an element of anything that is partisan...

I did not make any remarks about what happened and how it came about. I am just saddened by what happened. I am sometimes saddened by some of the things that I do, let alone things that others do. So I do not think I injected any partisan element at all, but if hon. Members feel that I have, I invite them to go back to read the *Hansard* for the Budget debate in respect of the Chief Minister's reply for 2004, and then they can make up for themselves what it is that happened that day and see what partisan aspects might arise.

But, in any event, what is important is that we are jointly telling John Alcantara that the people of Gibraltar consider that he is worthy as a recipient of the Gibraltar Medallion of Honour and we are all doing that together. I sincerely hope that he will appreciate that on behalf of the people of Gibraltar we believe that he is worthy of this distinction.

Mr Speaker: Again, before I put the motion to the vote, may I associate myself with the remarks of someone who occupied this Chair for eight years? To discharge the functions of Speaker and Judge in a community, such as Gibraltar, is no mean task and I am very happy to see the House recognising the contribution which Judge Alcantara has made to Gibraltar.

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I now put the question in the terms of the motion moved by the Chief Minister. All in favour? (**Members:** Aye.) All against? Carried.

**Gibraltar Medallion of Honour –
Bestowed upon Aurelio Montegriffo CBE –
Motion carried**

Clerk: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'This House bestows the Gibraltar Medallion of Honour upon Aurelio Montegriffo CBE, who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular, for services to politics; Mr Montegriffo's main distinction having been his services as Minister for Health.'

Mr Speaker, Mr Montegriffo did a lot more than just be Minister for Health. He was, people often say, a very distinguished Minister for Health, who in the old days with a different type of Health Service, with a different numbers of beds, would make a point *every* day of visiting *every* patient and coming to their bedside and asking them how they were and how the service was being provided.

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He was of course a Minister in the time that he was in the House of Assembly and in the City Council before us. He was a representative of the Association for the Advancement of Civil Rights, the AACR, the party of which then you became Leader and represented as Chief Minister.

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I am reminded, Mr Speaker, that he was actually one of the members of the AACR that represented that party at the Constitutional Conference of 1969, chaired by Lord Shepherd, which achieved the preamble, the famous preamble to the Constitution on which many of us relied for many years in respect of the continued British sovereignty of Gibraltar and the Gibraltarians' rights to influence that.

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He is a man who is now very advanced in years. A politician of another generation, Mr Maurice Xiberras recently told a Gibraltarian publication that Mr Montegriffo had been able to say that he had held Mr Xiberras in his arms when Mr Xiberras was a baby, and that is how many generations back we are going in respect of Mr Montegriffo.

There is a reference in the national archives, which I have been trying to obtain in time for today, but I have not been able to receive so I only have the tantalising reference that the entry for Mr Montegriffo in the national archives in the United Kingdom in document FCO83/50 is this:

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'Remarks made by Aurelio Montegriffo, Association for the Advancement of Civil Rights (AACR), Member of the Gibraltar House of Assembly, regarding independence for Gibraltar'

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The reference suggests that it might have been something said in the 1950s, so he must have at some stage also been a firebrand in his day. Mr Montegriffo served Gibraltar with absolute distinction and that is recognised on Her Majesty having bestowed on him the CBE.

In my legal practice Mr Speaker, one of the photographs that dominated our dining room for many years was the photograph of Her Majesty the Queen when she visited Gibraltar, and flanking Sir Joshua and Her Majesty is Mr Montegriffo. He was the Minister designated by the Government to receive Her Majesty up the Rock and show her certain of the views that she was seeing from there.

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When we had the proud occasion to receive in Gibraltar Prince Edward whilst we were in Government, one of the things that we organised, because I think that was the particular anniversary of the visit to the Rock by Her Majesty, was that Mr Montegriffo should see him where he had seen Her Majesty and show him and his wife Sophie how the views that Her Majesty had seen almost 60 years before had changed in that time and he was very happy to assist us, almost 60 years later, as he had done 60 years before when Sir Joshua had asked him to do the same thing.

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Mr Speaker, the Gibraltar Health Authority has been revolutionised over and over again, and every Government claims to have done that; but the Gibraltar Health Service, along the lines of the National

Health Service, was only created once and Mr Montegriffo had an important hand in that and we all take the benefit today of it in different measure.

525 So I hope the House will be united in my moving of this Medallion of Honour for Mr Montegriffo, who I am sure will appreciate that the CBE that Her Majesty was happy to bestow upon him is now also supplemented by the people of Gibraltar bestowing upon him the Distinction of the Medallion of Honour.

530 **Hon. D A Feetham:** Yes, Mr Speaker, I have never had the privilege of meeting Mr Montegriffo and never had the privilege of speaking to him, but everybody that I have spoken to, and I have spoken to a few people about this... about not only this one, but the others, but this one in particular, because I have never met Mr Montegriffo, and the former politicians that I have spoken to about this all tell me that he is one of the most distinguished Ministers that has ever served this community.

535 On the basis of the advice that I have been given and obviously listening to the Chief Minister, we are absolutely delighted to support this particular motion and to support the bestowing of Mr Montegriffo with such an important honour by the people of Gibraltar to supplement as well the honour that Her Majesty provided him a number of years ago in the award of the CBE.

540 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as the current Minister for Health, I think that it is only right that I should lend my support to this motion, but also because I remember Aurelio well. He was a good friend of my late father and in fact they served together on a number of Boards at the time, including the Board of the then Medical and Health Department.

545 Mr Speaker, when I had the pleasure of serving as a member of the staff of the Health Authority back in the 1980s, Aurelio Montegriffo was remembered well and with great affection by the employees of the time. He is a special person and was a very special Minister, showing great care and affection for staff and patients alike. Mr Speaker, he was a very special man of that very special generation and I am very, very pleased to support this as the current Minister for Health. (*Banging on desks*)

550 **Mr Speaker:** Does any other hon. Member wish to contribute before I call upon the Chief Minister to reply?

Hon. Chief Minister: Mr Speaker, I am grateful for the indication of support from the other side of the House and I have nothing more to add.

555 **Mr Speaker:** Again, may I be permitted, having served in this House with Aurelio for so many years, to associate myself with what has been said about him?

The Chief Minister is quite right. Aurelio Montegriffo was the prime mover of the concept in the AACR of the right to our land where he used to speak about the need for Gibraltarians to have a concept of nationhood buttressed by an independent attitude of mind.

560 I, myself, personally owe him a great deal. He was my mentor in politics and helped me tremendously in my personal life and why not... even in my spiritual life. I owe him a great debt of gratitude and I am very, very happy that I should be in the Chair today when the House, on behalf of Gibraltar, is honouring him in this very suitable fashion.

565 I now put the question in the terms of the motion of the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

**Gibraltar Medallion of Honour –
Bestowed upon Albert Poggio OBE –
Motion carried**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'This House bestows the Gibraltar Medallion of Honour upon Albert Poggio OBE, who serves and has served Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar in particular, in his representation of Gibraltar in the United Kingdom and amongst other UK Overseas Territories.'

570 Mr Speaker, Albert Poggio has served three Chief Ministers of Gibraltar, starting with the Hon. Mr Bossano, spending fifteen and a half years with the Hon. Sir Peter Caruana and now has been working under my Administration for the better part of two and a half years.

Mr Speaker, in debates in this House I have indicated that as far as I am concerned Albert Poggio can continue to serve the people of Gibraltar for as long as he wishes and it is my pleasure that he should do so because the work that he has done since he was entrusted by the Hon. Joe Bossano, with the representation of Gibraltar in the United Kingdom, has been second to none.

Mr Poggio is unfortunately getting advanced in years and he looks much better than he ages, because his age is now 70 or almost 70 – those who are almost 70 are very insistent that they are not yet 70, but 70, I understand, is the next birthday – and we therefore unfortunately may find that Albert himself tells us that he does not want to continue representing Gibraltar with the level of energy that he has been showing until now. Therefore it is hugely fitting that we should start the process of recognising the work that he has done.

He has already an OBE from Her Majesty the Queen, but there is a more fundamental aspect to this motion perhaps than there has been in respect of some of the others and it is this that when the time came to mount the campaign for Gibraltar to continue to be British, facing a joint sovereignty threat from the United Kingdom and Spain where the relationship between the Prime Minister of the United Kingdom and the Prime Minister of Spain became so close that they thought that they could do a deal over the heads of the people of Gibraltar, of course things had to be done by Gibraltarian politicians, which included a referendum which included a huge amount of work outside of Gibraltar. Only yesterday we were talking about the cost in lobbying etc at that time, but the relationships that Albert Poggio had built between 1988 and 2002-03 with representatives in the House of Commons and in the House of Lords became the key factor in politically stopping joint sovereignty short of the final say, which the people of Gibraltar had in the referendum, that stopped the whole idea in its tracks.

And recognition by the Sovereign of the work that he has done is therefore important and he has it; but in particular recognition by the people of Gibraltar of the role that *he* played in that campaign for the Government of the day, I think is long overdue. It is I think impossible to imagine that Gibraltar could have achieved what it achieved if we had not had that fire power in the Commons and in the House of Lords that Albert Poggio represented then and represents now and I hope will continue to represent for many years in the future.

If we had a House of Lords then I certainly would be putting Albert Poggio in it. He moves within the House of Lords and within the House of Commons with its senior Members just like a duck in water and, Mr Speaker, it is quite something to see. It will probably be very few people beyond higher office holding Gibraltarian politicians who see that because... for those of us who get to access the Commons and the Lords with Albert, but it is quite something to see a Chancellor, to see a Prime Minister and to see any other Minister of the UK Crown or an ex Minister immediately recognise Albert Poggio as Albert, and say, ‘Hi Albert, how are you doing? Who is that bloke who is with you?’ Like the old joke of somebody standing next to the Pope and someone saying, ‘Who is that standing next to Danny?’ for example. *(Laughter)*

Well, Mr Speaker that is the sort of recognition that Albert Poggio has in the Commons and in the Lords. The Chief Minister of Gibraltar is very well recognised in Gibraltar, but walk down the corridor of the Commons with Albert Poggio or down the corridor of the Lords with Albert Poggio and you become the bloke that is standing next to Albert, and that recognition by Members of the Commons and the Lords of Albert is a recognition of Gibraltar. It is a recognition therefore of the work that he has done and of the importance of the work that he has done. It demonstrates in my view that Joe Bossano was absolutely right to entrust him with the job, that Peter Caruana was absolutely right to entrust him with the job. I know that towards the end there were issues there, but I am right to continue to entrust him with the job and it is why I would like to see Albert continue to do this work for as long as he wishes and as long as he is able.

And it is important that in this case, not just Albert know that the people of Gibraltar recognise the work that he has done, but that the rest of the world realise that the people of Gibraltar recognise the work that Albert has done and continues to do for Gibraltar.

620 **Hon. D A Feetham:** Mr Speaker, yes, the Opposition again will be supporting the motion and I have to say, because we are all in such a convivial mood and such a forgiving mood, that I forgive Albert for retweeting a tweet from the hon. Gentleman, the Chief Minister, and I quote:

‘Brilliant Joe Bossano reminds the House GSD called him “an economic illiterate”. So much for “statesmanship” from the GSD... Same Old GSD.’

Mr Speaker, it was a retweet by the Hon. Albert Poggio, but as I say we are supporting this motion and we forgive him for doing so, Mr Speaker.

625 Mr Speaker, Albert Poggio is somebody that I have known for many, many, many years in a personal capacity, not quite since I wore short pants, as the Hon. the Father of the House always wants to remind me,

630 but certainly when I was a young barrister in Manchester and I had to travel to London to appear in the Royal Courts of Justice. I always, *always* used to pop in to the Gibraltar office in the Strand and he would always update me about the situation in Gibraltar. We would talk about politics and about the issues that were affecting Gibraltar. He was always extremely, *extremely* well informed and he was, in my view, very, very patriotic about Gibraltar. He is somebody that not only is doing a job, but he feels the job too. He feels what he is doing and he puts his heart and he puts his soul into his job.

635 The Hon. the Chief Minister said that his work has been, in relation to the joint sovereignty, was second to none. I think that politicians apart and certainly leaving aside the contribution that was made by the hon. the backbencher, then Chief Minister, Sir Peter Caruana, that shall forever go down in history as one of the most courageous, intelligent defences of Gibraltar *ever* in the history of this community, and I think that for a non-politician he is probably right, that no non-politician did more to assist Gibraltar in that campaign than Albert Poggio, because the relationships and the contacts that he developed in the United Kingdom were second to none.

640 And if the Chief Minister... and I do not know I have not spoken to Mr Poggio about this. I do not know what his personal feelings are about continuing or not continuing, I have not discussed it with him, but if the Chief Minister can persuade Mr Poggio to remain to do the job that he is doing and to continue to serve Gibraltar in the United Kingdom, I think that it would be an important step for Gibraltar, because I do think that he plays a pivotal role in what he is doing currently and what he has done indeed going back to the 1990s, for all the reasons that the Hon. the Chief Minister has outlined.

645 So I have no hesitation, Mr Speaker, in supporting this motion.

Mr Speaker: Does any other hon. Member wish to contribute?

650 The Hon. Mr Bossano.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Well, Mr Speaker, the next time I see Albert when he comes to Gibraltar, probably sometime next week or the week after, I shall have to tell him that he ought to know better at the age of 70 than to go around tweeting! *(Laughter)* I do not tweet. I leave that to youngsters, who will eventually grow out of it.

655 Albert actually was involved in doing something important for Gibraltar well before he was involved in the Gibraltar office, because he was involved during the siege years in organising travel arrangements with chartered aircraft between Gibraltar and UK. He had a lobby already, which he organised, of London-based Gibraltarians, who were constantly going round – as we were doing, for example, in the London branch of the integration party – going round ensuring that wherever there was somebody speaking about Gibraltar anywhere, there was always a group of Gibraltarian to intervene or heckle the guy or whatever was required to redress the situation.

660 When we came in we thought that it was important for Gibraltar to have more than the tourist office, which is what it used to be before. I recruited Albert at zero pay, as the House would expect me to – *(Laughter and interjections)* Zero pay. He came into the office and he gave it the political content that the office needed and he actually converted what was already there, which had been started by the AACR. As you know, Mr Speaker, initially with people in the Labour Party, who were close to George Jeger and us, people like that, who were the initial lobbyists in the House of Commons, but he actually made it a much more professional lobby. He gave them much more support, in terms of feeding them information which we wanted them to be aware of from London, and in effect the Gibraltar lobby, the Friends of Gibraltar in the United Kingdom Parliament in the Lords and in the Commons, I think became and continues to be the best organiser and the most powerful lobby that there is in terms of any dependent territory and sometimes in terms of other interest groups that have got a declared lobbying function there.

675 Everybody recognises that if anybody in the United Kingdom starts toying with the idea of behaving in a way which is detrimental to Gibraltar's interest, that lobby can be mobilised at short notice and has a lot of support within both Houses of Parliament beyond those who are individual Members – well beyond. They have proved it by their ability to call for motions and for the participation that has been in debate. All that work is the result of Albert's involvement. If Albert had not been involved in moving from having a tourist office to having in effect a High Commission with him as the High Commissioner, then [*de facto, it not de jure*] then we would not have been able to mobilise the support in Parliament that we have been able to and that it is there and I think the most important thing in terms of Albert at some stage deciding to pass the mantle on to somebody else. I have advised him that he should stay there with me until we are both 90, but he still has not given me an answer.

680 But the important thing is of course that this transfer and these contacts and this knowledge cannot happen with somebody finishing on Friday and somebody else starting in on Monday. It is as simple as that. So there has to be and there is a need to have somebody that has a lot of learning to do from Albert and a lot of involvement in the personal contact. What Albert can do in Parliament he can do, not because he is the representative in London of Gibraltar, but because he has developed a personal relationship with MPs and

690 he continues to do it every time there is an Election when new MP's come in and others go, and the ones that stop being MPs continue to support us within their involvement in the political parties in the United Kingdom. So it is a lobbying function that has been there from the day that Albert took over in the Strand and continues to grow in strength.

695 And therefore he deserves this and much more than this, but the job that he has done in Gibraltar initially *ex gratia* and eventually paid (*Laughter*) can only be paid by the affection that the people of Gibraltar have for him. (*Banging on desks*)

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.

700 I rise again to take the opportunity because I do not want the occasion to go without being recorded that Albert Poggio also made his services always available to the trade union movement. Sometimes successes or failures from trade unions can end up having political consequences, so I think Albert saw his role in the biggest and widest sense of the word.

705 I am very grateful to Albert and I concur completely with the Chief Minister. I have had the privilege of walking into Westminster with Albert Poggio, and yes, one can only remain shocked at the way... I even at some stage thought that Mr Speaker might even stand up in the Chamber to say good morning to Albert. He does have that ability, that charm, that personality, that sincerity, that gift of being able to get along with everyone. He is at a personal level a very generous man as well. He will not let you go off without ensuring that you have had a meal and so on and if he is around he would even contribute. I do not know how on earth he manages it, but he certainly gave us a very good lunch that someone paid for, and so I am grateful for that, Albert.

710 But, yes, on behalf of all those of us who have been involved with the trade union world, we must record as well our grain of gratitude towards Albert and the contributions that he has made in facilitating our lobbying when needed in the United Kingdom.

715 **Mr Speaker:** The Hon. Albert Isola.

Minister for Financial Services and Gaming (Hon. Albert Isola): Mr Speaker, I have had the pleasure of working with Albert in a number of different ways over these past 20 years and I have got to know him and I consider him a very good friend.

720 I think that what Albert has done for Gibraltar, not just in the lobbying sense as my hon. Friends, the Chief Minister and the Father of the House have so eloquently described, which is of huge importance, but he has also done much more than that of course. He has assisted commercially. Only some two months ago he arranged a meeting for me to meet and brief a whole group, a huge group of Parliamentarians in the Deputy Speaker's Office on the gaming situation. I know he has worked at the Chamber of Commerce and I know he has obviously worked, as has been mentioned, in the tourism sector, but he has also done a huge amount for Calpe House and for those Gibraltarians who are in need of the help and assistance when visiting London at such a difficult time, he has always been there for each and every one of them and I think that is also worthy of merit.

730 Mr Speaker, I associate myself with the comments. I think Albert is an exceptional Gibraltarian who has given us all exceptional service and it is absolutely right and proper that we should commend him for that work.

Thank you Mr Speaker. (*Banging on desks*)

735 **Hon. Chief Minister:** Mr Speaker, I am even more delighted to be moving this motion now that I know that Albert knows a good tweet when he sees it and retweets it, even if other tweets might be disappointed. (*Laughter*)

But the hon. Member opposite has on his twitter feed, the following:

740 'Leader of the GSD and H M Opposition Gibraltar, partner of Hassans. Any retweets are not to be taken as an endorsement of the views expressed.'

So by his own measure it may be that Albert was not entirely supporting what I had suggested and he might assuage his conscience in that way.

745 I am delighted, Mr Speaker, that Albert Poggio looked after him when he went to see him in London in those days when he was a barrister in the United Kingdom and no doubt also treated him to a great lunch as he does all of us when we have been to London to see him, whether or not in Government, as Mr Reyes has confirmed. In those days obviously he was receiving him as a staunch supporter of the GSLP, no doubt in

those years when he was a barrister in the United Kingdom, but Albert treats us all the same whatever partisan affiliation we may have.

750 Mr Speaker, I said that Albert Poggio had coordinated efforts in London under the Government at the time. I was not pretending that it should be otherwise, but of course I cannot associate myself with the remarks that the hon. Gentleman made about that time. Sir Joshua Hassan played an important role, a *hugely* important role in Gibraltar's history when the Frontier was closed and strategising and getting us through that time was equally important. I mean for goodness sake, General Elliott was hugely important in
755 the defence of Gibraltar at the Great Siege. I do not know that I am prepared to accept that the hon. the backbencher had the same effect, but anyway...

Mr Speaker, I am also delighted to have heard this morning that the Hon. the Leader of the Opposition agrees with me that Albert Poggio should continue to do this work for as long as we are able to persuade him that he should, given that I put him back in the role when I was elected, because he had been removed
760 from it, and I am delighted to have taken that step. I am vindicated by what the hon. Gentleman has said during the course of the more acrimonious debate that we have had on the Appropriation Bill. I have been able to show that from having been unfit to govern, the hon. now the backbencher considers that he can congratulate me for the economic performance of the Government and that I have confounded my critic in respect of that.

I am therefore delighted that my greatest critic today, as democracy requires, the Leader of the Opposition, agrees with one of my decisions, which was to put Albert Poggio back into the role from which he had been removed by the hon. the backbencher and I am grateful to the Hon. Mr Bossano for having reminded us of the work that Albert Poggio does with the Overseas Territories, because in the same way as he strides as a Colossus through the Palace of Westminster, he is a Colossus also in the Overseas Territories
770 world. He is the longest standing of the UK representatives and the most experienced of the UK representatives. Other UK representatives of the Overseas Territories look to him. He has really exemplified what the role of a UK representative of one of the Overseas Territories should be to such an extent... and it was an issue that the Hon. Mr Bossino, who is absent from the Chamber at the moment – I am sorry I am going to speak about this in his absence – picked up, that on one occasion Mr Poggio had
775 been referred to as 'His Excellency', which is the moniker that is used to describe Ambassadors and High Commissioners in the UK, and Albert portrays the importance of Gibraltar in the United Kingdom to such an extent that people consider him to be an Ambassador and refer to him as such.

Mr Speaker, Gibraltar House was bought... the present Gibraltar House was bought under the previous Administration and the role that Albert Poggio played in obtaining that property was huge. This
780 Government at the time from Opposition supported that acquisition, if not the style and manner of its internal decoration, but we certainly supported the acquisition. We think it was an excellent acquisition to make and it stands as an important investment for Gibraltar and a very good shop window of what Gibraltar is today.

785 **Hon. D A Feetham:** Will you give way?

Hon. Chief Minister: No, let me finish. I will give way before I finish.

And, Mr Speaker, the important role that Albert Poggio has played in respect of Calpe House also cannot be understated in any way and I am very grateful to Mr Isola for having reminded the House of that.
790 I think it is important to say that he has not just played a role in Calpe House in the past. He is playing today a hugely important role in the developments that Calpe House is seeing in the improvement of the service, but this is exactly the sort of thing that one associates with Albert Poggio.

Whether it is the Chief Minister of Gibraltar that arrives in London for meetings with the Foreign Secretary or the Prime Minister or it is a citizen who arrives in London, low and not looking forward to
795 medical treatment and having to go through a difficult time in their lives, Albert Poggio is there in equal measure for all of us and that is the measure of the man.

The hon. Member wanted to say something, so I will allow him to do so now.

Hon. D A Feetham: Yes, Mr Speaker, it is not true to say that the Hon. Sir Peter Caruana when he was
800 Chief Minister *removed* Albert Poggio from the political role and the lobbying role – that is simply not the case. What he did was – (*Interjection*) No, he sent an office manager to deal with the administrative side, but he continued with the political lobbying and the political side, which is effectively what this House is actually saying Mr Poggio does best, because his contacts in those areas are second to none. I just wanted to make that position clear.
805

Hon. Chief Minister: Well, Mr Speaker that is not true.

What happened was that Albert Poggio was removed from his role as political representative of Gibraltar. Somebody else was sent in his place and it eventually became clear that only Mr Poggio could be

810 political representative. Mr Speaker, this happened very shortly before we were elected and given that the
 hon. Member wants to refer to it, there was a blazing row at No 6 Convent Place. It really descended into
 something which was not edifying at all for a Chief Minister to have done, which was not uncommon at the
 time. Unfortunately he has opened the door. People were shouted at and screamed at and Albert Poggio was
 815 shouted at and screamed at and he was sacked. Thereafter, Mr Speaker, the Chief Minister thought again
 and instead of sacking him changed what he was doing in London and sent somebody to do his job. But
 nobody can do the job that Albert Poggio has done in the way that Albert Poggio has done it and therefore,
 Mr Speaker, I was delighted to be able to reinstate him and I am very grateful that the hon. Member got up
 and said what he said so that I could...

820 He has opened the door. I would not otherwise have gone down, but it gave me great pleasure to put
 Albert Poggio back from where he had been *removed* wrongly by the Hon. then the Chief Minister, and the
 record reflects all of this and I am sure that there are memos and notes that reflect it.

Mr Speaker, Mr Poggio unfortunately at the time felt very hard done by and even had to instruct
 solicitors at the time.

825 But the truth prevails, Mr Speaker, and right prevails. We won the Election and we put him back where
 he should be, which is where he is today and where I hope he will stay for as long as he is able and now we
 recognise properly everything that he has already done and I am sure will continue to do, but the truth
 shines through. (*Banging on desks*)

830 **Mr Speaker:** May I say that on two occasions when my wife and I have had occasion to visit the United
 Kingdom in rather difficult circumstances, I immediately received, on both occasions, a telephone call from
 Mr Poggio making himself available should I need his assistance, and that I think is an indication of the
 kind of person that he is. I am very happy to be associated with the comments that have been made.

I therefore put the question in the terms of the motion moved by the Chief Minister. All in favour?
 (**Members:** Aye.) Those against? Carried.

Gibraltar Medallion of Distinction –

Bestowed upon Mr Ernest Lima; Mr Dennis Mathews; Mr Fortunato Azopardi;

Ms Adelaide Canessa MBE; Mr Kevin Dobson (deceased); Mr Lionel Perez;

Mr Julio Alcantara MBE; Mr Eugene Howes MBE ED; Mr Dennis Figueras MBE RD;

Mr John Desoiza; Mr Melvyn Farrell RD; Ms Annie Risso MBE; Mr Charles Conroy BEM;

Mr Charles Flower MBE BEM; Ms Heloise Mañasco; Mr Nathan Stagno; Mr Joseph Hernandez;

Mr John Gonçalves MBE; Mr Christian Santos; Mr Elio Victor MBE; Mrs Marisa Desoiza MBE;

Mrs Tobie Roosevelt –

Motion carried

835 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my
 name which reads quite lengthily as follows, and I crave the House's indulgence whilst I read it:

*'This House resolves to bestow the Gibraltar Medallion of Distinction upon the various individuals
 named hereunder for the respective following achievements, namely:*

(1) *Mr Ernest Lima, for services to public health, in recognition of his pivotal role in the establishment
 of the Gibraltar Health Authority and its administration and functioning over 25 years;*

(2) *Mr Dennis Mathews for services to the people of Gibraltar, in the establishment with others of the
 Self-Determination for Gibraltar Group and in particular the work done to establish the celebration of
 National Day on 10th September each year;*

(3) *Mr Fortunato Azopardi, also known as Forty Mr Speaker, for work he has done as a founder
 member of the Self-Determination for Gibraltar Group, as a result of his commitment to the application
 of the principle of self-determination of the people of Gibraltar in establishing, organising and
 promoting celebrations of Gibraltar's National Day on 10th September each year, and in particular the
 now annual Gibraltar Fair;*

(4) *Ms Adelaide Canessa MBE for services to education and having worked tirelessly in the education
 of generations of Gibraltarian women, in particular in recognition of her work at Westside
 Comprehensive School;*

- (5) *Mr Kevin Dobson, sadly, Mr Speaker, deceased, for services for education in Gibraltar, having been a teacher since his arrival in Gibraltar and having left a lasting legacy in the education of generations of Gibraltarian men;*
- (6) *Mr Lionel Perez, for services to education and culture, in particular for his role as a teacher in the Boys Comprehensive School and the establishment and direction of various dance and drama groups;*
- (7) *Mr Julio Alcantara MBE, for services to the administration of education in Gibraltar and in particular the transition from Grammar to Comprehensive education;*
- (8) *Mr Eugene Howes MBE ED for public service and in particular for his works as presiding and then senior presiding officer in every Election between 1976 and 2000;*
- (9) *Mr Dennis Figueras MBE RD, for public service and in particular for his works as presiding officer at every Election and Referenda since 1967, initially as polling/counting clerk, but later presiding officer, and Returning Officer;*
- (10) *Mr John Desoisa for public service and in particular for his works, presiding every Election and Referenda since 1967 initially as polling/counting clerk, later Counting and Senior Counting Officer up to 2007;*
- (11) *Mr Melvyn Farrell RD, retired, for public service, and in particular for his services to the Gibraltar Parliament and as returning officer in Elections;*
- (12) *Ms Annie Risso MBE for her work in the establishment and development of the Special Olympics movement in Gibraltar and the representation of Gibraltar internationally in that field;*
- (13) *Mr Charles Conroy BEM for his work in the establishment and development of martial arts in Gibraltar and the representation of Gibraltar internationally in that field;*
- (14) *Mr Charles Flower MBE BEM for services to sport over sixty years, in particular in recognition of his role as the first Gibraltarian athlete to compete in the Commonwealth Games, then the Empire Games, his work in promoting sport amongst young people and his work as President of the Gibraltar Commonwealth Games Association;*
- (15) *Ms Heloise Mañasco for her outstanding sporting achievements in air rifle shooting, a sport in which she has competed internationally and won numerous gold medals for Gibraltar in various competitions;*
- (16) *Mr Nathan Stagno for his outstanding achievements in the international umpiring in the final of the Hockey World Cup in Holland earlier this year... in fact, Mr Speaker, just last month;*
- (17) *Mr Joseph Hernandez for services to all sports in Gibraltar and his work on the development of the Strait Games;*
- (18) *Mr John Gonçalves MBE for service to basketball in Gibraltar and the international recognition of Gibraltar within that sport;*
- (19) *Mr Christian Santos for services to popular culture, in particular for his authorship of a large number of popular Gibraltarian plays and dramatic works;*
- (20) *Mr Elio Victor MBE for services to young people in Gibraltar;*
- (21) *Mrs Marisa Desoiza MBE for services to Cancer Relief charities in Gibraltar;*
- (22) *Mrs Tobie Roosevelt for services to Gibraltar in the Gibraltar American Council, of which she is President.'*

840 Mr Speaker, we are dealing now with the Gibraltar Medallion of Distinction. The Medallion of Distinction is in the hierarchy of honours below the Medallion of Honour.

In some instances, Mr Speaker, there are people who are worthy of recognition, who are not recognised with the Honours from Her Majesty that one might consider is appropriate for them, because of course although we are a thriving community of 30,000 people, Mr Speaker, it is not the case that there are simply honours that one can pick for those that deserve them that we can then see bestowed upon them.

845 The number of honours available, 'State Honours' available as they are known, is spread in the United Kingdom and throughout the Overseas Territories and therefore Gibraltar's quota is a very small amount. There may be a very worthy recipient who does not receive a State Honour because unfortunately the quota is not there and the person that does receive it may not be more worthy than the person who does not, although all would be equally worthy of receiving them.

850 The previous Administration prepared for the House these two Medallions – the Medallion of Honour and the Medallion of Distinction – so that they could be used in appropriate circumstances. We think that the list of people that we have brought to the House is a list of people who deserve that recognition, and the fact that they deserve recognition does not mean that others do not deserve recognition who we will bring to the House for the House's consideration in future.

855 Mr Speaker, each of these has a small citation. I could speak on all of them for a very long time. I do not intend to do so. I think everybody knows who the people we are dealing with here are, and therefore I would simply say that each of them is in the view of the Government worthy of this Medallion of

Distinction for the work that they have done, which is reflected in the paragraphs that follows in respect of each.

860 Mr Speaker, I am happy to say if the hon. Member at some stage in the future wishes to have Government support for others that he might think are also worthy of recognition, he only needs to notify me. There are people in our community that reach different Members of this Parliament in order to be able to put suggestions to us. I formally say today to the public within the same way as they are invited to make
865 any of the media of communication that people can use to contact me, whether it be by snail mail, i.e. a letter, or a more modern use of technology, they should feel free to get in touch with my office if they believe that somebody is worthy of nomination for the Gibraltar Medallion of Distinction or indeed the Gibraltar Medallion of Honour.

870 Mr Speaker, I do not intend to say anything else about the individuals as set out in this motion. Each of them I think has a citation that demonstrates that they are worthy recipients of recognition by this Parliament by the bestowing of the Gibraltar Medallion of Distinction.

875 **Hon. D A Feetham:** Mr Speaker, it is the last opportunity that I have of rising today, and perhaps before I –

A Member: There is another motion.

Hon. D A Feetham: Is there another motion? Well, I will say it now in any event.

880 Mr Speaker, certainly I hope that I speak for all Members of the House in wishing the Clerk a happy birthday for tomorrow. I know that it is his birthday tomorrow and Jaime Netto's birthday today, and I wanted to mention that before I get one last opportunity.

Mr Speaker, the Hon. the Chief Minister has said that there are other people who are equally as worthy of receiving recognition for this community, I agree. I am grateful to the Hon. the Chief Minister for his indication that he will take those on board.

885 I think that there are some worthy recipients. For example, in relation to the Medallion of Honour, I think that Mr Joe Pitaluga, who was Chief Secretary for many, many, many years and one of the greatest civil servants that Gibraltar has ever produced, is somebody who is worthy of that particular recognition. (*Banging on desks*) and I hope that that is something that the Chief Minister perhaps will take on board the next time that these Honours are also bestowed.

890 In relation to this particular honour, the Gibraltar Medallion of Distinction, William Serfaty, for example, who was one of the founders of the SDGG, and not only one of the founders, but he is the first member of the Self-Determination Group that actually addressed the United Nations, I think that I am right in saying – the Hon. the Father of the House can correct me if I am wrong – and over 10 years he was Chairman of that organisation.

895 Dr Leslie Zammit I think is also worthy of recognition posthumously. (**Several Members:** Hear, hear.) Mr Robert Balban for youth and charity. Dr Rene Beguelin for medicine and diabetes charities.

900 And indeed, despite the fact that I am often at the end of not his waspish tongue, but certainly his waspish pen, the father of the Hon. of the Deputy Chief Minister, Joe Garcia for services rendered to journalism. And indeed, I think that Dominic Searle the Editor of the *Gibraltar Chronicle*. Those are the ones that come to mind and perhaps the Hon. the Chief Minister can bear those in mind the next time that he comes to focus on these issues.

Mr Speaker, I am not going to talk about all of these. I note the citation. We will be voting in favour of this motion and I would like to just simply highlight a couple of these.

905 Melvyn Farrell for example, I think that... I am extremely glad that the Hon. the Chief Minister has brought this motion in respect of Melvyn Farrell. I foreshadowed something myself when I addressed the House on the occasion of Melvyn's retirement as Clerk of the House. I really cannot think of anybody who is more worthy of this particular distinction than Melvyn Farrell, somebody who has served Gibraltar, and indeed this House, for many, many years.

910 Lionel Perez is somebody that I hold in high personal esteem. He was my drama teacher for many, many, many years. I think he was the only person in the world that has forced me to wear tights, Mr Speaker, (*Laughter*) but I do not hold it against him. I still remember his words ringing in my ear, [*niño te voy dar una piña*] He used to say to me [*niño te voy dar una piña*] He was an excellent, excellent, excellent teacher, *excellent* teacher, and I have to say that somebody whom even still today I really enjoy sitting down and talking to and exchanging opinions, very worthy indeed of this distinction.
915 Those really are the only two that I wish to simply perhaps give a special mention because in Mr Perez's case, he was a teacher, one of my favourite teachers at the Boys Comprehensive, and Melvyn Farrell because of the high esteem that everybody in this House holds Mr Farrell.

920 **Hon. D J Bossino:** Mr Speaker, I would like to associate myself with the words of the Hon. the Leader of the Opposition, and indeed with the introduction of the motion by the Hon. the Chief Minister.

I would also associate myself in particular with what the Hon. the Leader of the Opposition has said in relation to Mr Joe Pitaluga. There has been a lot of reference to the sterling work which has been undertaken and discharged by another senior civil servant, in Mr Montado, but I think it has to be recognised on this side of the House and I am sure it will not be controversial on the other side of the House
925 to also particularly recognise the sterling work undertaken by Mr Joe Pitaluga when he was Head of the Civil Service before Mr Montado. I think Mr Montado was Mr Joe Pitaluga's successor. And for many, many years, spanning many Chief Ministers, but in particular Sir Joshua Hassan.

I think the Hon. the Chief Minister when he was referring to Mr Montado made a reference to Mr Montado's visits to the UK in relation to the Brussels process and then Brussels Agreement.
930 Mr Joe Pitaluga's work in relation to that I think also has to be recognised and acknowledged. He was an extremely hard worker. I have heard anecdotal references of the light in his office at Secretary's Lane flickering away and being on for many hours in the night and he was also a highly intelligent man, and I think that ought to be recognised in a motion at some point in the future by everybody in this House.

Mr Speaker, I, like the Hon. Leader of the Opposition, wish to make a reference to some of those
935 individuals who are listed in the motion before us. By mentioning them I wish not to exclude anybody and I hope that they do not take it badly if I do not mention them particularly by name, but I mention them because they have had either an influence in my life or I have got to know them over the years.

The Hon. Leader of the Opposition mentioned Mr Perez as being influential when he was at school. I would make a reference to Mr Kevin Dobson in particular. As the Hon. the Chief Minister knows when we were in English class with him, I always have very fond memories of the debates that he would organise,
940 and there was one or two in particular which I am sure the Hon. the Chief Minister will immediately recall, and unless I am mistaken – and the Hon. the Father of the House will be glad to hear this – I think I participated in that debate either as Chief Minister or perhaps as leader of the Opposition, but as leader of a GSLP Government or a GSLP Opposition, whilst the Hon. the Chief Minister was... he was more of an establishment guy in those days and he led the AACR. No doubt he will recall who won the debate. I think I won the first one – he is nodding his head – and he may have won the second one. *(Interjection)* No, I do not think so. *(Laughter)* There is well – *(Interjection and laughter)* There was a recording *(Interjection)*
945 because if the Hon. the Chief Minister will recall Mr Dobson actually took his video camera to school and to class on that particular day and recorded the proceedings. Goodness knows where that may be now, but I wanted to make special reference to that. A reference to the motion which says that, 'for having left a lasting legacy in the education of generations of Gibraltarian men', and I am sure that both the Chief Minister and I can vouch for that.
950

I also wish to associate myself with what the Leader of the Opposition said in relation to Mr Melvyn Farrell. We have all said what we had to say in relation to him already, but I think a special mention on the occasion of this motion ought to be made. The man is in many, many respects and in more ways than one a gentleman. He has provided I think all of us with assistance in our endeavours whilst conducting our affairs in this House and I can certainly vouch for that personally, Mr Speaker.
955

Finally... or penultimately actually, I would like to make a reference to Mr Dennis Matthews, who I know personally as a friend. I associate myself personally with the services that he has made to the people of Gibraltar, particularly in relation to his fighting the Self-Determination corner, which was started during the time that Mr Bossano, the Hon. the Father of the House was Chief Minister. Again, one of those gentlemen who does not look his age and still finds the energy and the time to write those speeches and travel all the way to New York as he has done recently on two occasions. I think that ought to be quite rightly recognised by the Members of this House.
960

Finally, Mr Speaker, a very special mention I think ought to be made of Mr Elio Victor for his services to young people in Gibraltar, and of course Mr Victor was also a candidate – if it is the Mr Victor I am thinking of, and I think I am right in that – with the GMP with me in the 1996 General Elections. The Hon. the Chief Minister and indeed the Hon. the Deputy Chief Minister who led that party in those Elections will recall the fun I think that we had in particular... oh yes, and the Hon. the Minister for Sports, absolutely.
965 The fun I think that we had during the course of that campaign.
970

I remember very vividly when we thought that we were going to get at least the Leader of the party into the House and the opinion poll suggested that we could. In the event it did not happen. I think we all received a shock when we saw the results of the exit poll, which were accurate in the event, and we achieved less than 5% of the vote.
975

But despite the very disappointing result, Mr Victor was always there as a source of good fun, good advice and just really a good chap indeed. And I do welcome the fact that Mr Victor features in this motion. I am grateful.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker?

980 **Mr Speaker:** Mr Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.

985 If I may, I am very glad that the Chief Minister in presenting this motion has nominated persons from a very wide range and different type of contributions and activities in the community, and particularly pleased, as I am sure is the Minister for Sport, that there are good and very worthwhile sports personalities nominated on this, above all, Mr Speaker, because I do not think we will have another opportunity. In the same way that we have got the Father of the House, the Father of the Commonwealth Games, Charles Flower, is nominated here, and that prompts us I think to call upon this House to unanimously wish the best of Gibraltarian luck to all our worthy sports men and sports women (**Several Members:** Hear, hear.) (*Banging on desks*) who will be representing us in Scotland in the forthcoming Games.

990 Also, Mr Speaker I know that the Chief Minister has to keep the citations succinct and so on, but I have to mention that in respect of the educational list, there is something that at least in my personal professional life as a teacher should also be recorded. Mr Julio Alcantara as the first Gibraltarian Director of Education had the uneasy task of implementing in Gibraltar the National Curriculum that had been introduced in the UK. I am sure the Hon. Steven Linares joins me as well in thanking Mr Alcantara in the way that he handled that and discussed that with us in the trade union movement, because what we did was we actually cherry picked what we thought was best to ensure that our children received a good education, but we did not fall into the trap of what later on they learnt in the UK were the mistakes of all these league tables and so on and so glad that alongside Mr Alcantara, who had also been involved in implementing what we called in the trade union world the 'Baker Agreement', the 'Blue Book', all those different terms that were used for the implementation of new pay and conditions, Mr Alcantara had to oversee that, the changing of a certain number of working days and so on, and he was very ably supported and we had no problems in entering negotiations with the then Headmistress of Westside School, affectionately known to us as Lally, Lally Canessa was there and of course my other personal friend Dr Bernard Linares at Bayside School. So I am really grateful, Mr Speaker, that the Chief Minister found it fit to recognise these people and in the record it will show that they also had a particular contribution to make to the introduction of both the national curriculum and the new terms and conditions for teachers.

Thank you.

1010 **Hon. S M Figueras:** Mr Speaker, I am grateful for the opportunity to rise to just add my two pence worth to the discussion on the motion, and in particular in relation... I associate myself of course with all the comments of hon. Members present in relation to all those on the list certainly, but I would like to just add a couple of comments in respect of a couple or three of them.

1015 Starting with Mr Fortunato Azopardi, obviously a man for whom I have close personal affection and whom I also understand, and it may well be common knowledge, but I certainly only learnt it this morning, that he was indeed the originator of the idea of the 30,000 red and white balloons being deployed on National Day – (*Interjection*) from what I understand, yes – and which, of course, depending on the prevailing winds on any given National Day would have sent the community's message really very loudly and very clearly to precisely the people in a very targeted fashion that we would otherwise prefer to ignore such strongly held local sentiment.

1020 In relation to the former Clerk of the Parliament, Mr Melvyn Farrell, I had the opportunity of only a short year and a half or two of working with him, but I was always very grateful to him for always being happy to provide guidance and assistance, despite the differences that there may have been in relation to the posing of questions and whether those are accepted or otherwise. He was always the messenger and I tried my hardest not to be the one to shoot him.

1025 Finally, Mr Speaker I am gratified personally as well to see Mr Christian Santos on the list, a person with whom I have had the opportunity over many years of sharing the stage and like other Members, I am sure, being entertained by the very original and the very entertaining works which he has brought to this community.

1030 I would also like to take the opportunity of specifically to record on *Hansard* that I associate myself with the wish expressed by my Hon. and Learned Friend the Leader of the Opposition in relation to our wish, and my personal wish as well, that Dr Leslie Zammit be recognised by the Hon. the Chief Minister. As a person who I spent many, many summers working in the Bayside drama studio to deliver annual plays, which were frankly a significant part of my teenage years here in this community and make up for a lot of who I am today, and that certainly is something I wish to record. He was taken tragically too soon, depriving this community of so much more that I am sure he would have been able to (**A Member:** Hear, hear.) contribute. I therefore just want to place on record that he would certainly be a worthy recipient and certainly an honour that I am certain his wife Olga would be only too proud to hear of his receipt of.

1040 That concludes my contribution. Thank you. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker I am grateful for the indications from the hon. Members that they will be supporting this motion.

Can I just say to them, Mr Joe Pitaluga already has the Gibraltar Medallion of Honour. I am surprised that Mr Netto, Mr Reyes and Mr Feetham have forgotten. We actually bestowed it in 2008 (*Interjection*) on Mr Pitaluga for all of the reasons that Members opposite have said. It was unanimous and so we have in effect re-run that debate and it has been a pleasure to hear. (*Laughter and interjections*)

But anyway, Mr Speaker, the hon. Gentleman has given us a list of people who we associate ourselves with the things that he has said. Many of them are already or were already on the Deputy Chief Minister's running list for December. I have given an indication to the Leader of the Opposition, which I am happy to give to the whole community, that I intend to bring these motions both in June and in December... or rather in July when we have the July session, and in December and the names they have mentioned I think absent, one or two of them were already on our list and so it is a pleasure to see that we will be able to see them unanimously supported.

William Serfaty, I have always got on with very well as a member of the SDGG and the Hon. Leader of the Opposition is right, he is the first Chairman of the SDGG to have addressed the UN. The reason we did not move on this occasion that he be included is because Mr Matthews has indicated that he is leaving the Chairmanship of the SDGG and we are therefore honouring him on this occasion, but Mr Serfaty will be honoured by us on the next occasion.

Mr Leslie Zammit has been mentioned and Mr Zammit, who unfortunately passed away very early in his retirement, was Deputy Headmaster of Bayside whilst I was there. (*Interjection*) Well, in the time I was there he was Deputy Headmaster. He is to a very great extent responsible for my having been able to access Oxford University, because he organised for me all the exams I had to do, outside of the run of the normal organisation of the school, and if it had not been for him in his position and the manner that he organised them, I do not think I would have been able to do those examinations. I remember it was unfortunate that I had to do three entrance papers and they were all scheduled for the same time on the same day and therefore the only alternative I had was to sit the three of them one after the other and do nine hours. And if I may say so, figuratively, he held my hand through that period, which was also a period when construction was going on at Bayside School and therefore it was a particularly difficult time and he was extraordinarily helpful to me personally, and therefore they find me very happy to support the proposal that Leslie Zammit be honoured in this way.

Mr Speaker, the Government will amongst others also be proposing that Ralph Heskett be bestowed the Medallion of Distinction. He leaves us this weekend, having been our Bishop, and he is therefore going to be one of the names we move after he has left.

Mr Jose Netto, who has an important role to play in the history of trade unionism in Gibraltar will also (*Interjection*) Sorry? You are right. He has got the Honour, not the Distinction.

So, Mr Speaker, there is a list of people in this community who have not been recognised because of the absence of State Honours, or enough State Honours in the way that we think is appropriate and therefore we will certainly be moving that they receive this Distinction.

Mr Speaker, of those who are being bestowed these Honours, I did not intend to say anything more than the paragraph said, but Members opposite have said something and I want to associate myself with the things they have said about the people they have said it.

Melvyn Farrell, Mr Speaker, was at No. 6 Convent Place an important tool in what a Chief Minister did until 1996 when he was moved and No. 6's gain was our loss eventually when he came to this Parliament and he therefore started to fulfil an important function here. As the present Clerk will know now, they are at the heart of our democracy. They are at the heart of our political battles. They have to steer a very difficult course between both sides, and all Clerks have... and Mr Melvyn Farrell did of course steer that course very carefully and very elegantly so that we all felt that we could confide in him when necessary.

Mr Speaker, Kevin Dobson has a place very close in my heart, as he does in the heart of the hon. Gentleman opposite. He prepared us for this life that we lead today with his instruction in the language. It is unfortunate that the hon. Member has blacked out that I beat him in all of those debates (*Interjection*) when the hands went up and that he has not yet beat me in any Election that we have stood for, even if it is just an argument over a constitution when we were aged 16. I hope that will continue for many years and Kevin would be very happy to see us – (*Interjection*) Kevin would be very happy to see us having this argument today, because I know he held us both in great affection, as he did everybody who he taught.

Mr Speaker, Lionel Perez taught in a different less gentle way (*Laughter*) but just as effective. I was very pleased to hear the Hon. the Leader of the Opposition say that he remembered Mr Perez threatening him with a [*piña*] Mr Speaker, I suppose because he is taller than Mr Perez, he remembers Mr Perez threatening him with a [*piña*] Those of us who were about his same height remember the [*piña*] (*Laughter and banging on desks*) and a very, very important part of our education it was too, Mr Speaker. I do not know that he would get away with it today, but that probably accounts for why kids are such a riot these days. If Lionel Perez had his way, we would all be back on the straight and narrow, whatever our ages.

Mr Speaker, I am very pleased to hear that the hon. Gentleman recognises the importance of the release of balloons on National Day. There are environmental issues that we have to consider for the future unfortunately, but I am very pleased that he has understood what that signal means.

1105 I was I think 19 years old when I was in the lobby of this place on the first National Day having been called up by Marielou Guerrero having been in a few meetings of the SDGG already, to come down early to start inflating balloons on the day that this was first done. When there was no red and white organised other than I think the Chief Minister or one of the Members of the SDGG having said on television, ‘Tomorrow is the 10th September. We will be releasing balloons. It would be good if people wore red and white’, and it was quite incredible to see the flood of red and white that emerged. We thought we might just see the girls from Westside wearing burgundy and white, but actually the whole of Gibraltar turned out with some aspect of red and white on that day, which was not a holiday, just with a red tie and a white shirt and the like.

1110 It was the then Chief Minister, Mr Bossano, who declared the holiday as the result of the enormous success of what the SDGG had done on that day and I am very pleased that we are able together to recognise that and I hope that even on the days when they have not attended the political rally at Casements, they have happily seen the balloons send the message quite where it has to be sent.

1115 Mr Speaker, all of these people are worthy of this recognition and I am delighted that the House will Honour them unanimously. *(Banging on desks)*

1120

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? **(Members: Aye.)** Those against? Carried.

**Suspension of Standing Order 19 –
Motion carried**

Clerk: The Hon. the Chief Minister.

1125

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

‘That this House approves pursuant to Standing Order 59 the suspension of Standing Order 19, but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of a motion which has been notified by the Hon. the Chief Minister on 2nd July 2014 and circulated by the Clerk on 2nd July 2014.’

1130

Mr Speaker: This is just a procedural motion. Does any Member wish to contribute?

I propose a question in the terms of the motion moved by the Chief Minister, and I have to say it should be noted it is a procedural motion because it has not been possible to give the necessary number of days. *(Interjection)* I put the question?

I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? **(Members: Aye.)** Those against? Carried.

**First World War –
Commemoration of 100th anniversary –
Motion carried**

1135

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

‘This House:

Notes that this year marks the 100th anniversary of the outbreak of the First World War;

Recalls the sacrifice made by the United Kingdom and the British Empire, including Gibraltar towards the War effort;

Recalls that the Bay of Gibraltar was an important assembly point for naval convoys during the First World War; and

Takes note that the Memorial in the Lobby of Parliament remembers the role played by some Gibraltarians during that conflict, including the Battle of Bournon Wood. These are Lieutenant S Benzecry; Leopold Bossano; Joseph Gustavino; J Briggs; Lionel Harrison; Albert Jones; Edward Oliveri; A Wallace; Michael Pitman; Daniel Francis Piri; Harry Reading; Alfred J Ruggier; Andrew Ryan; Stewart Thomas and John Undery; and

Hereby resolves to honour through this motion the memory of all those members of the Armed Forces and also those civilians who gave their lives in the service of their country during the First World War. '

1140

Mr Speaker, as hon. Members know, there will be celebrations in Gibraltar to commemorate the 100th anniversary of the outbreak of the First World War.

1145

It was proposed to the Government, and the Government has accepted, that one of the things that should happen during the course of those celebrations is that a motion of this Parliament should be read, and this is the motion that we propose for the purposes of those further commemorations, including not just Ministry of Defence aspects and not just aspects from the Government of the United Kingdom, but also an aspect of representation of the people of Gibraltar through a motion of the legislature of Gibraltar, commemorating the role that some Gibraltarians played in that war, which is called the 'Great War', and which is being commemorated this year.

1150

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

1155

Hon. D A Feetham: Mr Speaker, yes, we are delighted to support this motion, as indeed we would be delighted to support any motion that remembers all those who have not only made the ultimate sacrifice for their country and for their community, in this case Gibraltar, but have also contributed in some way to that, in this case the war effort on behalf of the community and therefore contributed to the existence and the enjoyment of liberty by everybody in this House and everybody within the community.

1160

I do not know how many of these, Mr Speaker, were casualties of the First World War. I do not know the history, but there could be fallen warriors amongst them that never came back to see their families and their friends; but even warriors that do not lose their lives in a war, everybody that participates in a war no doubt comes back touched by it. It must be horrendous. A horrendous way to spend part of your life being involved in that way in a war and quite frankly liberty is such a precious, precious, precious gift, that I think that anybody that contributes to the existence of liberty, in the way that these individuals and others have contributed, deserve that recognition.

1165

I am glad, Mr Speaker, that the Hon. the Chief Minister has focused on Gibraltarians, and not just the war effort generally in the First World War. I am not suggesting for one moment that it is not worthy of remembrance, but we have got our own people who have also contributed to that war effort and in that context I also note the comments made recently by Baroness Warsi, that the United Kingdom should also recognise not only the fallen British soldiers from mainland United Kingdom and those that contributed in the two Great Wars, but also the Commonwealth as well, and those that contributed from the Commonwealth to the United Kingdom, the British war effort and the existence of liberty in the United Kingdom and indeed Europe. People who came from the far flung corners of the world that may have had absolutely no connection to Europe or indeed the war in Europe.

1170

1175

Mr Speaker, I always on these... not occasions, but when one comes to consider remembering people who have fought in both World Wars, I always remember the poem by Laurence Binyon, the very well-known poem by Laurence Binyon for the Fallen, and indeed it is the last line of the *Ode of Remembrance* from that poem, which reads, 'We will remember them'. I think that that is what we are doing today in this motion. We will remember. We will remember not only those that have given their lives for this community, but indeed those who perhaps did not give their lives, but who went through that war effort so that we could have the liberty and enjoy the liberty and the democratic values and institutions that we enjoy today. For all those reasons, we are delighted, certainly on this side of the House, to support the motion.

1180

(Banging on desks)

1185

Mr Speaker: Does any other hon. Member wish to speak on the motion.

The Hon. Mr Bossano.

1190

Hon. D J Bossino: No, I give way to –

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the second name on the list is a Bossano – *(Laughter)* not a Bossino. *(Laughter and interjection)*

1195 I think one of the things that is significant about those who went to fight to defend King and Country is in fact that they were Gibraltarian volunteers. Like they came from other parts of the British Empire, the Gibraltarians were volunteers and in a way is what Gibraltarians have done or the ancestors of the Gibraltarians have done, because way back in the 18th century there was the Italian Contingent that defended Gibraltar against sieges and then subsequently there was the Gibraltar Defence Force, which eventually got the recognition that it deserved as a Regiment and then as the Royal Gibraltar Regiment.

1200 What we are doing here is recognising in one particular period in our history what a group of Gibraltarians were doing when the time came to step forward to defend the British Empire in the process of defending British Gibraltar at the same time, because clearly one would not subsist without the other. Certainly, in my own family, my father had 12 brothers and sisters, which was the kind of families that existed at the time of the First World War and I do not think he lasted very long after volunteering.

1205 **Hon. D J Bossino:** Yes, Mr Speaker, I am glad he has made a reference to Leopold Bossano in that because I think actually it is that particular paragraph in the motion which for me certainly is perhaps the more poignant or important one, and it is the fact that there has been such a contribution to the war effort by Gibraltarians. This is the point, and the point was made by the Hon. the Leader of the Opposition when he referred to what Baroness Warsi has said recently when she launched the project called the First World War the Commonwealth Contribution, Gibraltar as part of the Commonwealth did make a contribution to the First World War. Their names are there. Their names are on the memorial set out in the lobby of the Parliament and it is in fact one, which I was mentioning it to the Hon. the Deputy Chief Minister as we were walking up before this session started, that that was particularly one of the acts during Armistice Day, which we celebrate in November, which we were always very keen to attend when it was less popular to do so. Everyone would go to the Cross of Sacrifice, but he and I would always make the point of coming here and laying the wreath at the lobby of the House because it was in recognition of the sacrifice made, whether by their lives or otherwise, by the Gibraltarian contingent.

1210 The Second World War, because it is closer in time and it in fact impacted directly in some cases... some Members of this House were impacted directly by it, but at least I think for most of us perhaps the exceptions may be the younger Members of the House, the Minister for Social Services and the Minister for Tourism may not fall under this category, but I think all of us will have had parents who were actually probably born during the Second World War.

1225 In relation to that point, just by way of anecdotal reference, the Hon. the Minister for Employment will recall when about four years ago I told him, and I think I sent him the information I had come across as a result of some research I was doing for a case and I had occasion to go to the Gibraltar Archives, and Mr Beiso very kindly pointed me to the direction of a box which contained the passenger lists of the ships which took the Gibraltarian evacuees.

1230 And just to delve... or to dwell rather on the Second World War for a moment, I came across this particular document, which refers to Ship D, the Athlone Castle, which set sail on 26th July 1940. Amongst that list there is a Jaime Bossino, who at the time was two years and five months and a Mary Padiña who at the time was one, those are my parents, my mother and my father. If you go further up the list where the Bossino surname features, one comes across a Joseph Bossano, who was one year old and one month and Theresa Bossano, who I assume was the hon. Member's late mother. So had that particular vessel been torpedoed successfully, neither a Bossino, nor a Bossano would have been present in this House today.

1235 **A Member:** No rainy day fund.

Hon. D J Bossino: No rainy day fund.

1240 In fact that point was made by Baroness Warsi when she launched this particular project and she made a reference to the fact that we all know about the Second World War. We would all have had fathers or grandfathers... she referred to them as the brave men who would have participated in it, but it is for that reason I am quoting from a speech she says:

1245 '... I have always known something of British India's role in that conflict. But for many years I was unaware of the role their fellow countrymen played 30 years earlier. The one and a half million from modern day India, Pakistan and Bangladesh who served, fought and fell for Britain in the Great War.'

1250 In the first World War... so I think it is absolutely right, Mr Speaker, that equally as Baroness Warsi has done in the United Kingdom, that us here in Gibraltar we should recognise the very valuable contribution made by Gibraltarians in particular to the Great War and we are very happy to be supporting this motion indeed.

Mr Speaker: If there is no other contributor, I will call upon the mover, the Chief Minister, to reply.

1255 **Hon. Chief Minister:** Mr Speaker, I am very grateful for everything that everybody has said about this motion and in particular for the things that the Hon. Mr Bossino said about the Second World War, although we are dealing with the First World War, but I do appreciate that it does help to put things in context.

1260 Mr Speaker, the things that Baroness Warsi has said are going to be recognised in a Service of Remembrance organised in Glasgow on 4th August, which will be presided over by Prince Charles, and to which the Government of Gibraltar has been invited in recognition of the role played by Gibraltarians in respect of the First World War. So we are delighted to see that Gibraltar is going to be included amongst those recognised for inclusion on that important day where the whole world will be remembering from Glasgow what happened during the course of the Great War.

1265 Mr Speaker, I do not think there is more to add, except to tell the Hon. Mr Bossino that some of us have parents who were born during the First World War. My father was born in 1917 and he unfortunately passed away in 2010.

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

1270 **Clerk:** Adjournment.

1275 **Chief Minister (Hon. F R Picardo):** Mr Speaker, so fair and foul the session of Parliament there is not as the one that considers the Appropriation Bill, and then goes on to consider in unanimity measures, like the ones that we have considered this morning, we have argued, we have laughed and we have worked together on Bills and not worked together on much else.

Mr Speaker, it is now my pleasure to move that the House adjourn *sine die*, with a wish that all Members enjoy the summer break. We will see them again in September.

1280 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.)
Those against? Passed.
This House will now adjourn *sine die*.

The House adjourned sine die at 12.51. p.m.



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MORNING SESSION: 9.15 a.m. – 12.49 p.m.

Gibraltar, Thursday, 16th October 2014

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<i>The House recessed at 12.49 p.m. and resumed its sitting at 3.06 p.m.....</i>	<i>52</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*]

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

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.
120

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.

Hon. D J Bossino: Can the Minister for Tourism provide updated details of the costs of the replenishing
145 of the Sandy Bay beach?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes,
150 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.

Hon. D J Bossino: Can he give an indication as to why that is the case? Obviously, any saving must be
155 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?

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
160 50,000 tonnes of sand for a slightly lesser amount – but we did obtain exactly what was sought.

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
165 information?

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,
170 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.

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

195 to the company that provided the most competitively attractive bid in compliance with the tender documentation.

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.

260 **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

CONT...

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 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.

400 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister has already alluded to part of the answer to this
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?

405 **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 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.

410 **Hon. S M Figueras:** I am grateful. Perhaps the Minister could provide me with information that he may
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?

415 **Hon. N F Costa:** Mr Speaker, as I mentioned during the course of the Budget debate, there are currently
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

420 **Clerk:** Question 478, the Hon. S M Figueras.

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?

425 **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, 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?

435 **Hon. N F Costa:** Mr Speaker, perhaps he would like to ask me specific questions on the judgment –
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.

595 **Clerk:** Question 483/2014, the –

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.

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.
610

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.

Hon. D A Feetham: Therefore, it must follow that you are effectively supportive of the use of the land for that purpose.
620

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.
635

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.

700

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.

715

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 –

730

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?

735

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:

740

'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.

745

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.

750

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.

830

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.

850

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?

865

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.

995

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.

The Ministry for the Environment was not involved in the employee selection process, as is the case, again, with all private contractors.

1045 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.

1565

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.

1570

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?

1575

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1580

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.

1725 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.

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

1925 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

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 moment there should be no people in that situation. If there are, then obviously we want to know.

2010 **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.

2015 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 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!

445

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.

460

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.
(Interjections) Yes, Mr Speaker, here it is. *(Interjection)* Yes, it is. It is actually yellow this year. *(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.

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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.

515 **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.

525 **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?

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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.

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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?

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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.

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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.

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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?

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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.

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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?

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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.

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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.

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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?

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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.

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.

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?

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?
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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.
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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.

1900

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.

1905

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.

1910

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.

1915

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.

1920

Hon. D A Feetham: Mr Speaker, how many Gibraltarians out of the six applicants have there been?

1925

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.

1930

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.

1935

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?

1940

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.

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.

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.

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.

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?'

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.

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?

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.

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?

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.

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.

2120

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?

2125

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.

2130

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.

2135

There is no imputation at all on the Hon. Chief Minister. He really must calm down today.

2140

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.

2145

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.

2155

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.

2160

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!

2165

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?

2170

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.

2175

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.

2575 **Hon. D A Feetham:** I understand that.

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.

2605 **Hon. D A Feetham:** Mr Speaker, does she not recognise that actually it is she who is missing the point in relation to this?

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 how many people they bring in.

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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 –

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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.

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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*)

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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?

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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.

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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.'

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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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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.
3050

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

3255

3260

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.

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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?

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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.

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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?

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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.

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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.

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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?

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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.

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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.

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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.

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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?
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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.
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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.
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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.
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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?

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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.

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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?

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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?

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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.

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Q539/2014
Royal Gibraltar Police Commissioner –
Cost of new car

Clerk: Question 539, the Hon. S M Figueras.

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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.

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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.

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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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

680 **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.

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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?

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.
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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
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.

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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.

950

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.

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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.

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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?

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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.

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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?

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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
1715 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.

ANSWER TO QUESTION 528

Pre_Post_W	Date_Handover				
PreWar	22/10/2003	PreWar	07/12/2010	PreWar	16/07/2013
PreWar	22/10/2003	PreWar	07/02/2011	PreWar	16/07/2013
PreWar	23/02/2004	PreWar	04/04/2011	PreWar	16/07/2013
PreWar	23/02/2004	PreWar	04/04/2011	PreWar	16/07/2013
PreWar	23/02/2004	PreWar	17/06/2011	PreWar	30/07/2013
PreWar	23/02/2004	PreWar	12/07/2011	PreWar	06/08/2013
PreWar	23/02/2004	PreWar	20/07/2011	PreWar	09/09/2013
PreWar	23/02/2004	PreWar	15/09/2011	PreWar	09/09/2013
PreWar	23/02/2004	PreWar	15/09/2011	PreWar	08/10/2013
PreWar	23/02/2004	PreWar	04/10/2011	PreWar	15/10/2013
PreWar	25/02/2004	PreWar	20/01/2012	PreWar	16/01/2014
PreWar	26/04/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	04/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	04/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	04/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	04/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	16/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	19/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	19/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	19/06/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	03/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	03/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	14/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	14/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	15/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	17/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	17/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	17/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	21/07/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	11/10/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	01/11/2004	PreWar	03/02/2012	PreWar	22/01/2014
PreWar	29/03/2005	PreWar	08/02/2012	PreWar	28/01/2014
PreWar	12/05/2005	PreWar	06/06/2012	PreWar	28/01/2014
PreWar	15/02/2006	PreWar	09/01/2013	PreWar	28/01/2014
PreWar	15/02/2006	PreWar	02/05/2013	PreWar	28/01/2014
PreWar	23/05/2006	PreWar	02/05/2013	PreWar	28/01/2014
PreWar	29/07/2006	PreWar	02/05/2013	PreWar	28/01/2014
PreWar	29/07/2006	PreWar	20/05/2013	PreWar	28/01/2014
PreWar	30/08/2007	PreWar	21/05/2013	PreWar	05/02/2014
PreWar	18/09/2008	PreWar	21/05/2013	PreWar	14/02/2014
PreWar	18/09/2008	PreWar	23/05/2013	PreWar	18/02/2014
PreWar	18/09/2008	PreWar	28/05/2013	PreWar	18/02/2014
PreWar	18/09/2008	PreWar	19/06/2013	PreWar	18/02/2014
PreWar	03/12/2008	PreWar	19/06/2013	PreWar	18/02/2014
PreWar	14/09/2009	PreWar	19/06/2013	PreWar	18/02/2014
PreWar	14/04/2010	PreWar	19/06/2013	PreWar	18/02/2014
PreWar	07/06/2010	PreWar	16/07/2013	PreWar	25/02/2014
PreWar	18/06/2010	PreWar	16/07/2013	PreWar	14/04/2014
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				PreWar	06/10/2014
				PreWar	07/10/2014
				PreWar	07/10/2014

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
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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.

1870 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.

**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 terms as the UK provision.

250 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?

380 **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.

385 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’.

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.

475 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.

480 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.

485 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?

490 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.

495 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.

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.

510 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.

515 **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*)

520 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.

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.

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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.

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Those in favour of the European Parliamentary Elections (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

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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.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 11.50 a.m.

Gibraltar, Thursday, 20th November 2014

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The Gibraltar Parliament

The Parliament met at 9.15 a.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: Paul E Martinez Esq *in attendance*]

PRAYER
Mr Speaker

Order of the Day

CONFIRMATION OF MINUTES

Clerk: (i) Oath of Allegiance. (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 16th and 17th October 2014.

5 **Mr Speaker:** May I sign the Minutes as correct? (**Members:** Aye.)

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

10 **Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid. The Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sport, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I have the honour to lay on the table the audited accounts for the Gibraltar Heritage Trust for the year ended March 2013.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

Q625/2014 Gibraltar Tourist Board – Cost of rebranding

15 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions. Question 625/2014, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of the cost of the rebranding of the GTB to include its web... its website? It was a heavy night last night! (*Laughter*)

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Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the cost of the GTB rebranding is £9,600. Included in this price is a comprehensive brand makeover. It covers guidelines and designs on: signage; vehicle livery; brochure design; website; pamphlets; stationery sets; advert examples; uniforms; name badges; press releases; exhibition stands; and souvenirs.

The cost for the rebranding of the website, including the updating of images, new layout and new copy is £31,748.

Hon. D J Bossino: Mr Speaker, can the Minister elucidate perhaps a bit further as to why it is, if one has a look at the website, if one does a direct comparison between one and the other, the old one and the new one, all that appears to have changed is the logo. I think that is right.

Can he explain how the branding element of his Department is going to be progressing into, presumably, the near future?

Hon. N F Costa: Yes, Mr Speaker, the hon. Gentleman is correct, we are rolling out the new identity. At this point at World Travel Market, two weeks ago now, we launched the new identity brand of the tourism site, as indeed we have launched the new Ministry logo. He will have seen that the new Government crest with the new Government branding. We have also unveiled the new Tourism logo.

As I believe I explained to the hon. Gentleman yesterday, the website is under construction and it should be ready during the course of, latest, next year, in January, and it will be launched then.

Hon. D J Bossino: Yes, Mr Speaker, what about the other features he talked about? I think he mentioned uniforms and matters like that. When does he expect those to be launched, if they have not already – I am not privy as to whether it has or not.

Hon. N F Costa: Well, Mr Speaker, as I have just explained to the hon. Gentleman, this will now take a period of time. It will be required for stationery, letterhead, when new press releases are issued, brochures as being designed and being mail shot. All of this will take some time to be able to use the new images, the new logo and the new designs. But I suspect that by the end of January next year, the complete package of new logo, new designs, new imagery and new livery will be rolled out.

I suspect, however, there will be some aspect, perhaps, that may take longer but for the most part it should be done by the end of January next year.

Hon. D J Bossino. And, Mr Speaker, in relation to the company, can he advise this House which company has been appointed to do this job?

Hon. N F Costa: Yes, Mr Speaker, the rebranding of the GTB and the construction of the new website as I said, to include images, the layout and the copy, is being done by Maverick.

Hon. D J Bossino: Can he advise, I think he said Maverick...? (**Hon. N F Costa:** Yes.) Can he advise whether this...? I assume this is a local company: can he confirm whether that is the position?

And if I may, Mr Speaker, a second supplementary added on to that, can he just give me details as to whether that is the company name or simply a business name and who the beneficial owner of the company is?

Hon. N F Costa: Mr Speaker, I am afraid that I do not have that level of detail in respect of the company. I suspect that it is a business name. I suspect that it is a UK company, but I will need to get back to him with those details.

**Q626/2014
Hong Kong shipping event –
Attendance**

Clerk: Question 626, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of when he will be attending Hong Kong for the shipping event announced by the Minister for Financial Services in Parliament last month, together with details of the expected costs and who will be attending with him?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

80 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will be visiting Hong Kong from 23rd to 29th November, and will be accompanied by the CEO and Captain of the Port, Commodore Bob Sanguinetti and Diana Soussi, the Gibraltar Yacht Registrar, representing the Gibraltar Maritime Administration.

85 Costs are expected to be in the region of £28,000 which covers the arrangements for meetings and a reception event being held at the Hong Kong Maritime Museum, together with flights, accommodation and other travel expenses for the Government delegation.

90 **Hon. D J Bossino:** Mr Speaker, in line with what is, I think I detect, the policy of the Government as far as financial services is concerned, which is really to invite stakeholders to attend these events – I think I am exposing the Government policy in relation to that accurately – can he advise whether he has equally invited local stakeholders to attend with the Gibraltar Government delegation as a marketing opportunity for them?

Hon. N F Costa: Yes, Mr Speaker.

95 **Hon. D J Bossino:** Has he been taken up on the invitation?

Hon. N F Costa: Three companies have, Mr Speaker.

100 **Hon. D J Bossino:** Can he advise which companies or would that be commercially sensitive? I do take the point but if he is able to provide that information, I would be grateful.

105 **Hon. N F Costa:** Mr Speaker, it is not that it is commercially sensitive; it is simply that I have not asked them whether they would feel comfortable about me advising across the floor of the House that they are attending with the Gibraltar delegation. I suspect that they do not, but before I do so, I would like, out of courtesy, to ask them first.

110 **Hon. D J Bossino:** And, Mr Speaker, I did pose the question in very general terms by stakeholders. Can he advise, because I think this will be of interest also to those in the legal profession like myself, who deal with Admiralty matters, whether he has extended the invitation or at least the announcement that he will be going to the Hong Kong event to, for example, those in the legal profession who deal with Admiralty matters and who may see this as an opportunity to market their wares as well?

115 **Hon. N F Costa:** Mr Speaker, this trip is mainly specific to Port-related matters, although we have taken also the opportunity to bring the Gibraltar Yacht Registrar, as inevitably some aspects may relate to that, but we are not attending as such as an arrest jurisdiction, although of course the subject will inevitably come up and we will have to address that. But on this occasion, it is mainly Port-related matters, but we are also taking the Gibraltar Maritime Administration as a representative of the maritime cluster.

120 **Hon. D J Bossino:** And, Mr Speaker, in relation to those three attendees who will be going with him, can he confirm – and I think it is implicit from the answer that he has given, but can he confirm please – whether they are all in the industry related to the Port, exclusively?

Hon. N F Costa: Mr Speaker, yes.

Q627/2014
World Travel Market, London –
Cost of attendance by Gibraltar Tourist Board

125 **Clerk:** Question 627, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of the cost of the GTB's attendance at the World Travel Market in London?

130 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, if I may, with your indulgence, just quickly return to the last supplementary, I think it is more specific to say that they relate strictly to maritime business.

135 As I said before, it will be mainly Port-related businesses, but some aspects may relate to other maritime areas.

Mr Speaker, in relation to Question 627, the detail of the costs is as follows – Flights £2,782; Hotel £3,780.60; Subsistence £688.77; Travel Expenses £878.90; Stand £37,541; Miscellaneous Other Expenses £1,553.35; less participation fees of £9,000.

140 **Hon. D J Bossino:** Mr Speaker, I have taken a quick note of the information which he has given to me for which I am grateful. In relation to the miscellaneous expenses, can he be more particular in relation to that. It is a reasonably high sum when compared with two of the other items he has given me. It is £1,500-odd pounds. Can he give me a bit more information in relation to that?

145 **Hon. N F Costa:** Yes, Mr Speaker.

In respect of Miscellaneous Other Expenses, £275.31 relates to the History Alive personnel that attended with us and accompanied us to the World Travel Market; the Stand catering £412.52; and Hospitality £865.52. They add up to £1,553.35.

150 **Hon. D J Bossino:** Mr Speaker, perhaps I am asking this question from the uninitiated because I have not had the pleasure of discharging his responsibilities, and I am not personally used to doing these things, but can he advise, and can he give further particulars in relation to what he means by ‘hospitality’ precisely? I know it is perhaps getting a bit too granular but maybe he has that information and he can provide it to this House and elucidate.

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Hon. N F Costa: Mr Speaker, I do not have a detailed breakdown what the hospitality/dinner bracket entails but essentially it means dinners, coffees, sparkling waters, whatever it is that one consumes when having a business meeting with a person you have invited to meet with you – hospitality. No alcohol.

160 **Hon. D J Bossino:** Mr Speaker, there is another question in the Order Paper for which this supplementary may be perhaps more relevant, but can he tell me how long the delegation was there? I am assuming in that that he was there for that duration himself.

165 **Hon. N F Costa:** Mr Speaker, the answer to that is in fact I think in the second or the other question that is coming. Yes, I was there from beginning to end. I arrived on Monday afternoon, my office and the Gibraltar House in London were already there. My first appearance at the World Travel Market was on Tuesday and of course it lasted during the week, during the course of which, as I will inform him later, we also had a UK GTA meeting.

170 So yes, these amounts cover the entirety of that week.

Hon. D J Bossino: Mr Speaker, I am grateful. He said when he started. Did he say when he ended the trip?

175 **Hon. N F Costa:** Saturday, Mr Speaker.

Hon. D J Bossino: Sorry, just to be clear, the World Travel Market started on the Monday and ended on the Friday presumably. (**Hon. N F Costa:** Yes.) I am grateful.

**Q628/2014
World Travel Market, London –
Attendees**

180 **Clerk:** Question 628, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state who of the GTB delegation to include those from Gibraltar who attended with the GTB delegation, attended the World Travel Market event?

185 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, aside from Mr Nicky Guerrero, Chief Executive of the Gibraltar Tourist Board and I, the Gibraltar delegation was supported by representatives from: the Sunborn Hotel; the O'Callaghan Elliott Hotel; Bland Group International; MH Bland; Parody Tours; the Gibraltar Taxi Association; and Gibraltar History Alive.

Q629/2014

**World Travel Market, London –
Meetings held with Gibraltar Tourist Board**

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Clerk: Question 629, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state how many meetings were held with the GTB at the World Travel Market and which of those did he attend?

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Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, a total of nine meetings were held with the GTB and UK entities, five of which I attended. I have purposely not included the press conference in which I announced the excellent news of the Gibraltar-Bristol flight, the subsequent interviews to the press, my meetings with locally based operators the UK GTA nor my discussions on the fringes of the UK GTA with our UK commercial partners.

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Hon. D J Bossino: Mr Speaker, he knows that the Opposition has not been found wanting in terms of congratulating him personally and his team, who I am sure are watching, about the sterling work done in relation to the Bristol connection.

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Mr Speaker, he says nine meetings, five of which he personally attended. Can he explain why he did not attend the other four? The reason being that he has laid a lot of store on the fact that he is very keen to ensure he says, personal contacts with those industry stakeholders. Can he explain therefore why almost 50% of those meetings which were scheduled did not have the pleasure of his attendance?

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Hon. N F Costa: Well, Mr Speaker, in the first place to answer the preface to his question, I have to tell him, although I did not reply by way of a press release, that I am still to meet an executive of the airline industry who has told me that the reason why they fly to Gibraltar is because we have a beautiful airport. Never has that happened and I suspect that never will it happen, that people want to fly to us because we have a glass palace, where before there used to be something smaller. So let me be clear about that.

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Meetings at the UK GTA or indeed any other trade show are planned well in advance, so that there will be matters which I think require my personal attendance which ordinarily involves the cruise lines and the airlines and also if there is any specific marketing campaign which I think I ought to have an input. There are other matters which can be dealt with at official level, which is why members of Gibraltar House in London or the Chief Executive will be able to progress but of course, because I am not at that meeting does not mean that I am not conducting some other business elsewhere.

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It is a moveable feast, as I have explained to him in the past, and it is a constant stream of work and it is simply just an economic allocation of existing resources of how best we divide ourselves and get the most out of the World Travel Market.

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Hon. D J Bossino: Yes, Mr Speaker, but it is simply not clear why he does not attend the meetings, as far as I am concerned. He has got nine which are scheduled for his Department, he is there in any event, so in terms of economics I just do not see, given the high level of expenditure spent in relation to this, I just do not see why he simply does not attend the meetings.

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He has not said, 'No, I could not attend those four because I had a clash, because I had other meetings to attend'; he simply said that he took the decision, exercising his discretion, as of course he is entitled to do, to not attend. But I just need to understand more particularly why it is that those particular four meetings he decided not to attend and he presumably decided to attend – as he said earlier – he decided to allow his officials to attend on their own and not with him. He just simply has not explained that. Could he explain why he did not attend those four meetings?

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Hon. N F Costa: Mr Speaker, the hon. Gentleman clearly has repeated my answer now, in the preface to the question. I have told him that there were several meetings which I thought it was excellent for the Chief Executive to be able to deal with on his own, because there were matters that did not really engage

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me at a ministerial or policy level or which did not really engage the use of Government funds. I thought that the Chief Executive, being a person who has been in the tourism industry for far longer than I have been, was perfectly able to do that on his own.

245 But as I have already told him, just because I was not at that meeting, it did not mean that I was whittling my time away walking around the conference centre seeing what I could do. I was doing other things at that time.

And apart from that, I do not think that he wants to draw me on the question of expenses and costs. I really do not think he wants to do that because our costs are – in the light of what they used to spend, up to £70,000 one year – *quite* reasonable; and I do not think he wants to draw me either on how many meetings the former Minister for Tourism used to attend.

250 So I think he should accept my explanation that we have reasonable costs, that I think it is fair that the Chief Executive is able, along with other officials, to progress matters which either do not engage Government funds, which do not engage Government policy and where I can make better use of my time.

255 **Hon. D J Bossino:** No Mr Speaker, I am judging him on his own standards – on *his* own standards. He has said that all these wonderful things are happening under his watch, because of his personal attendance at meetings and his personal contact with stakeholders. This is why I think it is a legitimate question for this Opposition to ask, why almost 50% of those meetings, which were scheduled far in advance, were not attended by him.

260 Now, he says that he exercises that discretion based on a decision which he has that, he says, that matters were not engaging. Can he particularise as to how he comes to that decision? What criteria does he employ such that he says, ‘I will not attend that particular meeting because it does not engage or does not require attendance at a ministerial level’?

265 **Hon. N F Costa:** Because it does not engage Government funds, because it does not engage Government policy and because I think my time could have been spent elsewhere better in achieving other Government aims.

As I have already told him, just because I am not present at a meeting, does not mean that I am whittling my time away on anything else other than Government business. If he wants, I shall provide him with the series of e-mails that forensically will show him that even if I am not at a meeting, I am furiously working away at other things.

270 So if his concern is that taxpayers’ money are not being wasted, I can assure him that the taxpayer gets bang value for money from my time, because between the hours of eight in the morning until whenever I go to sleep, my time is spent on working.

275 **Hon. D J Bossino:** Mr Speaker, he is very welcome to send me the e-mails. He is very welcome to send me the e-mails but it is completely, completely with respect to him, irrelevant to the question I posed.

Mr Speaker, in the press release which he issued in relation to his visit to the World Travel Market in London, he talks about discussions in very general terms with tourism industry stakeholders and partners in the UK. Who are these people?

Hon. N F Costa: Mr Speaker, the hon. Gentleman really does himself no favours.

285 In 2012, when I went to the World Travel Market for the first time, I specifically said, ‘This year, I have ensured that I see as many industry players as possible.’ The year after, I did the same. This year, I specifically did not say that I was going to meet as many industry players as possible, precisely because I was only attending five meetings.

Had I had what I did in previous years, when they had nine, ten or more meetings, I would have said in the press release, ‘I am using this opportunity to meet as many industry players as possible.’ I did not say that in this press release because in the other press statements, when I did do back-to-backs, I said so.

290 This time, however, I did have the wonderful opportunity for Gibraltar, for which he is grouching and carping and he does not like, that I was able to announce a new Gibraltar-Bristol route and therefore some of my time was taken with easyJet, the marketing manager, the commercial manager, with Bristol Airport and the staff there, and the press release and giving press interviews.

295 I have told him that I have purposely not included the meetings I had with UK operators on the fringes of the UK GTA. I have told him that I have purposely left out the side meetings that I have had with locally based operators. It is not that the absence of my presence in a meeting with a UK operator with the GTB meant the absence of my working for tourism during that week. What is it that he does not understand, or does he think that when I am not at a meeting with the GTB, I am somehow whittling my time away? I can assure him if it is a concern that I am somehow not giving the taxpayer absolute value for money, that *I am*.
300 And when I am not at a meeting with the GTB, I am *working*. It is not that I am at leisure.

So if he wants me that I want to announce a policy that when I go with a delegation I must attend every single meeting, if that is his advice to me, I will tell him that I shall consider his advice that I must attend every single meeting, but then of course, if I were to do that and I have not prioritised some other work which is more important during the course of those meetings, he will tell me that I should learn how to prioritise.

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Look, as the Minister, and having planned these things at least six months in advance, and he knows that because we were able to announce a new route there was a lot of work that went into it, I think I am a little long in the tooth now, to be able to decide which meeting requires my attendance and which does not. He may decide whenever he comes here in 12 or 16 years time, that he wants to attend every single meeting. Fine, let him do so, but whilst I am the Minister for Tourism, I shall make a judicious choice. I shall exercise my discretion. I shall consider all the relevant factors that pertain to reality and I will say, 'I need to attend that meeting; I do not need to attend that meeting.'

310

It is palpable that the fact that we have been able to announce three routes whilst we have been in Government, one for Birmingham, one for Bristol and one for Tangier, (*Banging on desks*) that makes him now ask me whether I am attending meetings.

315

The reason why those routes have started is because of my personal involvements and having to talk to the leaders on my own with the GTB. If I thought that any of those four meetings that I was going to miss was going to mean a loss of opportunity, a loss of business, a loss of money for Gibraltar, I would have been there. Or does he think that I waste my time when I go to these meetings?

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Mr Speaker: The hon. Members are now beginning to debate. I will allow one – I will allow the hon. Member one final supplementary? Because really, you are beginning to debate as to why the Minister did or did not attend four particular meetings and he has given explanations, but you are now debating. So I will allow him one other supplementary on this matter.

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Hon. D J Bossino: Mr Speaker, with the greatest respect to the Chair, I am certainly not debating. It is the hon. Member opposite who has repeated a defence in relation to a previous supplementary that I posed. The most recent supplementary had nothing to do with the issues he has raised in his answers. It was very specific and all I wanted was to elucidate from him further information in respect of a statement which he had contained in his press release announcing the fact that he had been to that event, the World Travel Market.

330

Mr Speaker, simply to point out that I think it is a bit rich of him to suggest that I have somehow been reticent in congratulating him in relation to the Bristol flight, he knows that there was a press release from my Party which very clearly, personally quoted from me, congratulates him and his staff for the sterling work he has done in relation to the securing of this particular flight to Bristol. So that is on record.

335

Having said that, Mr Speaker, I do not think, with the greatest respect to him, that he has given me the information I sought, which was simply which tourism industry stakeholders and partners in the UK did he visit. That is a statement in the press release and all I want is who they are, full stop. I am grateful.

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Hon. N F Costa: Mr Speaker, I have already answered the question. I told him that it was an airline company and airport officials, and if he wants to know the other two it was another airline company and a media buying company.

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Hon. D A Feetham: Yes, Mr Speaker, I am glad that I left early from last night's dinner! Obviously this is the aftermath of staying late, I am afraid.

Mr Speaker, may I return to the hon. Gentleman – and I say this with the utmost respect for him, he knows that I hold him in high regard – but his rather petty answer in relation to what he referred to as the glass building, which was an obvious reference to the air terminal. Will he not be magnanimous in the same way as my hon. Friend, Mr Bossino has been magnanimous, in recognising the central role that the hon. Member has played in attracting this new route from Bristol and indeed his team – and we have congratulated both – but will he not recognise the fact that it is because we have a new terminal that actually we are able to attract – and it helps in attracting – new routes to Gibraltar? (*Banging on desks*)

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That does not detract in any way, Mr Speaker, from any work that the hon. Gentleman puts in to this, either he or his team, but actually we are seeing – and I do not believe that it is a coincidence – the only figures that are actually increasing in tourism, almost across the board, is increases in passengers coming through the air terminal. The rest of the figures are down; those are up.

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Hon. N F Costa: Mr Speaker, hand on heart, as I do every time I answer a question in this House, not ever, not once, have my team or I been told that the air terminal building is a contributing factor *at all* in deciding whether or not to fly to Gibraltar. I can assure the hon. Gentleman opposite that it is *not true*. The airport building plays no part at all as to whether a new flight starts.

360

I accept that a new airport building takes larger capacity and we are working to build the numbers, but I can assure you that during the course of my negotiations with any of the airlines, including the newest airline which is Royal Air Maroc, at no point has the Chairman, the Vice President, a marketing manager, an air route development said, 'By the way, that building, that is the reason why we are going to go to Gibraltar. If you did not have that building we would not fly to Gibraltar.' That has never been said. In fact, it never forms part of the discussion. That content of the narrative is *absent*, I can assure him.

Is it welcome that the airport can handle more passengers and that we are building towards increasing passengers? Absolutely. But let me also tell him that the reason why more routes are being developed in these four years, it is not a coincidence, as I will explain to the Hon. the Leader of the Opposition. It is not a coincidence. But it is not a coincidence because of the reasons that he thinks. In other words, it is not because we have a magnificent crystal palace built for reasons which are completely unclear to me. It is because we have pursued implacably the philosophy of not allowing leads to cool, of chasing e-mails, of following up on phone calls, on chasing up the top industry players, of displacing ourselves on short notice to meet the people that make the decisions.

And the reason why we have – if I may have a vain glorious moment – one new route per year on average under this administration – Birmingham, Bristol and Tangier – is because we have not let matters drop and we have continued when the iron was hot, to *strike*.

I dare say that if the former Administration had pursued so consistently that policy, new airport or no new airport, hole in the ground or Heras fencing, they would have had more luck.

Hon. D A Feetham: But, Mr Speaker, nobody is suggesting that people use Gibraltar because they want to come and watch the new crystal airport – (*Interjection*) crystal palace exactly – airport terminal. Nobody is suggesting that. But *surely* there is a link between the fact that we have built a new terminal that can handle increased capacity with the ability of a Government to attract new airlines. That is the only question that I posed and that must surely follow. And it must surely follow that in fact, if we had had the old terminal with its incapacity to handle greater volumes, that the current Minister for Tourism would have been hamstrung in his ability to attract new routes to Gibraltar.

Now that must be a logical deduction from just simply looking at the facts. The facts speak for themselves.

Hon. N F Costa: Mr Speaker, that is to completely ignore everything that I have told him. The reason why there are more routes to Gibraltar now than there were before has nothing to do with the crystal palace, nothing at all. They come because they have every confidence in this Government to be able to pursue the leads that exist at the time.

Once a discussion starts to open a new route, this one in particular, Bristol, took two years and it could have taken longer had we not pursued the matter diligently and sometimes almost daily. And when matters go quiet and we do not receive phone calls from the airlines, when I pick up the phone or when they call me to pursue the matter, it is not 'actually having re-thought the matter, that beautiful crystal palace is so amazing, we are going to be flying there.' It never forms part of the discussion.

It only comes about because of our personal contacts and pursuing the negotiation. It has nothing to do... So the logic he ascribes that, as a result of greater capacity there are more airlines flying to Gibraltar, I tell him that had the old air terminal shed that existed still been in existence, we still would have had a new Bristol route, the Birmingham route that we started and the Tangier route that is starting next year. I am *absolutely confident* of that.

Mr Speaker: Does the Hon. Mr Bossino have any further supplementary in the light of anything since his last one?

No, next question then.

Q630/2014

EasyJet –

Terms of agreement with Gibraltar Tourist Board

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Clerk: Question 630, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism provide details of the terms of the agreement between the Gibraltar Tourist Board and easyJet which he referred to in the context of the announcement of the new flight to Bristol?

415

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as I have answered before with similar questions of this nature, I refer specifically to Questions 826/2012 and 348/2014, all commercial discussions are commercial in confidence as part of the Government's strive to increase air connectivity.

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Hon. D J Bossino: Mr Speaker, I appreciate the hon. Member's restriction in that regard, but can I press him a bit further? The reason why I pose this question is because it did not form part of the press release which announced the new route, but it did form part of an answer that he gave to Kelly Anne Turnbull, the GBC interviewer, when he was being interviewed I think in London, when he said that... The question posed was why is he so confident about this flight connection when compared to, for example, the recent and failed Marrakesh flights, and he said that the distinguishing feature is that in this case – and I am quoting from him – 'this is an agreement between the Gibraltar Tourist Board and easyJet.'

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So subject to the restrictions which he has already alluded to, can he give me any further information in relation to what he said to the GBC interviewer?

Hon. N F Costa: Mr Speaker, I am almost tempted to read from *Hansard*, given that that is almost exactly the supplementary he asked me on the last occasion.

435

Mr Speaker: Resist the temptation! (*Laughter*)

Hon. N F Costa: But I will not, Mr Speaker. I shall pass it to him later.

The previous Government, in 2008, reduced landing fees at the airport, which was a very welcome thing. That I agree does contribute directly to why new routes want to start to Gibraltar. The previous Government started an incentive scheme on discounts on fees and departure charges. Again, they introduced that and we have continued that policy and unlike the crystal palace, this does have a direct bearing on negotiations with airlines.

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So as a result of that regime, the Government, the GTB in particular, has an ability to be able to discuss with any particular air operator whether they wish to obtain a discount on landing fees or on departure charges or both and that is what forms part of the discussion.

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For the reasons that he has said before, I know that he accepts that such agreements with an airline are commercially sensitive and in confidence, but I can tell him, as I told him last time as well, that they are limited in time. So each airline will have an agreement with the Tourist Board which is limited in time and each agreement is different.

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But of course, it is part of the commercial discussions that we have that (1) the airlines know that we accept the sensitive confidential nature of such agreements and they know that we will not disclose that either publicly or to anyone else; and (2) the Government needs to have the ability to be able to negotiate *qua* a new airline without reference to the other, because of course, if one airline knew what the other airline had, they may insist on obtaining the same deal or a better deal. So it is in the best interests of everyone involved, the Gibraltar taxpayer, and the airline and of course the Tourism, to obtain more passengers to fly to Gibraltar, that these remain commercially in confidence.

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I am happy, and I have told him this before, to provide to him a copy of the incentive scheme which we provide to airlines and that will detail to him the ability that we have in terms of what we can offer an airline. But it is very defined and there is only so much room for manoeuvre.

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Hon. D J Bossino: I am grateful for that reply and just so that I understand this, the negotiation is limited to that particular discrete issue, which is the playing around – for want of a better expression – as to where to pitch the costs of landing in Gibraltar, and I fully understand and accept the explanation he has given.

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But when I heard what he said on television, I just wanted to know whether there was anything further beyond what he has just explained, for example – and I put it to him by way of example in terms of my thinking at the time when I watched him and heard him – which is whether there was any direct financial assistance being provided either directly by the Government, which I would doubt, or indeed by... he well knows the debates we have had in this House in relation to Credit Finance Company Limited, whether anything has come from that particular quarter. I would like him if he could, for the sake of *Hansard* to confirm whether my understanding is in fact correct.

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475 **Hon. N F Costa:** Mr Speaker, first of all let me explain that when I made the comment in relation to the fact that this particular agreement is between an airline and the Government, it was in reply to the question of the Marrakesh flight. It was within that context that I explained that the Marrakesh operation was by a private entity and therefore it was not, as I explained then, our baby, our project. We did not negotiate with RAM. It was a private company that negotiated with RAM and then the Government supported it, but it was not a direct agreement between the GTB and a particular airline.

480 Therefore, it was within that context that I said the reason why the Tourist Board and my Ministry is confident that this route will work is because *we* have crunched the numbers, *we* have sifted the data, *we* have gone through the numerical analysis – as of course has easyJet.

485 As I also said in that interview – and of course I am very glad that the hon. Gentleman does follow my statements – if easyJet, after two years of discussions, is finally persuaded to fly to Gibraltar, it can only be because after two years of data crunching, they are satisfied that there will be sufficient traffic to make the route sustainable and of course profitable for them. That is the answer to the first part of the question which relates to the Marrakesh flight.

I said to him in a previous answer relating to a similar question that apart from the incentive package that we are able to negotiate with an airline, we also provide marketing funds. So there is an incentive package which is agreed with the airline and then we also agree – which was actually interestingly or ironically the meetings which I held at the World Travel Market – how we market the route.

490 So that is the extent of the contribution. An incentive which means that there is absolutely no direct cash given at all whatever, it is simply that they get discounts, and we agree with the airlines how we market the route. That is the absolute full extent of the assistance. That is it. (*Interjection*) Which is what I said in my first answer, to be totally fair, the policy that was started by them in 2008, which I think works quite well.

495 **Hon. D J Bossino:** Yes, Mr Speaker, my hon. and learned Friend makes a valid point to me privately which is in relation to the Marketing Fund: he says no financial assistance, so can he explain that further. Is there money passing between the Government, put in as broad as possible terms, and any company wishing to set up an airline route to Gibraltar in relation to that specific issue which he has referred to, marketing funds, and simply, by way of clarification, I assume that ‘RAM’ means Royal Air Maroc – I assume. Just for the sake of *Hansard*, he maybe ought to confirm that and explain that further.

505 **Hon. N F Costa:** Mr Speaker, every air carrier has an incentive package and of course with some it may have already expired. But where even if an incentive package has expired because three years have gone by, or two years, whatever has been agreed, the GTB is always committed to provide marketing funds every year.

510 I do not know exactly how the Accounting Department or the GTB works that out. What I do know is that we agree the marketing package with the airline – with BA, Monarch, now with Royal Air Maroc and with EasyJet. So we sit down – well, my marketing team and the accounting team sit down and they decide ‘Right, we have so much money in terms of marketing: this is the value. How do we do it?’ and then from that amount, a package is worked out.

515 Whether that is invoiced at the beginning, during or at the end, I am not sure but it is – well, we talk about marketing funds. This is not a pseudonym. This is not something to hide something else. These are marketing funds. If we are to hold, for instance, a boutique event which we did for BA at Gibraltar House, where we invited BA’s corporate clientele to Gibraltar House so that they were able to meet the Tourist Board and the Gibraltar Government, that would be part of those marketing funds. But it is pure marketing.

520 **Hon. S M Figueras:** Yes and I think we probably now grasp the concept but is the Minister effectively saying that it is essentially an allocation to a marketing budget of sorts in the context of the flight itself, is that what he is getting at?

Hon. N F Costa: Yes, Mr Speaker, it is a capped amount which means that in one year it could be less. It is a capped amount and it relates to a specific route.

525 **Mr Speaker:** Next question.

Q631-632/2014
Gibraltar Bus Company –
Details of blue and red buses

Clerk: Question 631, the Hon. S M Figueras.

530 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the weight of the blue buses currently in service with the Gibraltar Bus Company, to include the weight of the buses specifically serving the areas of the Upper Town?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

535 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I shall answer this question together with Question 632.

Clerk: Question 632, the Hon. S M Figueras.

540 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the weight of the new red buses now entering service with the Gibraltar Bus Company, as well as the weight of the vehicles it is anticipated will be servicing the Upper Town in the future?

545 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the weight of the blue buses currently in service is as follows:

550 Mass of the vehicle in use: 6,750 kilos without passengers; permissible maximum laden mass, 12,000 kilos – maximum passengers.

Buses serving the upper city area: Toyota Coaster – mass of the vehicle, 2,780 kilos without passengers; permissible maximum laden mass, 5,020 kilos – maximum passengers.

Mercedes Benz – mass of the vehicle in use, 3,570 kilos without passengers; permissible maximum laden mass, 5,350 kilos – maximum passengers.

555 Man Midi-City – mass of the vehicle in use 9,500 kilos without passengers; permissible maximum laden mass, 13,500 kilos – maximum passengers.

Government is currently conducting road tests on bus types which it considers to meet the specifications to ably negotiate the narrow road network of the upper town.

560 After this answer was drafted, Mr Speaker, with your indulgence, simply to add that just yesterday we tested a second new bus for the upper town.

Hon. S M Figueras: Mr Speaker, there is a Question in the Order Paper, Question 633, which probably deals with the matters that I might ask in supplementary, so it may in fact be a good idea just to proceed on to the next question.

565 **Mr Speaker:** You would like Question 633 to be called.

Hon. S M Figueras: Indeed, Mr Speaker, I am grateful.

Q633/2014
Gibraltar Bus Company –
Routes of red buses

570 **Clerk:** Question 633, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say which routes the new red buses are currently serving and if there are any not being serviced that were serviced by the original Dennis blue buses, can he say why not?

575 **Clerk:** Answer, the Hon the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Gibraltar Bus Company Ltd has deployed the new buses as and when required, replacing the old buses that were becoming unusable. Further, all routes are being serviced.

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Hon. S M Figueras: I am grateful, Mr Speaker.

Can the Minister then – and he has alluded to it in his answer to the question on the Order Paper – confirm then that there are no issues whatsoever with the new buses in the context of the weight of the new buses and their use in particular areas in Gibraltar, namely the southern most parts of Europa Road?

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Hon. N F Costa: Mr Speaker, the hon. Gentleman I know is a transport enthusiast so I am sure that he appreciates that when the new bus fleet was brought here in 2004, the maximum permissible laden mass in fact far exceeded the allowed weight on all of our roads. And between 2004 and 2011 they did nothing to reinforce those parts of the road that required reinforcement. In fact when we came in –

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Mr Speaker: No, no, that is totally irrelevant. Totally irrelevant. You are referring to 2004 to 2011 – totally irrelevant.

Hon. N F Costa: Mr Speaker, it goes to the answer that I am going to give.

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Mr Speaker: Get to the point.

Hon. N F Costa: Yes. The point is that as a result of certain parts of Gibraltar's roads requiring reinforcement as a result of the blue buses, we gave instructions to reinforce certain parts of Line wall Road. So for example, the Smith Dorrien Bridge and other parts of Line wall Road which have been continuously used by the buses have required reinforcements.

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Similarly, the Technical Services Department advises me that perhaps one or two points at Europa Road may require – in which case we have also instructed, Mr Speaker, that such works be done should they be required and these studies are being conducted as we speak.

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The preface to that, Mr Speaker, was only to explain that it was not just part of Europa Road but in fact part of the entire road network that are being currently and have been used by the buses. That was the reason, Mr Speaker.

Hon. S M Figueras: Mr Speaker, can the Hon. Minister say then categorically that there is no concern currently as far as Government is aware in relation to the continued use of the red buses. I know the Hon. Minister suggests that he has already answered the question, but I am merely asking him to confirm because he has explained that they are aware of the issues and that there is a report being prepared in relation to specific areas of Europa Road and I am very grateful for that answer.

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But my supplementary is a little different in that I would like him to confirm, Mr Speaker, that there is no concern about the immediate possibility of a hazard or any kind of undue risk in continuing to use the red buses in those particular areas.

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Would the Minister be so kind as to confirm that?

Hon. N F Costa: Well, Mr Speaker, this was why I started the answer the way that I did. The point that I am making to the hon. Gentleman opposite is that the blue buses already exceeded the maximum permissible weight on our roads and they have been using our roads since 2004. So if we do have concern, it is only to the extent that we need to find out whether certain points in Europa Road, which have been serviced by those buses since 2004, now represent a greater risk because there is 1,000-kilos difference between the old and the new. But that is why we have instructed our Technical Services Department to confirm whether that is the case or not.

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If it is the case that one or two points of the stretch of Europa Road in their view requires some reinforcement, we will do so in the same way that we were able to do the reinforcement at Smith Dorrien Avenue Bridge and the other parts of Line wall Road.

Hon. S M Figueras: Mr Speaker, yes, one final supplementary but dealing first with the answer that the Hon. Minister has given us, the reason why I am asking today, Mr Speaker, is because as we have been informed the new buses are a ton and a half heavier when they are in maximum use. Well, I know the details now, Mr Speaker, but it has been suggested to us by a number of concerned constituents that there was potentially an issue arising from the weight of the buses.

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Therefore, having now confirmed that that is the case, Mr Speaker, and that the red buses are in fact, when in service with the maximum number of passengers, a whole ton and a half heavier than the blue buses which have been using our road network from 2004 to 2011, I thought it appropriate to raise the issue in the House because clearly, the concern must be slightly greater than it was perhaps when the buses were slightly lighter.

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I would then ask, Mr Speaker, the final supplementary, when is it anticipated that the report will be conducted and a determination made as to what works if any, need to be done?

645 **Hon. N F Costa:** Mr Speaker, let me just tell him that some of the blue buses are still operating today so they did not stop in 2011. We came into Government in 2011, but the blue buses continued. Yes, and on that magnificent day the blue buses continued to service the existing routes and, as I have already told him, the blue buses exceeded the permissible weight by 2,500 kilos, so the concern has always been there – or should have been there certainly – before and when we were notified, one of my first meetings in fact with the Hon. the Minister for Traffic was, if that is the case we need to make reinforcements to the roads and it has been confirmed that the Line wall Road, the parts of it which in the view of the Technical Services Department were not suitable, have been upgraded to take up to 16,000 kilos. Mr Figueras may –
650 *(Interjection)*

In the event that the report which I have been told should take between four to six weeks it was started two weeks ago, if I recall correctly. Time is a bit of a blur – it could have been before, it could have been later. If there is a need to reinforce, then we shall move to do so in the same way that we did on the last occasion to reinforce up to 16,000 kilos.
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Hon. D A Feetham: Now, Mr Speaker, so can he just confirm for my benefit that the red buses are not being used on Europa Road until such time as the Government conducts this study to ensure that the roads are resilient enough or those stretches of the road affected are resilient enough in order to take these red buses? So the red buses are not being used in Europa Road or in that stretch of Europa Road near I think it is the library up there, that is being affected by this.
660

Hon. N F Costa: Mr Speaker, when I received the question, I asked the bus manager on what routes the red buses were being used and he informed me that the buses were being deployed depending on the popularity of the route. As I understand it, those routes do not currently include the Upper Rock. So they are being deployed where the buses are most in use – not Europa Point.
665

**Q634/2014
Gibraltar Bus Company –
Employees**

Clerk: Question 634, the Hon. S M Figueras.

670 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the full complement of staff employed by the Gibraltar Bus Company on a month by month basis, since December 2011?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

675 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have just realised that there is a table but perhaps it would be easier if the lady usher could kindly make a photocopy rather than read the entirety of the table and perhaps the hon. Gentleman could consider and ask me supplementaries with your indulgence, later.

	2011	2012	2013	2014
January		63	56	61
February		62	56	61
March		59	56	64
April		59	55	62
May		59	55	62
June		59	55	61
July		60	57	61
August		60	57	63
September		56	57	63
October		57	56	63
November		57	59	
December	63	57	61	

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Q635/2014
Gibraltar Bus Company –
Employee policies and staff handbook

Clerk: Question 635, the Hon. S M Figueras.

685 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the Gibraltar Bus Company's employee policies and, if these are detailed in a staff handbook, provide me with a copy of said staff handbook?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

690 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the former directors of the bus company did not agree a handbook with Unite. As a result the handbook is a draft document which the current manager and employees use as guidelines, but which all parties accept is the touchstone to any employment issue.

695 It should be noted that the bus company manager and I are currently in discussions with Unite to agree the contents of the handbook and to implement these. The handbook contains policies that one would ordinarily expect to be contained in an employee handbook, such as an equal opportunities policy, a health and safety policy, a training policy and other conventional employee policies.

700 I am, however, also informed that the handbook sets out the terms and conditions of employment applicable to these employees. May I just say that I am not entirely sure why it reads, 'I am, however, informed'. I have read the handbook now at least four or five times so I *know* that the handbook sets out the terms and conditions of employment applicable to the employees.

705 I am advised that the handbook is a private and confidential document and that therefore it is not appropriate to hand a copy to the hon. Gentleman across the floor, but I am happy to share it with him confidentially if he so wishes.

Mr Speaker: I notice that the manner in which the Answer... in fact it follows from the next Question 636, there is also statistical information covering four years. Would the Hon. Minister like to anticipate that and also make available a photocopy for convenience? It is conducive to better business.

710 **Hon. N F Costa:** Yes, of course, Mr Speaker.

Mr Speaker: Now, we return to Question 634, and the Minister should actually go through the answer, otherwise it will not appear in the *Hansard*. If it is just a case of handing over, it will not...

715 The Clerk will arrange for it to appear. Very well.
Now, does the Hon. Mr Figueras then have any supplementaries?

Hon. S M Figueras: Mr Speaker, I have not received the table yet.

720 **Mr Speaker:** You have not received it. It is on its way.

Hon. S M Figueras: Thank you.

725 **Mr Speaker:** You will be getting statistical information on two Questions, 634 and 636. Question 636 will come after you have asked the Question obviously.

Hon. S M Figueras: Yes, Mr Speaker, with your indulgence I would be grateful for an opportunity to ask supplementaries on 635 before moving on if that is alright.

730 **Mr Speaker:** Well yes, very well.

Hon. S M Figueras: Thank you. Mr Speaker, in relation to the staff handbook, I am grateful for the Hon. Minister's offer of sharing it confidentially, an offer which I will certainly take up.

735 Can, however, the Hon. Minister say whether there has been any professional advice engaged in relation to the discussions or the preparation of the drafting of the handbook itself in anticipation of discussions with the Union and agreement of a final version of it?

Hon. N F Costa: Mr Speaker, I will have to check, I think the answer is yes. I think if I recall correctly – please, I ask him not to quote me, but – I think the handbook was originally drafted by Mark Isola of

740 Isolas and I am not certain whether further revisions were done by him, my in-house counsel or a further firm. But if he were to ask me either at the next session or write to me, I will provide him with the answer.

**Q634/2014 continued –
No supplementary questions**

Mr Speaker: Now, does the hon. Member have the statistical information relating to Question 634?

745 **Hon. S M Figueras:** I do, I have just received it.

Mr Speaker: Well, look at it and if you wish to ask any supplementaries...

750 **Hon. S M Figueras:** Mr Speaker, on reflection this is perhaps a question that would better have been asked for answer in written form. In that vein, I do not propose to ask any supplementaries myself in relation to this question. So unless any of my hon. and learned Friends have supplementaries to ask, I will propose that we move on to the next question.

Mr Speaker: Any supplementary questions?

**Q636/2014
Gibraltar Bus Company –
Road traffic incidents reported by employees**

755 **Mr Speaker:** Call Question 636.

Clerk: Question 636, the Hon. S M Figueras.

760 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details to this House of the number of road traffic incidents/accidents reported by the employees of the Gibraltar Bus Company, on a month-by-month basis since January 2010?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

765 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker –

Mr Speaker: The answer then should be, ‘The figures are...’

770 **Hon. N F Costa:** Yes. Mr Speaker, I hand now to the hon. Gentleman a schedule with the information that he requests.

	2010	2011	2012	2013	2014
Jan	0	1	2	3	2
Feb	1	4	1	0	1
Mar	0	1	5	0	1
Apr	1	1	0	1	2
May	0	0	1	1	0
Jun	0	2	0	1	1
Jul	2	1	0	2	2
Aug	0	3	0	1	1
Sep	3	0	0	1	0
Oct	2	1	1	0	2
Nov	1	0	0	3	
Dec	1	0	0	2	

775 **Hon. S M Figueras:** Mr Speaker, I am happy to move on to 637 whilst that is handed to me. Mr Speaker, if I could perhaps with your indulgence just one moment have a look through...

Q637/2014
Gibraltar Bus Company –
Cost of new buses

Clerk: Question 637, the Hon. S M Figueras.

780

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say how much the new buses are costing the taxpayer?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

785

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the cost of the new MAN Caetano bus fleet is £4,790,000.

Hon. S M Figueras: And, Mr Speaker, perhaps he can just refresh my memory: is it 20 buses that make up the fleet?

790

Hon. N F Costa: That is correct, Mr Speaker.

Q638/2014
Gibraltar Bus Company –
Cost of improvements to new red buses

Clerk: Question 638, the Hon. S M Figueras.

795

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say how much cost additional to the cost of each of the buses the Gibraltar Bus Company is anticipated to incur in the making of improvements for access to rear seats and other modifications planned to improve accessibility and usability of the new fleet of red buses?

800

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Government is not aware of any accessibility issues with the rear seats of the new buses, and therefore has no plans to make any alterations.

805

Hon. S M Figueras: Mr Speaker, perhaps the Minister catches me off guard and he will correct me if I am wrong, I am happy to be corrected if that is the case. Had the Minister not publicly said that certain alterations are being looked at in terms of access to the rear of the bus, within the bus?

810

Hon. N F Costa: Mr Speaker, the way that I understood the question, I am not trying to be obtuse, is that the hon. Gentleman was referring to the rear of the seats. There are no issues with the rear of the seats.

What I have said in an interview, was that we are aware of difficulty of access in respect of one part of the bus, not the rear of the bus and that we are looking at modifications to ease that part. Is that what he is referring to?

815

Hon. S M Figueras: Yes... *[Inaudible]*

Hon. N F Costa: There is no issue –

820

Hon. S M Figueras: Mr Speaker, yes I will try and articulate what it is I am getting to. As I understand it, and again I may be misinformed and I am happy to be corrected, Mr Speaker. I understand that the difficulty that we are getting to is in accessing the rearmost half of the bus and in particular, the one step from the level platform which is level with the disabled access and for push chairs. The step up to the rest of the seats at the back of the bus is where we are informed there is significant difficulty in gaining access.

825

Has the Hon. Minister referred in the interview to access to this particular area of the bus and that is the issue that they are in fact planning to deal with?

830 **Hon. N F Costa:** Yes, Mr Speaker, by way of update, as I think I explained that in the interview, I do not remember if I did, the manufacturers were invited to Gibraltar where we met with the OT, the Care Agency and all the other related professionals who advise the Government on such matters and we have come up with a first possible solution. We are not in a position therefore yet to give him costs. We will not be able to do so until we agree on the solution.

835 As I said during the course of the interview, the reason for bringing the buses over as quickly as we had to was because the Bus Company informed me in no uncertain terms – and the hon. Gentleman and I have in fact discussed privately the state of the blue buses on previous occasions and he knows – that the blue buses by this point were having some serious difficulties; not all of them, some of them. He is aware, because I have put this in the public domain and he has asked me by way of a written question, the cost of repairing the Dennis Dart bus fleet.

840 So the decision was taken to bring as many as possible as quickly, even if the step as we asked for had not been installed.

Of course once they arrived we knew that this could well become an issue and we were informed immediately. Given however that the buses were here, we might as well thought given there is an issue let us maximise the opportunity, so we once again brought in the professionals to see how we could even further improve on what we had originally envisaged.

845 We have received a possible solution, it is currently being looked at by the professionals and we should be able to move quickly enough so that hopefully by before the end quarter of next year all of the new buses will have whatever new modification is agreed by then.

850 **Hon. S M Figueras:** I am grateful to the Hon. Minister for that answer.

There is an aspect of the usability of the bus fleet that we have not alighted upon yet, but which I would quite like to raise in the context of the original question and that is that certain concerns that have been raised with me directly and which have been observed on social media, in relation to the usability of the bus in a particular manoeuvre, which is at the bottom of Red Sands Road and the junction with Rosia Road when they are turning to head northbound.

855 We are informed, Mr Speaker, and perhaps the Hon. Minister is already aware of this, that there is an issue in relation to the visibility for the driver of the bus in negotiating that manoeuvre and perhaps the hon. Minister will be so kind as to let us know whether (a) he is aware of the issue; (b) whether it is in fact an issue at all and (c) if it is, what is proposed to be done to address it?

860 **Hon. N F Costa:** Mr Speaker, in respect of the immediate supplementary that he asked me, I am informed by the Bus Company manager that has been resolved. So I am sure the hon. Gentleman will be happy about that, as certainly am I. The moment I was informed, we met to see what the issue was and I am informed reliably by the Bus Company manager that that is no longer an issue.

865 I would like to say to the hon. Gentleman, and I know that he will appreciate the answer, because again he is an enthusiast about transport and motor vehicles, that he will know that Gibraltar is not hamstrung, but Gibraltar has to abide by European Regulations. He knows that Gibraltar had to buy, at this juncture, the best available technology which was the Euro 6. He will know from his own reading that the Euro 6 and the catalytic converter are big pieces of equipment and that fitting that into a tight configuration... Remember that the buses can only be of certain length in Gibraltar because otherwise they are unable to negotiate, for example, the corner of the Supreme Court and other parts of Gibraltar. If Gibraltar had wider roads, and did not have these difficulties, we could have ordered a longer bus and therefore the configuration inside would not have been determined by the width of our roads. So that is the conditionality on which any bus negotiating those roads has to be built. And of course you need to incorporate the catalytic converter in order to reduce emissions. It is an EU Regulation which we must adhere to.

875 Our second point to make which I know the hon. Gentleman also knows, but I am also saying it for the record of *Hansard*, the EU mandates a certain ability and certain dimensions for people who are wheelchair bound to be able to negotiate and turn around in a bus independently.

880 Now, if you take into account those EU mandatory guidelines in respect of the ability of a person in a wheelchair to be able to turn around, if you take into account the length of the road, the configuration of the bus suddenly becomes quite a limited feast indeed and we had to work within those parameters. But again, having said that and being satisfied that a wheelchair user is perfectly able to independently manoeuvre inside the bus and turn etc and in fact it may interest the hon. Gentleman to know, that in yesterday's test we had the President of the Senior Association and also a wheelchair user in a small bus to in fact make sure that the small buses servicing the Upper Town were as accessible and as friendly as they could be.

885 The small bus also has inevitably a small step, because of course the narrowness of the Upper Rock, Upper Town streets are so narrow that it is impossible to have a bus with the best engine on a flat ground level unless of course we could make them longer, which we cannot in Gibraltar. And I now, I wish I had

890 invited him to the test because there were parts of those routes in the Upper Town which really are extremely narrow and it takes great manoeuvrability to be able to negotiate them!

895 So the configuration – what I am trying to say perhaps in a clumsy, long winded way – is mandated by certain laws that we need to adhere to, which is why we came up initially with the idea of this step. But given that we had representations in the same way as he had, we thought that there was actually a further opportunity to try to better it and we think that the solution we are studying now, which of course will be approved not just by the professionals but also the by Senior Citizen Association etc, will be the right solution.

900 And I appreciate it if the hon. Gentleman were to ask me next month whether we have been able to implement them, I will be able to give him details, not just of the configuration which we will be happy to explain to him even before, but also the cost.

Mr Speaker: I have been liberal in allowing the Minister to make this wide-ranging answer because the question of the buses is a matter of public interest. But I think we have to be conscious of the fact that this is a question about additional costs in respect of certain modifications and that we cannot discuss the whole ambit of where the buses are going to be, the different routes and the problems of all routes.

905 So I have been liberal but I think that unless the hon. Member has a specific supplementary arising, we have to make further progress and move on.

Hon. S M Figueras: No, Mr Speaker, I am entirely grateful to the Minister for a very comprehensive answer which I have found extremely helpful. I am grateful.

910 **Mr Speaker:** Okay. Next question.

Q639/2014
Gibraltar Bus Company –
Revenue from advertising

Clerk: Question 639, the Hon. S M Figueras.

915 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say what revenue the Government of Gibraltar has received by way of bus and related advertising by the Gibraltar Bus Company on a month by month basis, since January 2010?

920 **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, revenue received by the Gibraltar Bus Company is not structured on a month-by-month basis but I can provide the figures based on revenue received by financial year.

925 April 2010 to March 2011 – £65,773.75; April 2011 to March 2012 – £43,500.75; April 2012 to March 2013 – £30,231.25; April 2013 to March 2014 – £8,473.88; April this year to date – £6,873.

The Gibraltar Bus Company currently awaits the production of audited accounts from the contracted party in order to determine what further amounts are due.

930 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister provide an explanation and I will accept from him the possibility that he may not have been made aware of the reasons why, but certainly if he has the information, could he provide more details to this House as to what the significant decline from £65,000 in the financial year 2010-11 to £8,000 effectively in the last financial year 2013-14 to what it can be attributed?

935 **Hon. N F Costa:** Mr Speaker, I am advised that there is a difference of opinion as to the amount owing, which is why the company has asked for audited accounts. I am also advised that once that figure, that difference is agreed, there should of course be substantial more revenue to the Bus Company. I personally have asked for a full report on this and requested the reasons for the outstanding amounts.

940 **Hon. S M Figueras:** Could he confirm just for clarification's sake that the company that has been asked for audited accounts is the current supplier of the service to the Gibraltar Bus Company, i.e. Big Publications Ltd?

945 **Hon. N F Costa:** Yes, Mr Speaker.

Q640/2014

**Gibraltar Bus Company –
Government contribution to advertising contractor**

950 **Clerk:** Question 640, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say what contribution the Government has made to the contractor managing the advertising on the buses since they were awarded the contract in 2012?

955 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, as I noted to the hon. Gentleman in Question 213/2013, upon commencement of the agreement Big Publications Ltd received the sum of £15,000 to cover initial costs relating to the production and installation of the advertisements. These costs were, when I answered the question in 2013, paid back in full to the Gibraltar Bus Company Ltd.

960 **Hon. S M Figueras:** And for the avoidance of doubt, Mr Speaker, can the Minister say therefore that the £15,000 paid back to the bus company was as an independent transaction to the receipt of revenue by the Gibraltar Bus Company?

965 **Hon. N F Costa:** That is correct, Mr Speaker.

Mr Speaker: Next question.

Q641/2014

**VemaOil –
Ship to ship bunkering at night**

970 **Clerk:** Question 641, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Port state if VemaOil is conducting ship-to-ship bunkering at the Detached Mole during the silent hours – that is from 11.00 p.m. to 7.00 a.m. – and if so, could this practice stop so that the noise emanating from the pumping from ship to ship does not continue to stop the sleeping habits of people in the Westside of Gibraltar?

Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

980 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I do not accept, with respect, the premise of the question posed by the hon. Gentleman, that the sleeping habits of Westside residents are disturbed by the noise emanating from the pumping.

985 If, however, the hon. Gentleman has any evidence to substantiate his assertion, which I do not accept for the reasons I will develop later to him, I would be very grateful for that information.

Bunkering operations are conducted at all times of the day and therefore VemaOil does conduct ship to ship bunkering operations during silent hours. The latest report from the Environmental Agency, which recently conducted noise level readings during the silent hours, indicates that whether operating or not, the noise levels from the Vemaspirit remained at acceptable level at all times.

990 Mr Speaker, if I may add, stopping bunkering operations during silent hours would have a very negative impact on the bunkering industry in Gibraltar. It is worth noting that VemaOil's business accounts for 24% of the bunker supplied.

To further assist the hon. Gentleman, the GPA – the Port Authority – has not received any complaints that are specific to bunkering operations from the Vemaspirit, but should there be any complaints, we will

995 of course be happy to co-operate with our colleagues at the Environment Department to reduce any impact on the public.

With respect to the hon. Gentleman, I think he may be confusing the noise levels emanating from the generators of arrested vessels which have previously been held at the Detached Mole and in the Western Anchorage, but have since been repositioned further away from populated areas in the Eastern Anchorage.

1000 Although not in the Answer, Mr Speaker, it is just to say that the complaints received relate specifically to that: to the noise of generators.

Hon. J J Netto: I am grateful, Mr Speaker, for that explanation.

1005 In relation to one of the statements made by the Hon. Minister in relation to the information I have, I had representations made to me which I am not at liberty to be able to pass on to the Government because they very clearly told me that they want to keep it in that particular way.

1010 However the Hon. Minister does confirm the fact that this particular work does occur during the silent hours and obviously to a lot of residents in that particular area of Gibraltar, the Westside of Gibraltar, no doubt it is a nuisance, despite the fact, which I take on board that the Hon. Minister does say that the Environmental Agency maintains the view that they are within acceptable levels.

Now, despite that sort of difference of view between the representation I have had and the views of the Environmental Agency, could I not perhaps ask the Minister whether he can actually look at the specific contract with the particular company involved in this particular work to see whether the work can be done during normal working hours as opposed to the silent hours?

1015 I am not a lawyer, I do not know what sort of legal issues do emerge here, but if there is a particular way that the work can be done during normal working hours as opposed to the silent hours, I suppose then we could find a win/win situation for everyone. So could I leave it to the Minister, if he could actually look into this matter?

1020 **Hon. N F Costa:** Mr Speaker, let me start by saying that I wish to clarify that it is not that the Environmental Agency has taken a view; the Environmental Agency has in fact conducted a test. So it is not a human being going and listening. It is actually a test which the Environmental Agency tells me are at acceptable levels in respect of the bunkering.

1025 If the Environmental Agency has said to me that during the night the bunkering sound was emitting a noise decibel level which would detrimentally impact on residents of Westside area, I would have immediately intervened and he has my personal assurance on that. And if I had not, the Hon. the Minister for the Environment certainly would have.

1030 What the tests of the Environmental Agency and what the Port Authority advises me and that certainly is a view from the Port Authority, as opposed to a test conducted by the Environmental Agency, is that the noise that emanates sometimes at night, relates to generators and the generators are of arrested vessels.

I am assured, Mr Speaker, it has nothing to do with the Vemaspirit. As I said, if it did, both the Minister for the Environment and I would have acted immediately.

1035 What we have done, when we were advised that as a result of the forensic tests the noise level emanated from the generators, the Port has repositioned these arrested vessels further away and where possible, the Eastside. In the same way that he has received representations which I totally believe because I have received representations, it was as a result of those representations that we conducted the investigation that we did and which is why we are satisfied that it is nothing to do with the Vemaspirit and everything to do with the generators.

1040 So if I thought there was an issue, I would certainly have looked at the contract but because it is not anything to do with the Vemaspirit, there is no need for me to do that, which is to answer specifically the supplementary of the hon. Gentleman.

Hon. J J Netto: Mr Speaker, if I could ask just one more supplementary question.

1045 Can I now concentrate on this latter part which is on the vessels which have been arrested and have now been moved away as a result of the noise emanating from the generators?

Does the Minister have in mind a date when this decision took effect as to moving away the ships? Are we talking about weeks, months or more than six months perhaps? Just to have an idea basically.

Minister for Health and the Environment (Hon. Dr J E Cortes): If I may assist, Mr Speaker.

1050 I held a number of meetings with the representatives of the Port and the Environmental Agency and so on. This decision is probably several months old, but that is in relation to one particular vessel which had to come back for a short period. I am not sure whether it was to shelter from heavy seas and therefore there might have been a little incident over a short period of time when it had to come back to the west. However, I have no knowledge of arrested vessels on a day-to-day basis.

1055 The thing is that arrested vessels are often not in very good condition and it is quite often that it is these
vessels that have generators which are particularly noisy. But we took steps quite some time ago but if there
have been any cases recently, it may have been that they have come into the Westside either to shelter from
severe weather on the Eastside or perhaps for fuel or something else. But obviously I do not have the exact
1060 details here.

HEALTH AND THE ENVIRONMENT

Q642/2014

Bunkering at Detached Mole– Monitoring air pollution levels

Clerk: Question 642, the Hon. J J Netto.

1065

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if there is on-sight sampling of
air pollution of the Detached Mole or in the Westside of Gibraltar taking place, in order to monitor the air
pollution emanating from the bunkering activities and if so, please provide a statement as to the levels of
pollution taking place throughout the last 12 months?

1070

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there is no on-sight
sampling of air pollution on the Detached Mole. There are diffusion tubes forming part of the passive
1075 monitoring programme that monitor volatile organic compounds in the area of North Mole, Harbour Views
and Queensway.

Levels recorded in the past few years have been consistently low.

1080

Hon. J J Netto: Mr Speaker, if I may ask a supplementary question, the Hon. Minister for the
Environment mentioned the fact that there are diffusion tubes recording the levels of pollution taking place
and whilst accepting what the data shows is within permitted levels of pollution, can I not put to the Hon.
Minister that perhaps we ought to try and impose on the different contractors in this field better
technologies in relation to the capture of toxic fumes in order to avoid even lower levels of pollution taking
place, particularly in the west of Gibraltar.

1085

If my memory serves me right, I think the Hon. Minister himself alluded to this technology at his
Budget speech. Perhaps this would be an opportunity for them to give us an updated statement on progress
on this front.

1090

Hon. Dr J E Cortes: Mr Speaker, that is not exactly what the question is about, but I believe that I
would need confirmation on this that bunkering operations already use vapour recovery technology.
Certainly we have not had complaints of smells associated with bunkering that there were some years ago,
so I can only assume, but I would have to confirm this because I am asked about air pollution monitoring
not specifically what comes out of the bunkering vessels, but I am fairly sure that there are vapour recovery
systems in place but I would need notice of that question, and I would have thought that my colleague, the
1095 Minister with responsibility for the Port would provide that information.

Hon. J J Netto: I am quite happy Mr Speaker for the Hon. Minister to provide that kind of confirmation
without necessarily having to put another question next month, so long as he can provide the information.

Q643-644/2014

Fishing with long lines in British Gibraltar Territorial Waters – Monitoring since January 2012

1100

Clerk: Question 643, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the Department of the
Environment or any other official entity has kept a list of vessels and its owners with regard to fishing with

1105 long lines, since January 2012, the monitoring of fish stock caught, quantity and the sustainability of such stock in the foreseeable future in British Gibraltar Territorial Waters?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1110 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this Question together with Question 644.

Clerk: Question 644, the Hon. J J Netto.

1115 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the Spanish fishermen have been fishing with long lines in British Gibraltar Territorial Waters since January 2012 and if so, provide the total figure broken down by month?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1120 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, may I as a preamble to the prepared answer just say that long line fishing was not caught and not covered by the Nature Protection Act and therefore not regulated until the new regulations come into force at the beginning of next year.

1125 Mr Speaker, the fishing report as it is colloquially known, performed an assessment of marine stocks in BGTW. Anecdotal evidence has been received since then, but one of the main conservation measures delivered through the new legislation is, or will be, the collection of robust data of fish stocks which will in turn ensure truly sustainable management of this resource.

The Department has both anecdotal evidence as well as some visual observation of Spanish fishermen fishing with long lines in BGTW. The Department does not have records broken down by months.

1130 **Hon. J J Netto:** Could I therefore translate the answered statement given by the Hon. Minister to saying that there is no official record as to fishing with long lines by Spanish fishermen and there is no evidence in the past as to the quantity and sustainability of such stocks at the moment?

1135 In other words, what the Minister is actually saying is that as a result of the new regulations, we will start monitoring what actually has been fished with long lines and the sustainability of such stocks in the foreseeable future. Is that the correct interpretation of what the Hon. Minister has said?

1140 **Hon. Dr J E Cortes:** Mr Speaker, that is certainly what the regulations set out to do. Clearly the practical nature of this sort of monitoring is not simple. It is not something that can be done without a certain amount of work but certainly the intention is that there will be monitoring of this, which has not been monitored in the past, because it was absolutely not covered by any law. Therefore there was no regulation whatsoever, but that is the intention.

1145 **Hon. J J Netto:** Mr Speaker, given that that is the intention, can I then ask the Hon. Minister as to when anyone wishing to fish with these sort of customs, with long lines, will be issued with a licence?

Hon. Dr J E Cortes: Mr Speaker, the requirement of the new marine regulations which were recently published makes it clear that in order to fish with long lines, as from the date when they come into effect, people will require licences.

1150 **Hon. J J Netto:** Will this include Spanish fishermen also fishing with long lines as well?

Hon. Dr J E Cortes: Mr Speaker, the law does not distinguish between nationality.

1155 **Hon. J J Netto:** I take it from the regulations that the permit issued will be for three years. Therefore, during the course of hopefully the next 12 months, sufficient data will be recovered in the monitoring of such stocks to be able to view and give the Department an informed view as to re-providing licences in the future.

But when does the Minister think the Department should be in a position to have sufficient scientific data to be able to know the level of licence to be issued or indeed if any licence should be issued at all?

1160 **Hon. Dr J E Cortes:** Mr Speaker, clearly when the data are sufficient. We are talking about a completely new area. We are talking about things, as I said earlier, which are not simple and the collection of data on fish stocks is complex at the best of times, and therefore I cannot give a date. But at least there is now an attempt to have such data, which there has never been in the past.

1165 **Hon. J J Netto:** Mr Speaker, I obviously take on board what the Hon. Minister is saying that this is new ground and they have to do a lot of work. So in that particular way, I am quite lenient as to allowing him to make that statement.

But given that the actual regulation – and I am talking about clause 7(2) – makes it clear that:

‘permission to fish with long lines granted pursuant to this chapter shall be valid for a period of three years which *may* be renewable in the light of available evidence on the sustainability of marine stocks within British Gibraltar Territorial Waters’.

1170 Therefore, if licences start to be issued say from next week, for anyone that is fishing with these particular practices, either people who do it in Gibraltar or people who do it from La Linea or Algeciras or whatever, there has to be a point in time during the period of which the licence has been issued that will allow the officials to be able to gather the data and then make an informed decision as to renewing the particular licence.

1175 What I am trying to get at is a reasonable answer. I am not trying to pin him down as to it has to be 12 months or three months, but some kind of reasonable answer as to by when the fishermen are in a position, long before they have to renew the licences again, to be able to say, ‘Well, now we have got the data and now we can take the decision whether we will renew the licence or not.’ That is all I am asking.

1180 **Mr Speaker:** Yes but I cannot allow the hon. Member to ask a series of questions arising from the regulations which are not related to the two questions that he has asked. He cannot continue to do that.

What he can do, by all means if he wants to, is have a debate on the whole question of the fishing regulations that have recently been published by the Government. Nothing stops the hon. Member from doing that.

1185 But under the guise of these two questions, which are specific, he cannot deal with every aspect arising from those fishing regulations. He cannot do that.

Hon. Dr J E Cortes: Mr Speaker, I am happy to offer a comment on that, if I may.

1190 **Mr Speaker:** And I will allow the Hon. Minister certainly to do so. I think the point should be clear that what we cannot have now is a series of supplementaries, bringing up certain issues in those fishing regulations which are very, very detailed. We cannot have that now.

Hon. Dr J E Cortes: Mr Speaker, I refer specifically to the supplementary question that I have been asked. Any use of scientific data has to go through a number of processes.

1195 Firstly is the collection of the data – and the collection of the data in these situations clearly is not simple. Secondly, the analysis; and thirdly the data as analysed has to statistically be significant in order for that to be realistically and accurately used in order to inform policy.

1200 So all these variables have to fall in place. This is not easy, this is a challenge but the challenge is there. We have put this in. We want to do it in this way, but clearly in science you cannot know what the results of your analysis is going to be until you have carried out the analysis. So I cannot be more specific than that.

Mr Speaker: Next question.

1205 **Hon. D A Feetham:** Mr Speaker, I have –

Mr Speaker: Yes.

1210 **Hon. D A Feetham:** Yes Mr Speaker, perhaps the Hon. Minister would assist me with this. When we talk about licensing in relation to long lines, what we are really talking about is the drawing up of a list of boats and those boats are then deemed to be licensed to fish with long lines, commonly known as *palangres*. That is the case is it not?

1215 **Hon. J E Cortes:** Mr Speaker, I do not have the regulations in front of me, but I believe that in the section on long lines we are talking about the boats. I believe so, but I do not have the regulations in front of me.

1220 **Hon. D A Feetham:** Yes, but what I mean is that effectively somebody will go to the hon. Gentleman’s Department and say, ‘I have got a boat. I have fished with long lines historically. I want my boat to be listed, in whatever schedule or list pursuant to the regulations, in order to be able to fish with long lines. That is effectively in a nutshell what the procedure is, is it not?’

Hon. Dr J E Cortes: I repeat, I believe that is the case but I do not have the regulations in front of me. They are very extensive. My memory is still good but I do not have it but I believe that is the intention.

1225 **Hon. D A Feetham:** Mr Speaker, bearing in mind that the hon. Gentleman in answer to an earlier question said that there were Spanish fishermen that were fishing in British Gibraltar Territorial Waters with long lines, the same procedure will apply to those Spanish fishermen. If they want to fish with long lines in British Gibraltar Territorial Waters, they will have to come to Gibraltar in order to effectively have their boat added on to the list.

1230 Or is it, Mr Speaker, that perhaps the Government envisages that some kind of arrangement with the heads of *Cofradias* of La Linea and Algeciras for them to provide a list of boats to the hon. Gentleman's Department?

1235 **Hon. Dr J E Cortes:** Mr Speaker, in relation to long lines, which is what we are talking about now, the latter is not correct. The former is correct – and I am qualifying it that I am going on memory – because there will be no distinction between nationalities.

Hon. D A Feetham: Mr Speaker, in terms of enforcement is it the Wildlife Wardens who will be enforcing this particular piece of legislation or will it be the Police?

1240 I ask because I saw – as indeed many people in Gibraltar saw – an interview by Chief Superintendent Mifsud just before the *Viewpoint* programme, in which he appeared to indicate that the enforcement of the regulations was a matter for the hon. Gentleman's Department, not for the Police and that the Police would be more in an assisting role but the enforcement would be the hon. Gentleman's Department. I just wonder whether the hon. Gentleman could comment on that?

1245 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a supplementary arising from this question. The only thing I will offer is that clearly the Department of Environment's officials do not have powers of arrest.

1250 **Hon. D A Feetham:** And, Mr Speaker, can I ask the hon. Gentleman, he would expect that this particular legislation would be enforced as against Gibraltarians in exactly the same way as they were enforced against Spanish nationals coming in to our waters, and that if there are Spanish boats coming in to our waters laying long lines without being registered and licensed in accordance with the regulations, that the Hon. Minister would expect that they be treated with the full force of the law in exactly the same way as Gibraltarian nationals fishing in these waters without a licence would be dealt with.

1255 **Hon. Dr J E Cortes:** Mr Speaker, the law does not distinguish between nationalities.

Q645/2014

Fishing arrangements within British Gibraltar Territorial Waters – Nature Conservancy Council discussions

Clerk: Question 645, the Hon. J J Netto.

1260 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide a date since January 2012 in which the Nature Conservancy Council has met in order to discuss the fishing arrangements within British Gibraltar Territorial Waters, and provide Parliament with a statement of its deliberations and conclusions?

1265 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, as I have repeatedly stated in this House, the Nature Conservancy Council is a statutory consultee which runs independently of the Ministry and Department.

1270 I therefore do not have information as to when they meet, nor regarding their deliberations.

1275 **Hon. J J Netto:** Well, Mr Speaker, with the greatest respect to the Hon. Minister, that is not entirely true because while it may be true that he does not sit when the Nature Conservancy Council is actually meeting, he certainly has his Head of Department who does sit in the Nature Conservancy Council and presumably, one would have thought that the Head of Department would make regular reports to the Minister in this field, as indeed in many other fields, in order to keep the Minister abreast of information

taking place in what is an extremely important body, which is there set out to advise the Minister in matters pursuant to the environment. So that is not entirely correct.

1280 I think it is also true to say, and it is quite reasonable to say, that if we are talking about transparency on such important matters, then the Minister ought to really provide Parliament with the kind of information which I am seeking, and giving advanced notice, so that we can have proper discussions, so we can have proper debate on matters that affect Gibraltar and not try to hide away on this kind of artificial barrier that he does not sit in the meeting.

1285 Could the Hon. Minister just simply brush away the artificial barrier and provide Parliament with a decent answer?

Hon. Dr J E Cortes: Mr Speaker, it is really incredible the Member opposite is factually incorrect. He may think that my Head of Department sits in on the Scientific Authority because that in fact is what he wanted to do when he was Minister for the Environment and the Scientific Authority was an independent scientific body and he wanted to change it completely. I believe he wanted to *chair* the Nature Conservancy Council and he wanted his officials to be members of the Nature Conservancy Council.

1290 I have gone down a completely different avenue precisely because I believe in independence and transparency and the Nature Conservancy Council now is made up of independent experts. *No* public official is a member, they run themselves independently, they meet independently, I ask them for an opinion when I need their opinion, they offer an opinion when they think that I should have one but I do not get involved in running them. I do not control it, I do not wish to control it, I think they have to have the independence of mind, to be able to debate things scientifically and to give me sound advice without any political interference.

1295 If what the Member opposite is saying that I should interfere politically in what is an independent scientific consultative body then, Mr Speaker, I am afraid that is not the kind of Minister that I am, nor is that the kind of Government that I belong to. It is absolutely incorrect and therefore I completely reject his statement. (*Banging on desks*)

1300 **Hon. J J Netto:** Mr Speaker, the hon. Minister is actually talking nonsense. (*Laughter*) He is actually talking nonsense because by definition, those people sitting on the Nature Conservancy Council, as he has just rightly pointed out, are scientific academic people – people who are used by the very nature of their careers, to be able to make decisions based on evidence and be able to publish it.

1305 There is nothing wrong with people who are scientists to publish that information and it would be good for democracy and it would be good for transparency and it would be good for Parliament, if such information made by scientists would be provided not just to Parliament but indeed to the whole society so that the whole society could have a proper discussion on what is an extremely important matter.

1310 I put it once again to the Minister: the Minister is simply hiding away with a lot of nonsense he is uttering, in order not to provide the information. And what brings me back to my question, is that there are particular references in the actual regulations like 12(2) which actually argue that the Minister shall, after consultation with the Nature Conservancy Council, have the power to terminate the fishing period, etc, etc.

1315 In other words, the Minister shall have consultation with the Nature Conservancy Council so *he* can have it. He can then say it is independent but he can have it – but Parliament cannot have it. I think, Mr Speaker, it is most unreasonable and the Minister ought to reconsider his position.

1320 **Chief Minister (Hon. F R Picardo):** Mr Speaker, for matters unrelated to anything that has been discussed, can I just invite the House to recess for 10 minutes to give you an opportunity to recess for 10 minutes.

Mr Speaker: The House will now recess for 10 minutes.

The House recessed at 11.10 a.m. and resumed sitting at 11.19 a.m.

1325

Clerk: We carry on with supplementary answers to Question 645.

Hon. Dr J E Cortes: Yes, Mr Speaker.

1330 Mr Speaker, if the Nature Conservancy Council, as the independent body that it is, wants to publish its deliberations, it is free to do so. Mr Speaker, they are an advisory body to me. I will listen to their advice and I will I think, usually follow it, but I am free not to, and then I am answerable for those decisions. I am answerable for the decisions that I take based on the advice, whether I follow it or not. But the Nature Conservancy Council is not answerable to Parliament, nor am I answerable for the Nature Conservancy Council's deliberations and views.

1335 Therefore, I think that my statement is perfectly justified, I will remain answerable for whatever I do following consultation, but the Nature Conservancy Council cannot be held to account for the views that it holds as an independent scientific body. Well, they can be held responsible for them but they are not answerable to anybody other than themselves.

1340

Q646/2014
Wildlife Wardens –
Offences against Nature Protection Act

Clerk: Question 646, the Hon. J J Netto

1345 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state, since the inception of the Wildlife Wardens, how many vessels have been stopped and searched, found the owners to be acting against the Nature Protection Act and have been prosecuted, broken down by nationality, nature of offence, the fine imposed and date?

1350 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, none, sir.

1355 **Hon. J J Netto:** Mr Speaker, given the powers given to the Wildlife Wardens in terms of matters of being able to search vessels, is that not being given any priority by the Department of the Environment?

Hon. Dr J E Cortes: Mr Speaker, the Wildlife Wardens were... Well there were not Wildlife Wardens appointed; there were powers of Wildlife Wardens given to employees of the Department of the Environment. It is a slight difference, but I think it should be pointed out nonetheless.

1360 They were appointed some time ago, but their ability to go out at sea only commenced a couple of months ago on the acquisition of the vessels about which there is another question later on. At this point in time, priority is being given to getting the vessel in running order, to monitoring and gathering observations and data.

1365 The enforcement is something that they are able to do within the law, as I said they have no powers of arrest and their role will develop as time goes on. This is a very new body with very new utilities and therefore it is a role that is being developed that is not fully rolled out yet.

Hon. J J Netto: Well, Mr Speaker, given the fact that there is another question in the Order Paper which is Question 648, I might as well leave it until that question arises.

Q647/2014
Climate change –
Gibraltar's latest submission to combat

1370

Clerk: Question 647, the Hon. J J Netto.

1375 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with the latest copy of Gibraltar's submission to combat climate change in compliance with the EU requirements for 2020?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1380 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no one document which can be classified as Gibraltar's submission to combat climate change. The Government is working on various fronts to this effect. If the Member opposite could clarify if he is referring to a particular report or process, I can then provide an answer.

1385 **Hon. J J Netto:** Perhaps Mr Speaker, if I can put it in a different way, what are the documents that the Hon. Minister is referring to?

1390 **Hon. Dr J E Cortes:** Well, I think that really the onus should be on the Member opposite to tell me which documents he wants to see. I can tell him that there are various energy reports as well as the report which the Climate Change Taskforce is working on and will present to Government, which will then feed into the Revised Climate Change Programme. So there are a number of things that we are doing in relation to climate change, but without knowing specifically...

1395 The Member opposite asked for the latest copy of a submission which does not exist in the way that this has been formulated. I do not really know what submission – submission to whom? There is no such one report and therefore as I say, there are a number of areas in which we are working, but I cannot pin down from the question what he is actually referring to.

If he wants to be more specific and ask me for next time, I will be very happy to provide.

Hon. J J Netto: Mr Speaker, I will take this matter further by writing to the Minister.

Q648/2014

Marine research and monitoring programmes – Purchase of two vessels for Department of the Environment

1400 **Clerk:** Question 648, the Hon. J J Netto.

1405 **Hon. J J Netto:** Mr Speaker, since the purchase of the two vessels for the Department of the Environment, can the Minister for the Environment state what marine research and monitoring programmes have been conducted, or are envisaged to be conducted, in the next 12 months?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1410 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the two vessels that have been purchased by the Department of the Environment have, and will be used, in order to carry out monthly coastal monitoring and sampling.

In addition, both vessels have and will continue to be used, in relation to sub-tidal and marine ecological surveys, as well as reef surveillance conducted by the Department.

1415 **Hon. J J Netto:** Mr Speaker, perhaps if the Hon. Minister could provide more information in relation to this particular aspect of new work which the Minister is actually alluding to: does this involve the powers of search of vessels fishing in Gibraltar?

1420 **Hon. Dr J E Cortes:** Mr Speaker, the question specifically refers to marine research and monitoring programmes, and I have answered on marine research and monitoring programmes.

To expand, this includes sampling of sea water for analysis. It involves monitoring, carrying out ecological surveys along the shore and reef areas. It allows the Department to carry out work in its own vessel, whereas in the past it would have to hire or borrow the use of vessels from either private entities or other Government agencies.

1425 The power to follow up possible infractions of marine regulations at sea is not a power that the vessel has, but the people on the vessel have. Those powers, as I said earlier exist, no powers of arrest and the body is developing and gathering information and planning a strategy which we need to roll out in the fullness of time.

1430 **Hon. J J Netto:** Mr Speaker, I am actually bringing back the previous question which I mentioned before and I am putting the two together. We do know from the regulations, that is clause 45, that they do have the powers of search and what I am trying to get at with my questions is, whether that power to search is being carried out.

1435 In other words now that they have the vessels at their disposal, since the time that they have had the vessel at their disposal, are they actually going out – amongst other things that they may be doing, which I take for granted – searching vessels in compliance with the Nature Protection Act? Are they doing that, yes or no?

Hon. Dr J E Cortes: Mr Speaker, so far no vessel has been searched.

1440 **Hon. J J Netto:** Is it the intention to search vessels over the next 12 months?

Hon. Dr J E Cortes: I cannot predict what may or may not happen, Mr Speaker. They have a power, they have not yet used it. Those are the facts. (*Interjection*) Precisely, we make the law and as I say the powers are there, they have not yet been used.

1445

Hon. J J Netto: Mr Speaker, given the context that we have a set of new regulations where it talks about the sustainability of fish stocks, where it talks about the power being given to the Wildlife Wardens in relation to be able to monitor and have the powers of search, is it not reasonable, given that the Government has provided both the resources and the legislation to carry it out, that it would be a priority then, amongst other things, to be able to search boats which are fishing in accordance with the Nature Protection Act? I would have thought that the answer is yes.

1450

Is it that they have no interest whatsoever or is it that the Government does not want to instruct them to do any actual search at all?

1455

Hon. Dr J E Cortes: Mr Speaker, really I am quite overwhelmed at the interest that the Member opposite has in protecting our marine life. I can only assume that these questions are trying to urge us on to increase the population of marine life in our waters and do not have some other less obvious political motive in order to just cause mischief.

1460

Mr Speaker, I have said it quite clearly, there are powers. I am not going to tell anybody, nor would anybody who has any connection to law enforcement or anything like this, tell people what you are going to do and when you are going to do it and whether or not you are going to do it.

Mr Speaker, the law is clear and we have the power to do certain things. We have not used that yet and time will tell.

1465

Hon. D A Feetham: Mr Speaker, can the hon. Gentleman help me with this: how are the roles of the Wildlife Wardens and the Police going to be defined in the context of enforcement? Because the word enforcement encapsulates a wide series of situations.

1470

Search of a vessel: that can be classified as enforcement of the Nature Protection Act, as indeed the regulations – they have not come into operation; they come into operation next year. But how is there going to be this interplay between the Wildlife Wardens and the Police?

I ask because there is confusion out there in relation to this particular issue. You heard the interview of Chief Inspector Mifsud before the *Viewpoint* programme in which he was under the impression that the enforcement of the marine regulations, for example, was going to be a matter for the Wildlife Wardens and for the Environment Department. But of course they have no powers of arrest and I just wonder whether he can provide some information in relation to that?

1475

Hon. Dr J E Cortes: Mr Speaker, again I do not think this is a direct consequence and a direct supplementary, but nevertheless I will assist.

1480

This is a very new concept in Gibraltar. If we were just talking about a marine protected area anywhere else in the world, it would be much simpler, but we know the complexities of Gibraltar and the fact that we have a neighbouring state with certain views and claims as to sovereignty and so on. But it is a new concept and the interaction and the procedures are being developed. This is a relationship which is being developed and is under discussion at the moment, so I am not able at this point in time, nor do I think it would be correct for me at this point in time, to give more specific details of the interaction between the different elements.

1485

Hon. J J Netto: Mr Speaker, is it the intention of the Department to ensure that compliance with registration in accordance with the vessel's details, are actually monitored as the law says by the Wildlife Wardens?

1490

Hon. Dr J E Cortes: Mr Speaker, the law says (**A Member:** What it is.) what it is, exactly. The intention is that whatever the law says within the capabilities of the Department, if it falls upon the Department, these things will be done. Am I going to have to now go clause by clause to say exactly what we are going to do, when we are going to do it, what priority it will have?

1495

This is a massive piece of legislation. I think frankly, it is a work of art and I must praise the work that has been carried out by the Department of the Environment, the countless sessions with all the different stakeholders in bringing this together, in working something which has been broadly acceptable by the stakeholders, as you could see on the *Viewpoint* programme just last week, how everybody there was praising the work of the Department.

1500

But I cannot now go clause by clause and say when we are going to do this, when we are going to do the other. Firstly, it would be an absolute waste of everybody's time and secondly, it is not something that we

should publicly state. But clearly, the law is there, the intention is there and we will do our very best to do it in the interest of both marine stocks and those who enjoy exploiting it.

1505

Q649/2014
Attack by macaque –
Investigation

Clerk: Question 649, the Hon. J J Netto.

1510 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if an investigation has been conducted as a result of the macaque that attacked Mr Stuart Gravenell which left him with 40 stitches to his arm and if so, please provide Parliament with a copy of the said report?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1515

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, Mr Stuart Gravenell has stated that he is seeking legal action and therefore I am not in a position to comment on the matter, other than to say that a report is being prepared.

1520 **Hon. J J Netto:** Mr Speaker, I take on board what the Hon. Minister has just said, in that Mr Gravenell is taking legal action. But could perhaps the Hon. Minister go as far as to confirm that the attack took place and that 40 stitches had to be placed on the arm of this particular gentleman as a result of the macaque attacking this particular person? Can he go as far as confirming that?

1525 **Hon. Dr J E Cortes:** Mr Speaker, I do not think so. Legal action could actually dispute the facts and therefore I do not think that I should go into that area at this point in time.

Hon. J J Netto: But he can confirm the fact that a gentleman by this name actually went to the Accident and Emergency Department of the Hospital, or someone with an incident similar to the one reported in the press.

1530

Hon. Dr J E Cortes: Mr Speaker, a report is being prepared and I think I would be on dangerous ground if I were to say anything and it could prejudice the position if legal action in fact is instituted.

Q650/2014
Attacks by macaques since January 2012 –
Statistics

1535 **Clerk:** Question 650, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please provide Parliament with the statistics available in the A&E Department of the GHA and GOHNS as a result of attacks by macaques to persons since January 2012 on a monthly basis, by all categories, broken down by minor and major incidents?

1540

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the schedule attached, which I now hand over, refers to incidents which cannot necessarily be described as 'attacks', as some may have been occasioned by the inappropriate action of the person.

1545

It is difficult, especially in retrospect, to define these as major or minor, but in order to assist, the following will be useful. Of the incidents listed in the schedule, 14 were scratches; 69 had antibiotics prescribed; 7 required sutures; and one person was admitted.

1550

Answer to Question 650/2014

Ape related incidents recorded at A&E.

	2012	2013	2014
January	1	3	1
February	1	2	4
March	5	5	4
April	4	3	6
May	5	5	8
June	9	9	14
July	9	14	23
August	18	21	21
September	9	11	18
October	5	23	
November	7	3	
December	2	7	

Note: The figures for 2012 vary slightly from those provided in answer to question 17/2013 due to the updating of the records, which include scratches.

Q651-652/2014
New Marine Protection Regulations –
Reporting by fishermen to official authorities

Clerk: Question 651, the Hon. J J Netto.

1555 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how the catch of tuna prescribed in the new Marine Protection Regulations will be reported to the official authorities?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1560 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 652.

Clerk: Question 652, the Hon. J J Netto.

1565 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how the data provided by the fishermen with regard to compliance with Marine Protection Regulation be verified by the persons responsible for the production of statistics?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

1570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, it is a requirement of the Tuna Preservation Regulations for all catch data to be reported to the Department during open season, on each occasion that a specimen is landed in Gibraltar. Reporting forms are being finalised and will be published on the Department website ahead of the tuna season.

1575 The data will be verified by collaboration between the different sections of the Department. Monitoring will be done through spot checks at sea by the protection and enforcement team. I will also remind the hon. Member that it is an offence to falsify data with a penalty leading to the possible revocation of the licence.

Q653-654/2014
Old St Bernard's Hospital site –
Control of dust permit application; site inspection by Environmental Agency

Clerk: Question 653, the Hon. J J Netto.

1580 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 505/2014, can the Minister for the Environment state if GJBS submitted an application under the Environment (Control of Dust) Regulations 2010, prior to commencement of works at the old St Bernard site and if so, did the Environmental Agency issue the necessary permit?

1585 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 654.

1590 **Clerk:** Question 654, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state on how many occasions the Environmental Agency has visited or inspected the construction site at the old St Bernard's Hospital since commencement of work, broken down on a monthly basis?

1595

Clerk: Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the Environment (Control of Dust) Regulations 2010 came into effect on 15th July 2010. GJBS had a comprehensive generic plan approved by the Environmental Agency and the existing Certificate No. 25/13 is valid from 17th April 2013 to 17th April 2015.

1600

The Environmental Agency has not inspected the construction site at the old St Bernard's Hospital on a monthly basis. Inspections have been carried out to the north and south wing sheltered housing and dementia centre of the old John Mackintosh wing for the issuance of Certificates of Fitness in respect of the completed works in February and July 2014.

1605

Hon. J J Netto: I am grateful, Mr Speaker, for that answer.

The Hon. Minister says that the necessary permit was issued, if I understood him correctly, in April 2013. Is that correct?

1610

Hon. Dr J E Cortes: Mr Speaker, I would just like to rectify, I was reading a prepared text. This is not a dementia centre. It is currently being used for residents of the Jewish Home and also some sheltered housing, just to correct that.

Mr Speaker, it was valid from 17th April 2013 to 17th April 2015. This is the current one but the original one will have been issued when the law came into effect sometime in 2010.

1615

Hon. J J Netto: Yes, my understanding is that the law came into effect in 2010, the construction started I believe at the beginning of the summer 2012, so that would have been the date when the first permit might have been issued, although the Minister made reference to the second permit which he says was from April 2013 onwards.

1620

Now he may not have at his disposal in his notes there, whether one of the conditions in the permit was that in erecting the scaffold around the works for the demolition particularly that had to be carried out, it was a requirement to provide dust sheeting to avoid dust moving onto the adjoining area where residents live.

1625

Could he actually confirm whether that was a requirement or not, if he has got the information available to him there?

Hon. Dr J E Cortes: Well, Mr Speaker, I do not have that information. What I can say is that I believe that the works at the old St Bernard site, and this is the John Mackintosh Wing, started in 2009 which was prior to the legislation coming into effect and its first Certificate of Approval, which was Certificate No. 14/11 was in fact, according to my notes, issued in February 2011. I can only assume that there was a subsequent one which covered – or that one will have covered the period to 2013, would have probably have been two years and then they are covered now by the second one.

1630

I can repeat what I said in an intervention at the last meeting, that the Agency has not received any complaints in relation to dust emissions, and has only received one complaint about the site which was in connection with noise nuisance on 14th August this year, which was dealt with. The Agency is not aware of an issue with dust, but clearly they are covered by the certificate.

1635

Hon. J J Netto: Okay, so the Agency is not aware of an issue as a result of no particular resident in the neighbourhood making a complaint but that does not deter the fact from whenever the work started there was, prior to 2009 or onwards, the fact that at the commencement of the works, as is the practice all throughout any particular contractor doing works of a similar nature, they have to, require the a permit.

1640

The Agency has to consider the nature of the works, which amongst other things in this case was demolition, which does mean a lot of dust being bandied around in the neighbouring area. So one would

1645 have assumed that that would have been uppermost in the mind of the officials when considering putting dust sheets covering the scaffolding.

Now I put it to him, to the Minister again, which he may not have information available within his notes, whether that was a requirement whenever it was the beginning of the work being carried out.

1650 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information but I would assume that if he assumes that that happened, that would have happened when the site opened in 2009 and when its first Certificate of Approval was issued in 2011, so perhaps he should be asking somebody on that side of the House.

As regards whether or not it was required at the time of any permit issued during this administration, I would have to go back and check. But I can only assume that this was...

1655 If a certificate is issued, the Environmental Agency will be satisfied that the necessary steps are being taken, otherwise they would not issue the certificate. So I can only assume that the necessary steps had been taken and have been taken, to ensure that dust is not a nuisance, and the absence of complaints from the neighbours, when we all know in Gibraltar that if there were any real issues, they would have been complaining or there would have been other ways of getting the information to the Environment Agency or to myself as Minister... There have been no complaints so I can only assume that the Agency was justified in issuing the certificate because the conditions were correct for the certificate to have been issued, which has resulted in no complaints up to date. I think, Mr Speaker.

1660

Hon. J J Netto: Well, Mr Speaker, the hon. Gentleman's juxtaposition, the question of no complaint as an attitude of the officials not necessarily in the first place analysing the nature of the work to be carried out. I am not interested in the past. (*Interjection by Hon. Member Dr J E Cortes*) I am not interested in the past; I am interested in the present.

1665

Now the point I am making now, given that this is an issue that has been raised last month and this particular month, has the Minister asked the Environmental Agency, with the continuation of the work as it is going on right now, whether the nature of the works to be carried out will continue –

1670

Mr Speaker: May I interrupt, the recording equipment has crashed. We need to recess for a few minutes. Hopefully for a few minutes.

The House recessed at 11.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.00 p.m. – 6.10 p.m.

Gibraltar, Thursday, 20th November 2014

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The Gibraltar Parliament

The Parliament resumed at 2.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Questions for Oral Answer

HEALTH AND THE ENVIRONMENT

Q653-654/2014

Old St Bernard's Hospital site (continued)

Clerk: We carry on with Question 654.

Hon. J J Netto: Yes, I think, Mr Speaker, I was in mid flow when we started with the problems with the microphones, so just to recap on my latest supplementary question. One of the things in the original answer that the Hon. Minister gave was that there has been no on-site visit by any of the officials of the Environmental Agency on this site.

Can I therefore ask the Hon. Minister whether a site visit can take place, because undoubtedly there is work going on and by the very nature of the work means more dust is going to be dispersed in the surrounding area, and I think it is only right and proper that this is considered, and if necessary, a variation to the permit contract is done, so that the contractor can put the dust sheets to avoid any more dust being flown around in the neighbouring area.

But can I also point out to the hon. Gentleman that the scaffolding has not got either any netting whatsoever. Now, netting by definition, as we know, is there simply to avoid any particular item of construction from a particular construction site from falling over and injuring, whether it is a worker within the site or members of the public. And we have had already an incident, which is being investigated in Governor's Meadows, which he is going to investigate and that is fine.

But surely there should be some sort of netting as well in the old site of the old St Bernard construction taking place there, with a view of putting netting to avoid any incident that may seriously injure a worker or a member of the public.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, what I said in my answer was that the Environmental Agency had not inspected the construction site on a monthly basis. When the Member opposite raised the issue in the last meeting, I immediately contacted the Environmental Agency. They confirmed that there had been no reports of dust specifically, and I believe that they visited the site subsequently, just to ensure that they did not detect a problem themselves. But what I said was that they had not gone on a monthly basis, because the Member opposite had asked for a breakdown on a monthly basis.

I think it is clear that it is the contractor's responsibility to comply with the conditions of the regulations. Obviously the Environmental Agency is the one that issues the certificate, but as I say, it is not that they have not been there at all. It is just that they have not been on a monthly basis.

Hon. J J Netto: Yes, Mr Speaker, but unfortunately I do not want to necessarily keep asking more supplementary questions, but the latest supplementary answer just simply does not address the very reasonable request which I am making, and that is to say that by the very nature of the work being carried out at the old St Bernard site, by nature, regardless of the fact whether there are complaints by the residents or not, by the nature of the works being carried out, that will mean further dust being dispersed in the surrounding area. And what I am asking is for the Environmental Agency to consider that, the extent of the work that needs to be done with the view of perhaps putting the dust sheets. So that is one issue which I have asked.

45 The other issue which I have raised is that there is not netting on the scaffold there. Therefore can I ask that the... It is not something that the Environmental Agency; it is to do with the factory inspector. Unfortunately the Minister for Health and Safety is not here, but could I ask them that he communicate this with his colleague, so that the factory inspector can also look into the netting to avoid simply any item of construction falling over and injuring someone. I think that is a very reasonable request.

50 **Hon. Dr J E Cortes:** Mr Speaker, the hon. Member should take it as understood that any concerns that come to my notice, be they here across this House, members of the public, or when I access other sources like social media and so on, any concerns I always act upon them and I always take it very seriously. So he should take it as read that I will look into the concerns that have been expressed, whether they are justified or not. I am not in a position to say, but I never, ever hear anything which can be of concern to any of my fellow citizens and just do nothing about it.

Q655/2014
Macaques –
Preventing entering flats

55 **Clerk:** Question 655, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what plan, if any, the Government has in place to stop the rogue pack of macaques entering into the flats at Knights' Court, St Joseph's Estate and Alameda Estate?

60 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

65 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the macaque management team has members of staff working in urban areas, whose sole role at the moment is to push macaques out of urban areas back into the nature reserve. These teams are working on this task seven days a week.

70 **Hon. J J Netto:** Well, Mr Speaker, that is fine to know, but given the fact that we have had in the last couple of weeks a surge of a particular group of macaques entering into the flats, which I have said, I think it will be more pertinent if the Minister actually answered the question, as to what can he tell the residents of those particular areas, as to what is being done in order to alleviate the concerns and the fear that the neighbours have in those areas.

75 **Hon. Dr J E Cortes:** Mr Speaker, exactly what I have just said. I find that I am having to repeat my answers almost on every occasion. The macaque management team has members of staff working in urban areas, including these areas, whose sole role at the moment, while there is this issue, is to push macaques out of urban areas back into the nature reserve. And they are working seven days a week.

80 If for this statement I have just made, you read the three sites which the Member opposite has mentioned, that answers the question: they are there seven days a week, causing as much disturbance to these animals as possible, with a certain measure of success, because the fact that they are in Alameda Estate is as a direct result of them having been pushed away from Main Street and the Trafalgar area.

It is a work in process and as I said, we are dedicating more resources than ever to this control and hopefully the situation will continue to improve.

85 **Hon. D A Feetham:** Mr Speaker, can I tie in a supplementary to some figures that the hon. Gentleman has provided in relation to Question 650?

90 If he looks at the statistics that he has provided in answer to Question 650, the hon. Gentleman will see that, in terms of incidents recorded at Accident and Emergency as a consequence of ape bites or ape incidents, in 2012 the total is 75 incidents reported to Accident and Emergency recorded at Accident and Emergency. In 2013 there is 106, which is a significant jump. And in 2014 up to September we are already at 99. So that shows an upward trend.

Now, can the hon. Gentleman provide a reason as to why there is this upward trend in incidents relating to apes and ape bites?

95 **Hon. Dr J E Cortes:** Mr Speaker, I thank the Hon. the Leader of the Opposition for giving me the opportunity to respond. I had some supplementaries prepared when the question was asked, and with your

leave, Mr Speaker, I will, as I was not given the opportunity by the Hon. Mr Netto earlier, I will respond now.

100 The causes of bites by macaques is usually as a reaction to some stimulus which is normally provided by a person who may make some kind of movement which the macaque misinterprets using their criteria of how a primate behaves. It may be that they have taken something and they are trying to get it back, so you cannot really attribute necessarily any increase or decrease and these are not I think statistically significant in any way to the macaques. You can perhaps attribute at least part of that to the human being.

105 I think that it is worth pointing out that it is known, and it is known in the scientific literature, that the incidents of macaque bites in relation to interactions between humans and macaques is in fact very low in Gibraltar, and studies which were published some years ago in the *International Journal of Primatology* of which I was a co-author, actually mention that in some of the Asian macaque sites, 11.4% of interactions result in bites; whereas in Gibraltar only 1.2% result in that.

110 But the Leader of the Opposition may be interested if I go back a few more years, in relation to macaque bites, because he says that in 2013 there were 104 or 106 – I have totted them up so maybe we are out by one or two; in 2012, 67. In 2000, there were 150; in 2007 there were 109; 2008, 122; 2009, 127; and the peak in fact was in 2011, when there were 156. You cannot relate it necessarily to any change in behaviour and you cannot use those statistics to prove anything because if you could, then I would have proved that there are fewer macaques now than there were before 2011 – fewer macaque *bites*, that is.

115 **Hon. D A Feetham:** Yes, Mr Speaker. And we acted upon it. There were incidents an increase in bites and incidents, and of course then there was culling, and then there was a significant criticism from the Opposition at the time because you were totally against culling. The reality is that if there is an explosion in ape population, it is then going to lead to an increased coming together with human beings, a contact with human beings that is going to lead to an increase in incidents.

120 Can I suggest – and what does he think about this – that in fact the increase in incidents from 2012-13...? And indeed there is an increase, or there is going to be an increase in 2014, because we are already at 99. We are only seven away, or five on his figures, from the 2013 figures, and there are still three months to go. That what we are seeing effectively is an increase in contact between human beings and macaques, probably because macaques are running wild in certain areas in town, and that is what is leading to an increase in the number of incidents and the number of bites. I am giving him an opportunity to answer that suggestion.

Hon. Dr J E Cortes: No, Mr Speaker, not necessarily, as I explained before. It is not directly related to the number of contacts, there can be certain relationships but you cannot make that assumption.

130 The figures in my opinion are probably not statistically significant, I have not carried out a statistical analysis. This can be done, but I think that the majority of those bites – and sadly I do not have that information, and I do not even know whether that information is correct – that the majority of those bites are occasioned on the Upper Rock and not in the urban areas. So I am not sure that one thing follows the other.

135 In any case there are now fewer macaques in urban areas, thanks to the successful export of one particular group, and so I think that the danger is probably reduced. But I cannot, as a scientist, say that it is definite cause and effect.

I do not want to cause offence to those lawyers on my side of the House, but it would be much more comfortable for me if there were perhaps more scientists than lawyers in Parliament.

**Q656-657/2014–
Marine life in British Gibraltar Territorial Waters –
Damage by nets**

140 **Clerk:** Question 656, the Hon. D A Feetham.

145 **Hon. D A Feetham:** Mr Speaker, can the Minister for the Environment please state whether his Department maintains any statistics on the damage done by drift and other nets to marine life in British Gibraltar Territorial Waters?

Clerk: Answer, the Hon. the Minister for Health and the Environment.

150 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 657.

Clerk: Question 657, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Minister for the Environment accept that Spanish fishermen continue to enter into British Gibraltar Territorial Waters in order to fish with nets?

155

Clerk: Answer the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, damage to marine life can be quantified through physical damage to species or to ecosystems. There are also direct and indirect effects. The Department has some data on direct effects of damage, but these however, cannot be attributed to nets alone. Under the Southern Waters Management Plan, threats to marine ecosystems are discussed, and the Department monitors these in compliance with EU legislation.

160

And in answer to Question 657, yes, sir.

Hon. D A Feetham: Well, Mr Speaker, I am grateful for the answer to 657.

165

I want to ask him this supplementary, but I want to first of all place it into context. It does relate to a matter within his responsibility. But I want to draw his attention to a statement issued by GONHS on 19th September 2011, just two months prior to the last general election. I do not know whether he was the co-author, or just the author of that statement or he had nothing to do with that statement, but certainly he led GONHS at the time, for a considerable period of time. And it said this: it talked about the use of illegal nets, the effect on marine animals, including dolphins; it said that Spanish fishermen had gone virtually unchallenged by the Gibraltar Authorities and then it said this, and I quote:

170

‘The situation is a veritable mess. There must be a change in the way that it is being handled. What is needed is the courage to enforce the laws of Gibraltar and Europe’.

Is the way that it is handled now any different to the way that it was handled in September of 2011, by the Government and by the Department that he is responsible? And has he had the courage to enforce the laws of Gibraltar and of Europe?

175

Mr Speaker: I am going to allow the Minister to answer that supplementary, but I am not going to allow a lengthy debate on this issue.

Hon. Dr J E Cortes: Mr Speaker, as a Government Minister I make the laws; I am not a law enforcer. Do I have the courage? Yes, Mr Speaker, I think I do. I think there is a fundamental difference in that now we are actually actively involved in trying to obtain information which will inform how nature protection laws develop.

180

We have very recently published, I think, very brave regulations, very courageous regulations, which aim to protect for the future use of future generations our marine resources, including tuna, and therefore I think that we are now introducing a lot more, not just legislation, but also fact finding possibilities.

185

The strengthening of the Department of the Environment, which is now a completely different Department to the one that I inherited, the Chief Executive is now a scientist and there are more people working directly on environmental matters who are technically qualified.

190

We are setting up, we are obtaining equipment and facilities in order to inform us better. And therefore all the statements which were made by GONHS at the time will be able to at least be followed up, in the sense that we will have the information as to see how much damage has been done.

As I said in my answer and I said in my answer earlier, it is very difficult to gather these statistics, but nevertheless we are now building up gradually a system and a group of people who will be able to inform us in the future and to better be able to manage our marine resources.

195

Hon. D A Feetham: Well, Mr Speaker, I note the hon. Gentleman’s answer that he is a law maker and is not involved with the enforcement of our laws. But let me read something from the 2011 GSLP manifesto, and I quote:

‘We do not believe it is right to allow illegal fishing in our waters and we will stop this immediately. We will ensure that the ban on the use of drift nets and other nets is enforced’.

Is he now accepting that, in the light of the answer that he has given me just a few moments ago, that the public were being misled by the commitment that the GSLP/Liberals gave at the last general election which I have just read?

200

205 **Hon. Dr J E Cortes:** No, Mr Speaker, this is a process. It is my aim and my vision to ensure that the marine resources of British Gibraltar Territorial Waters continue to develop and thrive, and it is my Department's aim to provide the habitat the scientific input and the protection that is required in order to achieve this.

210 If this takes a little bit longer and if the methods that we employ are a little bit more subtle as long as they result in what our aims and ambitions are, then I will be satisfied that we have fulfilled this and much more.

215 **Hon. D A Feetham:** But, Mr Speaker, if enforcement of the law is just purely a matter for the Police, and therefore the Government has absolutely nothing to do with a situation where the law is being flouted, either in British Gibraltar Territorial Waters or anywhere else... which I think is a curious statement, I have to say, because no government anywhere in the world will allow its laws to be flouted with impunity without stepping in and saying, 'Well, hang on a minute, law enforcement may be up to the police but this is not being enforced', and I want to do something about it.

220 Mr Speaker, therefore is he accepting that when they said in their manifesto that they would put an end to illegal fishing in our waters immediately, that they were misleading the people of Gibraltar, because quite clearly, Mr Speaker, he has already admitted that illegal fishing in British Gibraltar Territorial Waters is occurring today?

225 **Hon. Dr J E Cortes:** Mr Speaker, I do think that we are extending this into a debate, which is not directly related to – (*Interjections*) No, no, but nevertheless, I will comment.

Mr Speaker, the steps taken to protect and enhance marine life in British Gibraltar Territorial Waters started immediately. There may not have been the steps that clearly the Members opposite want to see with whatever intention they have. But I am convinced that already the state of marine life in Gibraltar waters is improved to the one that I inherited, and will be improved further.

Perhaps the Members opposite could do with a little bit more vision and a little less impatience.

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Q658-659/2014

Dr Giraldi Home employees –

Outcome of disciplinary hearing; bullying and harassment complaint

230

Clerk: Question 658, the Hon. J J Netto.

235 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services please state the outcome of a disciplinary hearing of an employee of the Dr Giraldi Home as a result of taking an undeclared packet of 200 cigarettes in her handbag through the Spanish Border, whilst travelling with other employees of the Home and a resident with challenging behaviour, back in February of this year?

Clerk: Answer the Hon. the Minister for Equality, Social Services and the Elderly.

240 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 659.

Clerk: Question 659, the Hon. J J Netto.

245 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services please state the outcome of a complaint of bullying and harassment made in July of this year by an employee of the Dr Giraldi Home.

Clerk: Answer the Hon. the Minister for Equality, Social Services and the Elderly.

250 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I am unable to comment on matters that concern specific individuals and make it possible for them to be identified.

The way that the question is framed is misleading, in that it suggests that such an allegation is true. The Care Agency is cautious not to accept allegations made against its employees without proper investigation.

255 When allegations of misconduct are made towards any employee of the Care Agency, these are dealt with in accordance with the Care Agency's internal policy and procedure, which are subject to the basic principles of employment law. The overriding principle is fairness.

260 All complaints are thoroughly investigated. In the event that the matter results in disciplinary proceedings the matter will be considered before an independent panel which will consider the evidence put before it, which includes both the evidence in support of the complaint and evidence in support of the employee against whom the allegation is made. It is not simply a one-sided account. The disciplinary panel is required to consider the available evidence put before it and be satisfied that the complaint is proved to the required standard. The outcome of the disciplinary hearing is a matter that is subject to confidentiality and as such it would be wholly improper of me to breach the duty of confidentiality that is owed.

265 **Hon. J J Netto:** Mr Speaker, could I ask the hon. Lady whether the investigation has now been finalised in terms of the disciplinary hearing is concerned and the particular person in question is now back at work?

270 **Hon. Miss S J Sacramento:** Mr Speaker, as I said in my substantive answer, I am not at liberty to comment on specific instances, other than to say that we apply the rules and procedures of natural justice and of employment law and every single allegation that is made in relation to the Care Agency is thoroughly investigated. I cannot comment any further in relation to any particular matters.

275 **Hon. J J Netto:** Well, Mr Speaker, I can assure the hon. Lady that the person sitting to his right and the Hon. Mr Bossano, when I was the Minister for Social Services, they used to question me at length on any allegations that were brought to their attention, and we had sessions here where the Members now in Government used to provide all sorts of details from the allegations made to them.

280 I am not asking for details of the name of the particular person. All I am saying is where there was such an incident, that a junior manager of Dr Giraldi Home actually took with her certainly one employed care worker of the Dr Giraldi Home, along with another one, who I understand was on a kind of probationary basis not by the Care Agency, but by another company, with a resident of Dr Giraldi Home who this particular person has challenging behaviour, went inside a car of the Care Agency, passed the Border into Spain and when stopped by the *Guardia Civil*, the *Guardia Civil*, when checking the particular bag of this particular junior manager found an undeclared packet of 200 cigarettes.

285 Now, it may be that the Minister does not want to answer the question. But it is a very serious allegation if a particular employee of the Care Agency has crossed into Spain with an undeclared pack of 200 cigarettes during normal working hours, and surely the Minister ought to come with a statement to state whether the evidence being investigated by the Care Agency backs up the claim made or not.

290 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Member can rest assured that everything is investigated, and things are investigated thoroughly, and things are investigated properly, and nothing is swept under the carpet. So if he is going to refer to debates which occurred in previous Parliaments, he may well recall that many questions were asked, but very few answers were given. (**Several Members:** Hear, hear.) (*Banging on desks*)

295 **Hon. Miss S J Sacramento:** What I am saying, Mr Speaker –

A Member: By me particularly.

300 **Hon. Miss S J Sacramento:** Mr Speaker, what I am saying on this occasion is that he can rest assured that allegations are thoroughly and properly considered and investigated, but that the Care Agency is under a duty to its employees to keep any outcome of any disciplinary matter confidential, because we have a duty to that employee.

305 I am happy to discuss the matter with the hon. Gentleman in confidence behind the Speaker's Chair, but he has now actually, Mr Speaker, made it almost impossible for me to give him any more information because all he has done is made the situation more specific than it was when he initially started to phrase the question.

310 So, Mr Speaker, there is no further information that I can give right now, not in this Parliament, without breaching my duty to the employee, other than to say that he can rest assured that if an allegation is made, any allegation no matter how serious, but obviously the more serious, the more serious that it will be taken but every single allegation is taken seriously and appropriate and proper action is taken in that regard.

Hon. J J Netto: Mr Speaker, I am very glad that the hon. Lady has been so diligent in looking back all the answers I have given, although I doubt it very much.

315 But could the Hon. Minister tell Parliament why the particular person who has made a complaint of bullying and harassment has been unsuccessful in trying to get to have a meeting with the hon. Lady since back in August of this year? Has she been so worked up that she could not find time for this particular man?

320 **Hon. Miss S J Sacramento:** Mr Speaker, even though this supplementary question pretty much has nothing to do with the first one, I can tell the hon. Gentleman that he can rest assured that while I am very, very busy, extremely busy – and the staff in my office, who used to be the staff from his office can tell him that they are much, much busier now than they have ever been in their life, Mr Speaker – on this particular occasion and without at risk of identifying anybody on this particular occasion, I did see this particular gentleman immediately when he asked to see me. I think I saw him the following day or the day after, and
325 he asked to see me again. I arranged a meeting and this gentleman did not attend. The meeting was arranged at least twice after that occasion and that gentleman did not attend.

So it is not true to say that I did not see that gentleman. I see everybody who asks to see me. I do not necessarily see them within 24 hours but I see them as soon as I am available to see them, regardless of how busy I am. And I am indeed very busy.

330 **A Member:** Hear, hear. (*Banging on desks*)

Q660/2014
Contract workers in Social Services –
Details

Clerk: Question 660, the Hon. D A Feetham.

335 **Hon. D A Feetham:** Mr Speaker, can the Minister for Social Services please state how many employees other than those referred to in answer to Question 508/2014 currently working in positions within her areas of responsibility are doing so on contracts of less than a year, providing a breakdown by reference to position nationality – separating British Gibraltarians and others – length of current contract and total length of time that individual has been working in a position for which any Minister has responsibility, if he or she
340 has entered into more than one contract?

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

345 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, there are four employees working in positions on contracts of less than a year, three as care workers, and one as an RGN, a registered general nurse. Three are British Gibraltarians and one is Spanish. The four have 11-month contracts and the four are on their first contracts.

Q661/2014
Third-party workers in Social Services –
Details

Clerk: Question 661, the Hon. D A Feetham.

350 **Hon. D A Feetham:** Mr Speaker, can the Minister for Social Services, please state how many employees other than those referred to in answer to Question 509/2014 currently working in positions within her areas of responsibility are employed by a third-party corporation such as recruitment consultants, providing a breakdown by reference to position, nationality, length of current contract, and length of time
355 that individual has been working in, or occupying a position for which any Minister in the Government has responsibility?

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

360 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the individuals being referred to are not employees of the Care Agency and as such there is no contract between the Care Agency and them.

And the answer to this question is one, Mr Speaker.

365 To clarify, Mr Speaker, as the hon. Gentleman just said, on the last occasion I did say it was 33, since then to today there is one additional one.

Q662/2014

**Dr Giraldi Home allegations made –
Report by Sir Jonathan Parker**

Clerk: Question 662, the Hon. D A Feetham.

370 **Hon. D A Feetham:** Mr Speaker, has the Government received a copy of the report by Sir Jonathan Parker into the allegations made in relation to the Dr Giraldi Home.

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

375 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** No, Mr Speaker.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q663-664/2014

**Alameda Estate –
Addressing parking concerns**

Clerk: Question 663, the Hon. S M Figueras.

380 **Hon. S M Figueras:** Can the Minister for Traffic provide an update to this House of the work he is doing to address the concerns raised with him by the tenants of Alameda Estate in relation to parking?

Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

385 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 664/2014.

Clerk: Question 664, the Hon. S M Figueras.

390 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Traffic say what contact he has had with members of the Tenants' Association of Alameda Estate in relation to concerns raised by tenants in relation to the dearth of parking in the area, and if he has indeed had contact, could he explain the nature of the contact and when this has taken place?

Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

395 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I have had contact via correspondence with the Alameda Estate Tenants' Association on the issue of parking on two occasions, once on 19th September and then on 23rd October 2014, regarding the question of parking in the area.

400 Specifically, this was in connection with a request for information regarding the possible implementation of a residential parking scheme for the South District. Both letters were replied to on 16th October and 13th November 2014 respectively. Traffic and parking issues were also raised on three other occasions at Tenants' Association meetings regarding housing matters. These were on 7th June 2013, 25th February 2014, and 7th August 2014.

405 The concept of a residential parking scheme for the whole of the South District, which could or could not include Alameda Estate is being considered under the Government's Traffic and Parking Plan, which, as I have already publicly stated, will be the subject of a public consultation document that will be made available shortly.

410 **Hon. S M Figueras:** Mr Speaker, I am sorry, did I hear correctly when the Hon. Minister said that the Sustainable Traffic and Transport Plan is now going to be the subject of an additional public consultation paper?

415 **Hon. P J Balban:** Mr Speaker, as publicly stated, the Traffic Plan now will go for another round of public consultation once the document is ready.

Hon. S M Figueras: I am sorry, Mr Speaker, at the risk of being cornered, when exactly was this publicly stated.

420 **Hon. P J Balban:** Mr Speaker, the last occasion when it was publicly stated, I believe, was in the programme *Direct Democracy* by the Chief Minister on GBC.

425 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether the issue of parking at Alameda Estate is one that has been on the cards to be addressed as part of that plan from the very beginning, and I suspect I know the answer to the question obviously because I have had it about 100 times in the House. Is there an indication of when this particular issue might be addressed by the Hon. Minister specifically in the context of the concerns and difficulties being endured by tenants of Alameda Estate?

430 **Hon. P J Balban:** Mr Speaker, this part together with all the other issues relevant to the Traffic Plan will be... Shortly this will be made and then after the public consultation, it will all come – we are not going to be going... Certain things will be done at different times depending... So for example, the issue of residential parking is something that will be considered and whether we go forward with it or not will depend on exactly that.

435 **Hon. S M Figueras:** Mr Speaker, I did not ask a question – there is no question on the Order Paper about the Sustainable Traffic and Transport Plan because I have heard the answers often enough to know what was coming. But perhaps with the indulgence of the Chair, and if the Minister has the information available – which if, of course, he does not have I will be happy to make the subject of another question next month – this public consultation which was announced on Monday, and of which I was not aware, is there an indication of how long that consultation is expected to take?

440 **Hon. P J Balban:** Mr Speaker, it was actually prior to the Chief Minister's *Direct Democracy*, it was actually announced in the Party Political Broadcast. I actually did say that the document would be out for public consultation.

445 As to how long it will be out there available, we have not taken that decision yet. But, obviously it is not going to be there for an extremely long time. Remember, the public has already had a lot of opportunity to be able to put their views across.

450 Especially the initial parts of the plan when all stakeholders were asked, and everyone from Tenants' Associations to people who use our roads were consulted for their own opinions and views, and now that the feedback has come back from the consultants, there are obviously other things that people will appreciate to have an input in. Obviously this is not our plan; it is Gibraltar's plan, so it is important for us to seek any final comments that people may have.

455 It does not mean that people are going to say, 'I want this done', and the Government will go and do that. Obviously, we will be looking at the greater picture in context, but there will be that final opportunity for people to be able to have their final say in 'what about this, and what about that?', just to make sure that it really ticks all the boxes.

FINANCIAL SERVICES AND GAMING

Q665/2014

Finance Centre website –
Designer; costs

Clerk: Question 665, the Hon. D J Bossino.

460 **Hon. D J Bossino:** Can the Minister for Financial Services state which entity designed the Finance Centre website launched earlier this year, together with details of its cost?

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

465 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the Finance Centre website was designed by Maverick in line with the new branding as 'Gibraltar Finance'. The design, build and implementation of the website was delivered in two phases. The cost of the first phase was £19,875.08, and the cost of the second phase was £9,600.04. The website has been hugely successful and it has recently celebrated its first anniversary – so it was not launched earlier this year, it was actually last year –
470 including, of course, its Facebook and Twitter functions. As the hon. Members will recall, this was launched at the Gibraltar Day in London in October 2013.

Hon. D J Bossino: Mr Speaker, Maverick I think is the same company which has done the Tourist Board websites. (**Hon. A J Isola:** Yes.) I think I have understood that correctly. In relation to that, is the
475 Hon. Minister in a position to tell me whether the opportunity to provide the service went out to tender?

Hon. A J Isola: Mr Speaker, in respect of the Financial Centre website, no. Maverick were already engaged in the rebranding of the Gibraltar Finance; it was previously known as the Finance Centre. At the time, the Finance Centre had commissioned some work from another supplier, which we did not believe sat
480 at all within what we were trying to achieve, and therefore we chose Maverick to continue with our website as opposed to the previous supplier.

There are not that many people in Gibraltar that can design websites. I am aware of one which is the one that was previously doing it, and consequently we went directly to Maverick, who were involved, as the hon. Member will know, in the GFA Campaign which is where they were first really introduced to working
485 in Gibraltar.

Hon. D J Bossino: Sorry, I am not sure if the Minister for Tourism answered this question when I posed it to him: is Maverick an outside company? It is not a Gibraltar company, is that the case?

490 **Hon. A J Isola:** Mr Speaker, it is an international agency based in London, but I believe they have a Gibraltar vehicle with Gibraltar employees, who assist in the provision of services they provide in Gibraltar.

Hon. D J Bossino: I did ask these questions of the Minister for Tourism. He did not have that information available to him. But is he able to tell me what the name of the company is? Is this some
495 business name, and is there a limited company sitting behind that, and if so, who are the shareholders of that particular company are? Does he have any information available to him?

Hon. A J Isola: Sir, this is a very well known international brand agency working out of London with a very large number of staff. I certainly do not have the information as to who the shareholders are. I have
500 met one of the directors on one of my visits to London, when we went to meet with them to discuss these issues. But no, I have got no idea as to who the shareholders are. It is an international agency in London, very well known: if you Google it, they represent some of the best known brands in the world.

Mr Speaker: Next question.

Q666/2014
Gibraltar Government website –
Contracted designer

505 **Clerk:** Question 666, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister state which entity was contracted to design the recently launched website for the Gibraltar Government and why it has not been maintained?

510 **Clerk:** Answer the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the design of the Government website was originally contracted to Elitech Lab, previously known as Elitad Ltd, who worked
515 on developing the site and its data management system. Once the rebranding of Government had been completed, Maverick and Elitech Lab jointly worked to complete the website incorporating the new

branding and recommended management system. The new website will enable Departments to keep and maintain their own content updated and fit for purpose.

520 The website has not been maintained, as we were advised that the content had not been entirely reviewed and Government Departments have been given further time to review the data on the site. The amount of information on the website is enormous and we were advised that it was preferable to delay the new website until this exercise had been completed. We therefore reverted to the old website pending this exercise, which I understand is due to be completed next week. We expect it to be done shortly, at which time the new website will go live.

525

Hon. D J Bossino: Mr Speaker, obviously Maverick features in relation to this particular venture as well, as I understand it. But he mentions another company I have taken a very quick note, is it Elitech Ltd he mentioned? (**Hon. A J Isola:** Elitech Lab.) Elitech Lab. Are they also an outside of Gibraltar company? What is the connection between Elitech Lab and Maverick, if there is any? I just need to understand it a bit better.

530

Hon. A J Isola: Elitech Lab, previously known as Elitad, have no relationship with Maverick, it is an entirely different company. They have a presence in Gibraltar and they have a presence in many other countries as well.

535

Hon. D J Bossino: Is it a Gibraltar company?

Hon. A J Isola: Yes, I believe it is. It has other companies elsewhere but there is a Gibraltar company.

540

Hon. D J Bossino: And, Mr Speaker, why was the decision to use both entities, as opposed to one, as happened in relation to the Finance Centre website, where he said that a local company had produced something it was not for some reason deemed sufficient and they went to Maverick. So why is it in this case they have decided to go for both entities instead of the one successful entity in relation to his other website which was Maverick.

545

Hon. A J Isola: Mr Speaker, in respect of this site the reason to merge the two providers was because Elitad had already started, then the rebranding came on board and they were then merged together, and the reason why they were merged together was because each one brought something extremely different. The data management system on the Government website is very different. That was provided to us by Elitad and they have consequently been involved throughout the whole process and they still are today.

550

Hon. D J Bossino: Does he have this information? Can he tell me what the cost was, or has been to date in relation to the Government website?

555

Hon. A J Isola: No, Mr Speaker, I do not have that available, but I will happily get that to him.

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

Q667-670, 674/2014

HM Prison –

Details of admissions, occupancy, parole and juveniles

Clerk: Question 667, the Hon. S M Figueras.

560

Hon. S M Figueras: Mr Speaker, can the Minister for Justice provide details of admissions to prison in Gibraltar, i.e. people who have been sentenced and sent or remanded in custody, on an annual basis, from 1996 to 2011, further to answers he gave in this House in March of this year in relation to Question 321/2014?

565

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer this question together with Questions 668 to 670 and 674.

570 **Mr Speaker:** When this group of questions have been dealt with, we will have Chief Minister's questions.

Clerk: Question 668, the Hon. S M Figueras.

575 **Hon. S M Figueras:** Can the Minister for Justice provide this House with details of the total amount of admissions to HM Prison during the course of 2014 so far?

Clerk: Question 669, the Hon. S M Figueras.

580 **Hon. S M Figueras:** Can the Minister for Justice bring the House up to date with prison occupancy figures on a month by month basis from March 2014, further to answers given by him to Question 321/2014?

Clerk: Question 670, the Hon. S M Figueras.

585 **Hon. S M Figueras:** Can the Minister for Justice provide parole figures on an annual basis from 1996 to 2011, further to answers he gave in this House in March of this year in relation to Question 321/2014?

Clerk: Question 674, the Hon. S M Figueras.

590 **Hon. S M Figueras:** Can the Minister for Justice say how many nights juveniles have spent in total in HM Prison on a month by month basis since December 2011?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications & Justice.

595 **Minister for Education, Telecommunications & Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the Hon. Member is set out in the schedule that I now hand to him.

SCHEDULE TO QUESTION 672/2014

2011	Possession	Possession with intent to supply	Drug	Result
January	2	0	2 Cocaine	1 Guilty - Fined £800 (P) 1 Guilty - Fined £400 (P)
February	6	1	7 Cocaine	1 Guilty - 2 years probation (P) 1 Guilty - Fined £600 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £600 (P) 1 Guilty - 2 years imprisonment suspended for 2 years (PWITS) 1 Guilty - Fined £500 (P)
March	2	0	Cocaine	1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P)
April	0	0		
May	2	0	2 Cocaine	1 Guilty - Fined £90 (P) 1 Guilty - Fined £750 (P)
June	0	0		
July	3	0	2 Cocaine 1 Ecstasy	1 Guilty - 6 weeks imprisonment suspended for 18 Months (P) 2 Guilty 6 months imprisonment (P)
August	2	1	2 Cocaine 1 Ecstasy	1 Guilty - 24 months Conditional Discharge (P) 1 Guilty - 8 months imprisonment (PWITS) 1 Guilty - Fined £300 (P)
September	1	2	2 Cocaine 1 Ecstasy	1 Guilty - 21 Months Custody (PWITS) 1 Guilty - Fined £1,000 (PWITS) 1 Guilty - Fined £500 (P)
October	2	0	2 Ecstasy	1 Guilty - 3 weeks imprisonment (P) 1 Guilty fined £600 (PWITS)
November	2	0	Cocaine	1 Guilty - 10 days imprisonment (P) 1 Guilty - Fined £500 and 6 Week imprisonment sus for 1 year (P)
December	4	4	7 Cocaine 1 Ecstasy	1 Guilty - four years imprisonment (PWITS) 1 Guilty - Fined £700 (P) 1 Guilty - six months imprisonment (P) 1 Guilty 36 monthss imprisonment (PWITS) 1 NSP (PWITS) 1 Guilty -2 years imprisonment (PWITS) 1 Guilty NSP (P) 1 Guilty - 3 months imprisonment suspended for 2 years (P)

GIBRALTAR PARLIAMENT, THURSDAY, 20th NOVEMBER 2014

SCHEDULE TO QUESTION 672/2014

2012	Possession	Possession with intent to supply	Drug	Result
January	3	2	5 cocaine	1 Guilty - 2 years imprisonment - of which 1 suspended (PWITS) 1 Guilty - Fined £500 (P) 1 Guilty - 24 months imprisonment (P) 1 Guilty - 12 months imprisonment (PWITS) 1 Guilty - community service order - 100 hours (P)
February	3	0	2 Cocaine 1 Ecstasy	1 Guilty - Fined £700 (P) 1 Guilty - Fined £200 (P) 1 Guilty - Fined £500 (P)
March	2	1	1 Ecstasy 1 Methadone 1 Cocaine	1 Guilty - 2 years suspended (PWITS) 1 Guilty - fined £60 (P) 1 Guilty Fined £300 (P)
April	1	0	Cocaine	1 Guilty - Fined £900 (P)
May	1	0	Ecstasy	1 Guilty - Fined £500 (P)
June	5	0	1 Ecstasy 1 Methadone 3 Cocaine	1 Guilty - fined £700 (P) 1 Guilty - fined £75 (P) 1 Guilty - 3 weeks imprisonment suspended for 18 months (P) 1 Guilty - fined £500 (P) 1 Guilty - 1 months imprisonment (P)
July	1	0	Cocaine	1 Guilty - 2 weeks imprisonment (P)
August	1	0	1 Ecstasy	1 Guilty - Fined £500 (P)
September	5	0	3 Cocaine 2 MDMA	1 Guilty - fined £600 (P) 1 Guilty - Community Service Order - 80 hours (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £800 (P)
October	3	0	2 Ecstasy 1 Cocaine	1 Guilty - Fined £800 (P) 1 NSP (P) 1 Guilty - Fined £600 (P)
November	2	0	Cocaine	1 Guilty - 1 months imprisonment and £250 D/O (P) 1 Guilty - Fined £600 (P)
December	3	0	3 Cocaine	1 Guilty - fined £600 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P)

SCHEDULE TO QUESTION 672/2014

2013	Possession	Possession with intent to supply	Drug	Result
January	1	0	Cocaine	1 Guilty - 5 weeks imprisonment (P)
February	1	0	Cocaine	1 Guilty - Fined £800 (P)
March	0	0		
April	2	0	Cocaine	1 Guilty - fined £500 (P) 1 Guilty - time served one day (P)
May	0	0		
June	3	0	Cocaine	1 Guilty -Fined £250 (P) 1 Guilty - Fined £1500 (P) 1 Guilty - Fined £600 (P)
July	0	2	1 Ecstasy 1 Cocaine	Guilty Fined £500 (PWITS) Guilty - one month suspended (PWITS)
August	0	1	1 Cocaine	1 Guilty - 3 years imprisonment (PWITS)
September	3	0	3 Cocaine	1 Guilty - Fined £600 (P) 1 Guilty - fined £100 (P) 1 Guilty - 3 weeks imprisonment (P)
October	0	0		
November	2	0	Cocaine	1 Guilty - 1 month imprisonment (P) 1 Guilty - Fined £500 (P)
December	0	1	Cocaine	Guilty - 8 months imprisonment (PWITS)

2014	Possession	Possession with intent to supply	Drug	Result
January	0	0		
February	0	0		
March	2	0	Cocaine	1 Guilty - 3 months imprisonment (P) 1 Guilty £500 fine (P)
April	0	0		
May	0	0		
June	1	0	Cocaine	Guilty - £700 fine (P)
July	1	0	Cocaine	Guilty - 4 months imprisonment (P)
August	0	0		
September	0	0		
October	0	0		

Hon. G H Licudi: Mr Speaker, whilst the schedule is making its way to the hon. Members, can I correct one matter which has come to light as a result of the information that has been provided to me for the purposes of this information for these questions?

600 In an earlier question talking about juveniles in prison, I mentioned that in 2013, and I gave that as an example, only one juvenile had been admitted to prison. The hon. Member now has details there in the schedule of the number of nights spent by juveniles in prison. Looking at that schedule that was provided to me, it was clear to me that in 2013 it could not possibly tally to one individual in one particular month, I believe there were 37 nights spent, and that could not possibly be one, and therefore it brought to mind that
605 the information I gave in March, I seem to recall, may have been incorrect, and therefore I enquired. I wish now to correct the earlier information. The number of juveniles in prison in 2013 were in fact three, rather than one as I previously stated.

And the reason for the error is that the law has changed in relation to who is and who is not a juvenile. Previously under 17s were juveniles; now as a result of the Criminal Procedure and Evidence Act which
610 came into force in November 2012, under 18s are juveniles. The information that I was given previously related to under 17-year-olds and therefore that is why I was given the information that only one... Looking at this information, this was compiled on the basis of the law as it is, which showed that in 2013 it was actually three, and that is why I am correcting that erroneous information which was given in a previous answer.

615 **Mr Speaker:** Are there any supplementaries arising from the information, the statistical information provided by the Hon. Minister?

Hon. S M Figueras: Yes, Mr Speaker, in relation to Question 674, which is in relation to the juveniles – and I am grateful to the Hon. Minister for the clarification that he has provided, particularly given that we are dealing with important matters here of juveniles spending time in HM Prison...

I know that it is a subject that we have touched upon in the past, and whether detention in HM Prison of juveniles is something that we, as a community, are satisfied with, and in discussions that we have had in the past there has been agreement across the floor that given the particular circumstances of the prison
625 occupancy figures, and the availability of a particular wing for the juveniles, I do want to resurrect the issue and ask the Minister whether there is in his mind, or the mind of those who advise him, a need to revisit the position in relation to the detention of juveniles?

Because at the end of the day, Mr Speaker, back in 2010 a statement was issued by the Members opposite, saying that it was shocking that a juvenile should spend two nights in prison, which is why I believe I think it is important that we keep this issue alive, and that we revisit it often.
630

And I would invite the Hon. Minister to provide details to this House of what assessment is ongoing, if any at all, in terms of making the determination that a detention centre is actually required, or should be something on the list of priorities for this community?

635 **Hon. G H Licudi:** Mr Speaker, the supplementary that the hon. Member raises is almost exactly the same as the next question in the Order Paper which is Question 675. I am happy to deal with it now or we will deal with it when... because the question in the Order Paper is about the possibility of creating a dedicated unit for the detention of juveniles, which arises, so perhaps we can answer that question, then deal with any supplementaries at that time.

CHIEF MINISTER

Q689/2014

Schengen Agreement and EU Common Customs Union – Public consultation on Gibraltar joining

640 **Mr Speaker:** Chief Minister's questions. The Hon. Damon Bossino. (*Interjections*)
Chief Minister's Questions, the first one is Question 689, the Hon. Damon Bossino.

645 **Hon. D J Bossino:** Can the Chief Minister advise this House what progress has been made following his announcement that he would carry out a public consultation as to whether Gibraltar should join the Schengen Agreement and the EU Common Customs Union and in particular what representations have been made in relation to the impact of VAT being imposed?

Clerk: Answer, the Hon. the Chief Minister.

650 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this work is ongoing with the Chamber of Commerce
the GFSB and the EUID. Further information will soon be made public.

Hon. D J Bossino: Mr Speaker, there has been.. I was going to say ‘relative’ silence, but I think
probably complete silence, since the Hon. the Chief Minister announced this, I think it was back in May
655 2014. I do not have *The Chronicle* article reporting on the announcement.

And then there was a debate between both parties in relation to the advisability of him having
announced the consultation without having done the consultation prior to the announcement.

660 But in relation to that, Mr Speaker, he mentions the bodies that he is speaking to. Is anybody else, say
for example in relation to the gaming industry? We have had representations from that particular sector,
where they have raised concerns about VAT being imposed, for example, should there be an accession to
the Customs Union. And I ask him that specific question which I would ask whether he is limited to those
entities which he has referred to earlier in his answer.

Hon. Chief Minister: Mr Speaker, it is true that it appears that we had an argument about whether there
665 should have been a consultation about the consultation being held. But I do sincerely hope that we have
moved on from there.

Mr Speaker, the hon. Gentleman has said that there has been either relative or absolute silence in respect
of this matter. Well, I suppose that can only be the case in the context of what he hears. In other words in
the context of what is made public. The context of the public debate on this subject.

670 But, as I have told him, there is a lot of work going on in the context of the relationship between the
Government and the Chamber, the GFSB and the EUID developing this process.

It is true that in the gaming industry we have had questions asked about what would the Government’s
intentions be in respect of VAT and, of course, what the Government is saying is that all that we intend to
do is to ask questions of the industry and give the industry the information of what parameters are actually
675 relevant.

There are many people in Gibraltar who are labouring under the misapprehension that forming part of
the Common Customs Union means – and the hon. Gentleman has given it away in the way that he has
posed this question – the imposition of VAT.

680 It is true that those of us who learnt about VAT and European Union Law may be, if I may say so
generously to all of us who are on these benches, about 20 years ago or more, might have understood the
rules to be of one particular type.

The rules on VAT have developed quite considerably as the European Union has enlarged, and therefore
the parameters available to any member state that is part of the Common Customs Union are much wider
than they might have been many years ago. The preparation of that information in the user friendly way to
put to different industries and to put different options to different industries is the work that has been
685 undertaken with the Chamber and the EUID, and the other representative organisations, and for that reason,
Mr Speaker, although there may have been public silence, that does not mean that there has not been a lot
of work ongoing, in order to prepare for the consultation.

690 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Chief Minister accept – I may be wrong – but does
he accept that for this to become a reality it would require consent from the Kingdom of Spain for us to
effectively join Schengen and the Customs Union, whether you impose VAT or not, coming into both of
those?

695 **Hon. Chief Minister:** Mr Speaker, I do not want to venture into territory where I give opinions on the
latest version of the applicable Treaty of the European Union, but I do believe that these are matters which
do require unanimity at the European Union level. And the hon. Gentleman may know that some of the
things that we are talking about are things that the Kingdom of Spain has long seen as advantages that
Gibraltar has had, and therefore if she has seen our non-VAT status as advantageous it is not impossible to
700 see her agreeing to us form part of the Common Customs Union. The question is whether we should ever
want to take that step.

But in order to understand that, one needs to understand with the right information, what the resilience
of our respective industries would be.

705 No Government of Gibraltar is going to do anything which is injurious to any of the many successful
industries that we have. If I may simply point to retail, the insurance sector, the financial services sector,
generally, and the gaming sectors, those would be the ones that we would certainly want to ensure can
prosper in future. But it may be that there are parameters in respect of membership of the Common
Customs Union which are actually more welcoming in respect of those industries, but they have to have the
right information.

710 They do not need to labour under misapprehensions, and they then need an opportunity to express themselves. It may be that at the end of all of that process, having at least understood the position ourselves, we find ourselves in a situation where Spain is able to effectively veto any change we might want to make. That is also a possibility, but let's face it, Gibraltar has never looked at what its next steps should be, simply on the basis of whether Spain is likely to veto or not veto its steps.

715 Spain was very clearly going to abusively seek to prevent Gibraltar forming part of UEFA for example, and a campaign that encompassed the whole community succeeded in us now forming a very proud part of UEFA. And if I might say so, given that I am there, and no doubt across the floor of the House there is unanimity that our boys did exceedingly well in Germany last Friday.

720 **A Member:** Hear, hear. (*Banging on desks*)

Hon. D A Feetham: Yes, Mr Speaker, certainly 4-nil and the performance of the GFA in Germany was absolutely fantastic, and marvellous. (*Interjection*) Whether they played in Schengen or outside Schengen, absolutely we can all agree! (*Interjections and laughter*) We could all agree it was a wonderful performance. Bearing in mind that Germany beat Brazil, I think it was 7-nil in Brazil – (**A Member:** 7-1) or 7-1 in Brazil.

725 But Mr Speaker, has the Government also conducted an analysis of what effect it might have, which must be also paramount to any decision making process that the Government entertains in relation to this - what impact it may have to join the EU Customs Union on, for example, Government revenue for import duty? Is that something that the Government has done? Is there any impact or is it in the process of being done so that the Government cannot provide any further information in relation to it?

Hon. Chief Minister: Mr Speaker, I think what I have said in the past when dealing with this issue, is that the Government actually cannot do an exercise in respect of this potential step without data from the industry. It is possible to do a very limited exercise. It is possible, just to deal with a particular commodity, like for example tobacco, you could look at what effect the imposition of VAT and Excise Duties on tobacco sales might have, by trying to match up the price differential against other places. But you need to understand what the parameters actually are, and where people are buying tobacco from, and where they are selling it to. That is one of the particular obvious areas for consideration. You need to talk to all of the industries in order to understand the macro-economic effect of what such a step may be.

740 All I am saying, Mr Speaker, is that these decisions have been made in the past, and there has been an exercise in 1972. There have been exercises done afterwards, (**Mr Speaker:** 1984- 85) which have involved consideration of these things. An exercise was done under the previous administration where consideration was given to these things.

745 A similar exercise has been commenced but we believe that we cannot actually have reliable data on which to make up our own minds, or make a recommendation to the community, until we have engaged with each of these very important industries, and given them the information as to what the parameters available are, and not simply allow people to think, 'Ah well, we are going in to the Common Customs Union – that is 20% VAT on everything.' That is not the position. It may be possible that there are some areas where VAT can be rated as zero, even after we are in the Common Customs Union.

750 For example, there is a possibility – and I am just talking about issues on which the Government is in the process of taking advice and working with the Chamber and the GFSB, in order to be able to put this before the industries – there is a possibility that VAT may be rated at zero on many different sectors. On the services sector, for example, and on the advertising sector and on the gaming sector, so that each of those financial services, insurance and gaming, might not suffer any change as a result of entering into the Common Customs Union. There is such a possibility. There is a possibility alternatively of a very low rate of VAT being applicable.

760 In relation to other commodities, goods, Mr Speaker, there are areas where countries have the right to levy no VAT. There are areas where the countries have the right to levy the split of VAT from the highest level to the lowest level but not zero.

And there are some commodities, Mr Speaker, which are subject to other duties, known as the excise duties, which are in addition to VAT.

Those particular parameters all have to be looked at in order to be able to do the macro-economic exercise that we have to do.

765 And, Mr Speaker, why do we have to do it? Not because we have any particular desire to do it, but because we have to look at where we are going, we have to make sure that we are on the right road, we have to make sure that there is not a better road, and we have to make sure that we are not pushed off this road by actions outside our control – for example, what is known in shorthand as a 'Brit Exit', despite the fact Gibraltar might vote into any, will vote in any referendum in the UK, if there is a Conservative Government after 2015, but the referendum in 2017. We might be derailed, and we might need to be ready

to accept other terms if we want access to the single market, and that is why we must do these exercises. But we must do them carefully, and with the right information, not based on layman's understanding of what forming part of VAT and/or the Common Customs Union and the VAT regime might be. We need to have the real advice, the up to date advice.

775

Hon. D J Bossino: Mr Speaker, I know he answered the question at the very beginning in his formal reply but can he remind me please, when does he envisage that the exercise will be completed?

780

And also if I may, Mr Speaker, can he give the House the Government's view, if it has one yet? It may not dare to have one until it has carried out all the consultation, and it has more information at hand. But can he give us what the Government is thinking in terms of what aim it has in relation to where this process ought to end, in an ideal scenario?

785

Hon. Chief Minister: Mr Speaker, what I said in the course of my first answer was 'soon', and I want to be in a position where the Government is able to make a determination based on facts, and that is why this is a fact-finding exercise.

I do not want to venture opinions, which might then be demonstrably wrong because the fact-finding exercise demonstrates that empirically the position is other than what the Government might think.

Mr Speaker: Next question.

Q690/2014

Self-Determination for Gibraltar Group – UN attendance and related expenses

790

Clerk: Question 690, the Hon. D J Bossino.

795

Hon. D J Bossino: Can the Chief Minister state whether the Government has made, whether directly or indirectly, any financial contribution towards the expenses incurred by the SDGG in its recent attendances at the UN and if so, details of the amounts of such contribution?

Clerk: Answer, the Hon. the Chief Minister.

800

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government only gives the SDGG an annual grant. I am unable to tell the House whether they have used that money for expenses incurred by them in recent attendances at the UN.

Hon. D J Bossino: Can he state what the amount of the annual grant is?

805

Hon. Chief Minister: Mr Speaker, there is a written question from Mrs Isobel Ellul-Hammond which asks about the Head which deals with grants. I think we are all disappointed that she is not yet with us. I think we all understand she is better, but unfortunately not yet well enough to be with us, and I am sure the whole House will want to join me in hoping that she is back very soon indeed.

810

But there is a written question that deals with this issue. The answer that I am going to Mrs Ellul-Hammond in respect of that Head, is that the Government considers the information, or the breakdown, confidential in the terms that we do not want it published, but that we are very happy to share it with Members opposite.

815

Why is it confidential, Mr Speaker? There is a list there of charities that each receive different amounts from the Government, and we do not think it would make sense for every charity to see what other charities get from the Government, because that has been happening for some time, and people might suddenly think that the charity that gets the highest is now the benchmark, and that would really alter the balance.

But I am very happy to share, as I say in my answer to Mrs Ellul-Hammond – of course, also with Members opposite, not just her – that information on the basis that it is not information that would then be published for those reasons.

820

Hon. D J Bossino: Now, Mr Speaker, thank you for that.

Can a distinction not be made between the SDDG, which is a political group, and a charity? If the Hon. the Chief Minister agrees with me in relation to that, would that not therefore remove the strictures in terms of providing this information publicly and across the floor of the House?

825

Hon. Chief Minister: Mr Speaker, there are other non-partisan political entities that receive payments in respect of that Head. Can I invite the hon. Gentleman to see the list, if they accept, once I have given the answer to Mrs Ellul-Hammond that they do want to see the list, and perhaps then he can with the information he and I can talk and we can perhaps agree a way forward in respect of that Head.

830

Hon. D J Bossino: Non-political?

Hon. Chief Minister: Non-*partisan* political entities, yes. He will see them if they accept the information.

835

Mr Speaker: Next question.

Q691-701/2014
New power station –
Details

Clerk: Question 691, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question No. 573/2014, can the Minister for Utilities please provide the following breakdown for the remaining power outages that did not correspond to a power cut due to the engines of SoEnergy: (a) due to cable failures, not accidentally caused by contractors work; (b) due to cable failure as a result of an accident caused by contractor's work; (c) due to inclement weather; (d) due to generation faults at the former OESCO Power Station and/or the former MOD Power Station; (e) due to generation faults at Waterport Power Station; (f) due to switchgear failures, and (g) due to other reason or reasons?

840

845

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 692 to 701.

850

Clerk: Question 692, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the answer provided last month by the Hon. Chief Minister in relation to the new power station and the liquid natural gas installation, can the Minister for Utilities please state when is it expected: (a) to have concluded the risk assessment, site investigations, vapour dispersion modelling, and general safety considerations, in order to know the exact location of the LNG installation, the position of pipelines across the north entry of the Port, the general transportation of fuel, type of LNG receiving terminal technology for regasification, inclusive of either low or high pressure systems, the supply arrangements with the preferred supplier, the construction type of storage tanks, and how often they will need to be replenished; and (b) by which entity and for what price?

855

860

Clerk: Question 693, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the answers provided by the Hon. Chief Minister last month in relation to the new Power Station, can the Minister for Utilities please state when the UK Health and Safety Laboratory will be providing the Government with its views in relation to all relevant issues such as exclusion zones, spillage, type and size of storage facilities vapour dispersion modelling, plus all other risks and hazard?

865

870

Clerk: Question 694, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the answer provided by the Hon. Chief Minister last month in relation to the new power station, can the Minister for Utilities please state when is it expected the contractor will have finalised the assessment of the Environmental Health and Safety and Fire Prevention measures which are in place at the South Mole, the Detached Mole and the North Mole due to any possible impact arising from the new power station and the LNG facilities to be installed?

875

Clerk: Question 695, the Hon. J J Netto.

880 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question No. 575/2014, can the Minister for Utilities please state by when will the details being discussed with Bouygues be finalised so that we will be able to know the location of the new power station and the LNG installation?

Clerk: Question 696, the Hon. J J Netto.

885

Hon. J J Netto: Mr Speaker, can the Minister for Utilities please state how much 'strategic reserve' of LNG storage is being considered by the Government, where it will be located, who will be responsible for its management and control, and how much this new facility will cost?

890 **Clerk:** Question 697, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the answer provided by the Hon. Chief Minister last month in relation to the new power station, can the Minister for Utilities please state when Gibelec is expected to be in a position to submit an application for a permit under the Pollution, Prevention and Control Regulations?

895

Clerk: Question 698, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Utilities confirm that despite having a new building to house the engineering facilities of the new power station, including the workshops that offices and welfare facilities has been included and that its cost further is included in the overall contract price given by the government? In addition, can the Minister confirm at what location will the management and administration staff of Gibelec, who are currently based at Waterport Power Station be moved to and what is the cost involved for providing this?

900 **Clerk:** Question 699, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, assuming that the new waste heat recovery system is based on a steam cycle, can the Minister for Utilities please confirm if the cost for providing the necessary pipework and infrastructure for the feed water supply required by the station's waste heat recovery steam system is included in the contract price stated, or will this have to be provided at an extra cost, and if so at what price?

910 **Clerk:** Question 700, the Hon. D A Feetham.

915 **Hon. D A Feetham:** Mr Speaker, can the Government please state what is the total cost to date of the temporary power generators imported by the Government in 2012?

Clerk: Question 701, the Hon. D A Feetham.

920 **Hon. D A Feetham:** Can the Government please state whether it has signed contracts for the construction of the new power station?

Clerk: Answer, the Hon. the Chief Minister.

925 **Mr Speaker:** May, I say that whilst the Chief Minister is answering these 11 questions together, some of the answers which are highly technical, and detailed, I am going to suggest that copies of the answers to all these questions should be made available to the Opposition if he agrees, which will facilitate their work. Is he agreeable?

930 **Chief Minister (Hon. F R Picardo):** I have absolutely no difficulty with that, Mr Speaker.

Mr Speaker: Then, please proceed.

935 **Hon. Chief Minister:** Mr Speaker, since December 2012 there have been 40 power cuts not attributed to the SoEnergy power plant.

The causes for these are as follows: due to high voltage cable failures, two in number; due to cable failure as a result of an accident caused by contractor works, one in number.

940 Mr Speaker, can I just point out that that one and the two above are inclusive. In other words, one of the high voltage cable failures came about as a result of an accident caused by a contractor. So that is a total of two, not a total of three.

Due to inclement weather, one in number; due to the generation faults at the former OESCO Power Station and/or the former MOD Power Station, 19 in number; due to generation faults at WPS, 10 in number; due to switchgear failures, one in number; and due to any other reasons, seven in number.

945 Mr Speaker, that adds to 41 not 40, unless hon. Members bear in mind what I have told them about answer (a) and answer (b).

Mr Speaker, risk assessments, site investigations, vapour dispersion modelling, general safety and other considerations in order to know the exact location of the LNG installation, the position of pipelines across the north entry of the Port, the general transportation of fuel, type of LNG receiving terminal technology for regasification, inclusive of either low or high pressure systems, the supply arrangements with the preferred 950 supplier, the construction type of storage tanks, and how often they will need to be replenished, are ongoing, and it is expected that all will be completed by mid 2015 at the latest.

Fourteen companies responded to the Prior Information Notice (PIN) in respect of the supply of gas to the Government. Some of these will be presenting proposals to the Government and of course the price is likely to vary between them.

955 Mr Speaker, the UK's Health and Safety Laboratory (HSL) has already, and continues to be engaged by the Government through the Environmental Agency, to advise on the project. As has been the case to date, and between now and mid-2015, Gibelec, the Environment Agency, HSL and entities planning to submit a gas supply solution will be working together to ensure that all potential submissions meet all relevant health and safety criteria.

960 The finalised assessment by the contractor in respect of the Environmental, Health and Safety and Fire Prevention measures that are in place at the South Mole, the Detached Mole and the North Mole, due to any possible impact arising from the new power station and the LNG facilities to be installed, will be completed when the final design details of both the new power station and the LNG facilities are complete.

965 Details are indeed presently being discussed with Bouygues and following on from the answer to Question 2/2014 earlier this year, i.e. when the gas supply proposals are received and have been duly considered, the exact location of the new power station and the LNG installation will be known.

970 The amount of 'strategic reserve' of LNG storage, where it will be stored, and how it will be managed and controlled, will be proposed by the selected gas supplier after consultation with Gibelec, who have provided them upon request with electrical demand forecasts and fuel consumption figures of the selected technology for the new power station. It is not envisaged that there will be an extra cost for this facility as gas suppliers build in this contingency into their designs.

975 Gibelec is indeed aware of the requirements that the operator of the new power station needs to submit an application for a permit under the Pollution, Prevention and Control Regulations (PPCR). The submission will take place once all the new power station detail designs have been finalised between Gibelec and Bouygues, as is the norm with any project where a submission under PPCR is required.

I can confirm that the cost of housing the engineering employees, including the workshops, offices and welfare facilities, is included in the overall contract price provided by the Government. Furthermore, provisions have also been made to house management and administration staff currently based at Waterport Power Station, and this too is included in the overall contract price.

980 The new waste heat recovery system is indeed based on a steam cycle. The cost of all the equipment and materials associated with the heat recovery system is £8 million and is included in the stated contract price. The heat recovery system is an additional 4MW of electrical power.

985 The Government imported the 25MW SoEnergy generators in December 2012. The cost to date is as follows: For the calendar year 2013, £4,416,000; for the calendar year 2014 to date, £3,901,000 – there is a little bit extra that the gentleman can see in the figures that are being handed over.

Having awarded the tender to Bouygues in June 2014, the parties have advised they are now in contract although formal contract execution has not taken place and is envisaged to take place in the next few weeks.

At present Gibelec and Bouygues are finalising the detail design of the project.

990 **Hon. D A Feetham:** Mr Speaker, I have asked this question about the total cost of the temporary power generators imported in 2012, of the Government in the past, and the figure that I was given in the past – I do not have *Hansard* in front of me, I did not think that it was going to be contentious – was £10 million.

Is there a reason why these two figures are less than £10 million when the Government has already answered that question earlier on in the year, telling me it was £10 million?

995 I specifically use 'what is the *total* cost to date of the temporary power generators?' I do not know what is being deducted from there to bring the figure down, but it does seem to me that if it was £10 million, I think it was in March of this year, it should be higher than that by today.

1000 **Hon. Chief Minister:** Mr Speaker, I do not know the answer to that question. I have not been referred to the hon. Gentleman having asked a similar question before. Either they are in some way including or excluding fuel costs. I will go back and ask whoever prepared the answer to look at the answer that was

given last time, and how it was computed and why – if he asked exactly the same question and got a different answer that is very surprising. Is he sure that he asked about the same engines and the same contract or, that he did not ask about fuel in a different way?

1005 I will go back, Mr Speaker, if he has the question that he says he asked before, it would be very helpful in referring whoever prepares these answers to refer to both.

1010 **Hon. D A Feetham:** Mr Speaker, I do not know whether perhaps I did not catch the answer in his long answer, but I have asked the question whether the Government has already signed contracts for the construction of the new power station with a French company. I am not sure that he has provided an answer to that. (*Interjection*) If he has, I apologise, but can he just tell me whether the Government has signed contracts or not?

1015 **Hon. Chief Minister:** Mr Speaker, in the sheet that he should have got, it is the last answer given, because it is the last of all the questions being answered. The contract has not yet been signed, but the tender has been awarded, and therefore there is an element of contractual privity already between the parties. There are already expenses being incurred by the successful tenderer.

1020 The final contract signature will not happen until the next... literally days or weeks as they attach the final design to the contract and the final locations which are part of the issues that are being discussed, which will probably leave in place different options, given the different potential sitings for the gas. But I certainly anticipate it will be signed before Christmas.

1025 **Hon. D A Feetham:** Does the hon. Gentleman also envisage that any payments under the contract will be made this side of the end of the financial year; and that the payments are not going to be deferred until after the end of this financial year? Are there going to be any payments before the end of the financial year in relation to this particular contract?

1030 **Hon. Chief Minister:** Mr Speaker, the terms of the contract are not yet finalised and agreed, and I would rather answer that question, if the hon. Gentleman would put it, at the next meeting, by which time I certainly expect the contract will have been signed.

I can give him an indication of why I do not want to say more about price and payment behind the Speaker's Chair, where he will appreciate it is in the public interest that we each hold out just a few more days before we answer questions like that.

1035 **Hon. J J Netto:** Mr Speaker, if I may just ask one supplementary question.

1040 In relation to the information given by the Hon. Chief Minister to my first question which is Question 691, at the end of his answer due to, any power outages we are talking about, due to any other reasons, there were seven in number. I do not know whether the Hon. Chief Minister has available to himself by way of supplementary notes as to the reasons of what other specific reasons were under that general category?

1045 **Hon. Chief Minister:** Mr Speaker, I do, the note I have been given is that these power outages are attributed to frequency oscillations, SCADA malfunctions, and unbalanced load pick up and shedding between power plants.

SCADA, Mr Speaker, he may know from his time with this brief is the system that allows the energy to flow into the grid. In other words, the thing that sits between the engines and the grid.

1050 **Mr Speaker:** The hon. Member will now have another three additional sub-headings to ask further questions, won't he? (*Laughter*)

Hon. J J Netto: I am most grateful, Mr Speaker.

Hon. D A Feetham: Mr Speaker, just returning to the question that I asked: the question that I asked, it was on 29th May 2014, and I asked:

'Mr Speaker, can the Chief Minister state what has been the cost so far to the taxpayer of all the temporary generators which the Government has imported since 2012?'

1055 Today I have asked:

'Please state what is the total cost to date of the temporary power generators imported by the Government in 2012?'

1060 It is in substance the same question, and the answer that he gave me then was the total cost so far of the temporary generators since 2012 until the end of April 2014 has been £10,252,000. That is the answer that he gave me last time round. Indeed, I then asked, at the next sitting of the House, whether that figure included any additional costs, the costs of importing for example the power generators and the Hon. the Minister for Public Utilities responded that there was an additional cost, but actually those were just simply, I think it was, £40,000.

But there is a discrepancy between the £10,252,000 and the answer that he has given me today.

1065 **Hon. Chief Minister:** Actually, Mr Speaker, I think I have made the error when I have read the answer, because I have been given two columns, one of them is headed supplementary, but actually I think it is not supplementary because I think I need to read both of the columns, and I think if he bears with me, I think that then the mathematics will then work out. So I am going to read the answer again, as I think it should have been, read as a whole.

1070 The Government imported the 25MW SoEnergy generators in December 2012. The cost to date is as follows: for the calendar year 2013, £4,416,658.99; for the calendar year 2014 to date, £3,901,119.

And then I think I should have added this – which is not supplementary, I think it is actually directly related to his question – the Government has also imported generators from Spark Energy Limited. These will substitute the SoEnergy generators which will be moved to allow for the construction of the Bouygues Plant.

1075 The cost to date is as follows, since May 2014, £4,661,385.18 out of which the monthly rental fee is £2,443,746.70. This figure includes the deposits necessary for Spark Energy Limited's move of engines.

I think that is not supplementary; I think that is actually part of the first answer. And if he then reads that together, I think the numbers make more sense.

1080 **Mr Speaker:** £12 million.

Any other supplementaries on these 10 or 11 questions? No.

So let me see, we therefore move to Question 702, I think.

**Q702-703/2014
Sunborn Hotel –
Government payments made**

1085 **Clerk:** Question 702, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please provide details of all payments made by the Government, Government-owned, or partly owned companies, public agencies and authorities, to the Sunborn Hotel since it opened, identifying what those payments were for and when they were made?

1090 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 703.

1095 **Clerk:** Question 703, the Hon. D A Feetham.

1100 **Hon. D A Feetham:** Mr Speaker, can the Government please state what payments have been made to third parties, for example law enforcement unions, or the Sunborn Hotel, by the Government or any Government-owned, or partly owned company, public agency or authority related to the use of services offered by the Sunborn Hotel by those third parties?

Clerk: Answer, the Hon. the Chief Minister.

1105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the total amount of expenditure invoiced to and paid by all public authorities to the Sunborn floating hotel since it started operation at the beginning of this year is £35,495.

1110 **Hon. D A Feetham:** Mr Speaker, anybody that reads the newspapers or indeed watches the news cannot help but notice that the Government appears to be pushing quite a lot of business in the direction of the Sunborn Hotel. Is there a rationale behind this particular policy, bearing in mind that obviously pushing

business in the direction of the Sunborn Hotel then means pushing it in the direction other than other hotels in Gibraltar?

1115 **Hon. Chief Minister:** Well, Mr Speaker, we put five-star hotel business the way of the floating hotel, because it is a five-star hotel. We continue to put a lot of business the way of the Caleta Hotel. We would have continued to put a lot of business the way of the Rock Hotel, except that they are presently undergoing a refurbishment, but as soon as it is finished the Government will put business towards that hotel as well.

1120 In fact, I understand that I am going to be seeing the finished product of the Rock Hotel very shortly during the course of the next couple of weeks, and I am very much looking forward to going back to that hotel, where we do a lot of entertaining as well. And in fact we also put a lot of business the way of the Elliott's Hotel, which is the hotel closest to my office.

So Mr Speaker, the Government has traditionally put work towards *all* hotels, and the hon. Gentleman should not think that we are putting work towards one particular hotel and not the others.

1125 He might have noticed, Mr Speaker, that the Literary Festival did not involve any dinners at the Sunborn Hotel, but did involve dinners at other hotels. So, what the Government is always trying to do is to ensure that it spreads itself across local businesses as fairly as possible.

It has not always been the case, Mr Speaker, but this Government tries its best.

Mr Speaker: Next question.

Q704-705/2014
Spanish media outlets –
Confirmation of no Government payments made

1130 **Clerk:** Question 704, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please confirm that no Government Minister has been involved in any arrangements whereby *Radio Bahia* or Samuel Fernandez have received any financial assistance whatsoever from anyone connected to Government or third parties?

1135 **Clerk:** Answer, the Hon. the Chief Minister. (*Laughter*)

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 705.

1140 **Clerk:** Question 705, the Hon. D A Feetham.

1145 **Hon. D A Feetham:** Mr Speaker, can the Government please provide a list of all media outlets in Spain which have benefited from any direct or indirect payments from the Government, Government-owned or partly owned companies or agencies, authorities or bodies funded by the taxpayer?

Clerk: Answer, the Hon. the Chief Minister.

1150 **Chief Minister (Hon. F R Picardo):** Mr Speaker, my answer remains the same as those of a similar nature relating to *Radio Bahia* or Samuel Fernandez: HM Government of Gibraltar has not provided any financial assistance to these parties.

1155 In relation to Spanish media generally, I refer the hon. Member opposite to the answer to Questions 462 and 463/2014. I continue to believe that sharing information of this nature publicly is not in the public interest of Gibraltar. I am, still however, happy to share the information with the hon. Member confidentially if he wishes.

1160 **Hon. D A Feetham:** Well, Mr Speaker, can I ask the Chief Minister why is there a difference in policy, and a difference in approach, and a difference in terms of transparency and openness, between *his* Department and the way that *he* answers questions in this House, and the Hon. Minister Costa, who in an answer to questions posed last month, did in fact provide the answers and figures of funding to *La Verdad* and other Spanish media in Spain. What is the difference? Because of course, if it is not in the interest of Gibraltar to do it now and to answer this particular question now, well it is not in the interest of Gibraltar for Minister Costa to do so. Why the difference in approach between Minister Costa and the Hon. the Chief Minister?

1165 **Hon. Chief Minister:** Mr Speaker, I would have thought it was obvious: because they are two different things that are being dealt with.

Minister Costa is dealing with marketing Gibraltar. Minister Costa places adverts so that people see Gibraltar and its logo in their newspapers and come to Gibraltar.

1170 The lobbying effort is something completely different and, Mr Speaker, I put it to him that he should simply reflect on this issue, and if he likes, he and I can have a conversation about this. But what we do not want to do is provide a route map to those that might want to thwart our ability to ensure that Gibraltar's message is transmitted internationally and in Spain.

1175 **Hon. D A Feetham:** But, Mr Speaker, I have no difficulty – if what the Chief Minister is saying is that apart from the payments that have been disclosed by Minister Costa in relation to marketing in the tourism sector, there are no other advertisement, advertising payments that have been made to any other media in Spain, because every other payment has been made in relation to lobbying efforts, well look, I can understand the answer. I may not agree with it, or whatever, but I can understand the answer.

1180 But you see, the previous question that I asked, a number of months ago, related to advertising placed in Spanish newspapers in relation to the Airport. Now, what is the difference between providing me that kind of information and the information that Minister Costa has already provided, which is advertisements and campaigns run in the Spanish media by his Department? There is surely an inconsistency in approach there.

1185 **Hon. Chief Minister:** Well, Mr Speaker, there is not an inconsistency in approach. What I am telling him actually if he goes back through Question 462, and the earlier incarnations of this question that he puts, much as he puts most of the same questions every month in a different way, I am following the position established by the previous administration, which started really as far back as 2002 when we first faced this question of joint sovereignty and the campaign that led to the Lobbying Head really becoming much more important in the Estimates Book, to ensure that we can continue to do that.

1190 Mr Speaker, I do not think I am doing anything other than simply ensuring that Gibraltar can continue to effectively fight its battles in the international press, just like every other Government does.

I do not see absolutely any inconsistency with the position that the Department that goes out to sell Gibraltar, and get Gibraltar's image placed as often as possible in front of readers in an obvious way, has taken in telling the Parliament what those particular advertising campaigns may cost.

1195 There are many different instruments that the Government uses for the purposes of influence and I would rather not say more than that, Mr Speaker.

But, look given what the Chief Minister of Gibraltar is telling him, can he just reflect on pressing me further?

1200 **Hon. D A Feetham:** Mr Speaker, I have already reflected in relation to this matter, and I am afraid that his answer does not stack up. The rationale does not stack up.

1205 Question 462 I asked the Hon. the Chief Minister, 'can he please provide details of all sums paid to the Spanish media in respect of *advertisement* associated with the Gibraltar Airport?' Now, advertisement in relation to the Gibraltar Airport has absolutely nothing to do with any campaign, political campaign, by the Chief Minister, by Gibraltar in relation to the protection of our rights – which I would understand in the context of his answer, if that is what he was trying to protect.

1210 And in the context of that question, advertisement associated with the Gibraltar Airport, surely there cannot be any difference between that question, and the information that the Hon. Minister for Tourism has already provided in respect of advertisement in the Spanish media for campaigns in relation to his Department generally.

Hon. Chief Minister: Well, Mr Speaker, he says he has reflected and come to a different conclusion. I suppose that is why we are in different parties.

1215 My reflections continue to indicate to me that I am right to offer him the information confidentially, but not across the floor of the House.

Mr Speaker: Next question.

Q706/2014
Gibraltar Day in London –
Total cost last month

Clerk: Question 706, the Hon. D A Feetham.

1220 **Hon. D A Feetham:** Can the Government please provide details of the total cost of last month's Gibraltar Day in London?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we are unable to provide the details requested at this time. The information requested requires that all accounts be reconciled. To date we have still not received all invoices in order for us to complete this exercise. I will, however, endeavour to provide this information in the New Year. The reconciliation of costs is usually available by late January.

Q707/2014
Europa Stadium Ltd –
Preference shares

Clerk: Question 707, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, who does the Government envisage will take up £41 million worth of preference shares in Europa Stadium Ltd?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the GFA.

1240 **Hon. D A Feetham:** Mr Speaker, £41 million is an awful lot of money. Does the Government envisage that it will be providing, either directly or indirectly – and the term 'indirectly', the Hon. the Chief Minister should take to include, any Government-owned or partly owned companies or any public agencies or any public authorities – does the Government envisage, directly or indirectly, that it will provide some assistance to the GFA in order for this investment to be made?

1245 **Hon. Chief Minister:** Mr Speaker, it is possible, but it is not anything that has been agreed. At the moment the issue is with the DPC and that process is not yet completed, and the GFA has many potential sources of funding. The Government is one of them but we may not be the cheapest.

Hon. J J Netto: Mr Speaker, with your indulgence, perhaps if you do not mind me going back to Question 704?

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Mr Speaker: Does the Hon. Mr Feetham, or any other Member have a supplementary on Question 707, to do with the shares at Europa Stadium Ltd? Any other supplementary on this issue?

1255 **Hon. D A Feetham:** Mr Speaker, I am trying to get my... My hon. Friend, Mr Figueras, is looking into *Hansard*. (*Interjection*) The last time that I asked – but perhaps I can ask the question, because perhaps the Chief Minister accepts that is what he told me on the previous occasion.

1260 Earlier on this year I asked whether the Government would be either directly or indirectly contributing anything towards, and assisting the GFA financially, in relation to the building of the Stadium, and from recollection the answer that the Chief Minister gave me was that the Government would *not* be investing, either by way of loans or otherwise helping the GFA in relation to the building of this particular Stadium.

1265 Now, does that signify that there has been a change of approach from the Government from when he answered that question earlier on this year to now, because obviously at the moment what he is saying to me is that the Government does envisage that potentially it *could* provide some financial assistance to the GFA, which is not my understanding of the answer that he gave me earlier on?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman confuses a lot of concepts in the way that he poses the question.

1270 There is no such thing as an investment by way of loan. A loan is a loan and investment goes to equity. And one thing is whether the Government would fund part of this development if it were to proceed, and quite another is whether the Government might loan money to the GFA in some way, because the GFA may be receiving receipts of money in some other way, but not have that money available immediately.

Mr Speaker, I do not think that I have ever said that the Government would not consider the possibility of a loan. As I have indicated to the hon. Gentleman we are likely not to be the cheapest option available to

1275 the GFA. There have been some discussions about the possibility of a loan, but that is so far down the line, and there are so many other potential sources for the GFA to go to, which are likely to be more affordable to them in terms of lending, that it is very unlikely that they would get to us. But look, there is that possibility. I do not believe I have ever ruled that out.

I believe what I have ruled out, Mr Speaker, and I continue to rule out – I do not know whether the hon. Gentleman wants to listen to me or not, because this is important – what I *have* ruled out and I *continue* to rule out is the taxpayer funding the Stadium in any way. In other words, the taxpayer is not going to have a stake. We are not going to own it. We are not going to pay for part of it.

The possibility, although I think it is remote, is that they might ask us for some bridging finance whilst they source funds from elsewhere. And I think that is entirely consistent with what I have said previously.

1285 **Hon. D A Feetham:** Mr Speaker, if I find the reference in *Hansard*, may I return to this and we can continue?

Mr Speaker: The Hon. Mr Netto.

1290 **Hon. J J Netto:** Yes, Mr Speaker, thank you very much.

With your indulgence if I could go back to Question 704, the one in relation to *Radio Bahia*. It is a fact that *Radio Bahia* does have an advert inviting people to go to the Ice Rink at King's Bastion Leisure Centre, and given that it is a Government advert, whether the Government, the Chief Minister, or the Minister for Tourism or even the Minister for Sport may be aware of such an advert and where is the payment for such an advert coming from?

Hon. Chief Minister: Mr Speaker, that question does not arise from a question which asked about financial assistance, in my view.

1300 **Hon. J J Netto:** Mr Speaker, even if it does not arise, will the Chief Minister not contemplate that there is an advert which has been placed for a period of time, and therefore is receiving money from the Government, whatever sector, or quarter it may be?

1305 **Mr Speaker:** Is the hon. Member suggesting that that advertisement in the Leisure Centre is being paid for by Government or a Government agency?

Hon. J J Netto: What I am suggesting, given that *Radio Bahia* put in an advertisement within their own radio in Spain inviting people to go to the Ice Rink in the King's Bastion Leisure Centre, it follows that that must be paid in one form or another by the Government directly or indirectly. I am asking therefore whether any Member of the Government is aware of this, and from which particular part of the Government this has been paid for?

1315 **Hon. Chief Minister:** Mr Speaker, I do not think that arises from Question 704. But if there is an advert for an Ice Rink in the GSLA's facility, it is likely to be an advert paid for by the GSLA or King's Bastion Leisure Company Ltd, whatever it is called, which is the one that runs the Ice Rink.

But the question is about financial assistance, not about advertising.

1320 **Mr Speaker:** I have looked at the question again. It certainly does not arise because the question talks about any arrangements whereby Radio Bahia have received any finance whatsoever from anyone connected to Government – any arrangements. I do not think it strictly arises from that.

Next question.

Clerk: Question 708, the Hon. D A Feetham.

1325 **Hon. Chief Minister:** Mr Speaker, before we carry on to Question 708, I have now had an opportunity of looking at Questions 462 and 463. None of them in my view refer to the Airport by the way, and the answer I gave is entirely consistent with the answer I have given today.

Mr Speaker: The Hon. the Leader of the Opposition, made a reference to a previous question –

1330 **Hon. D A Feetham:** I do not understand the answer that he has given, I have not mentioned the Airport.

Mr Speaker: You did, in supplementaries.

1335 **Hon. D A Feetham:** Now, the Airport?

Mr Speaker: Yes, yes.

Hon. Chief Minister: You said advertising for the Airport.

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Hon. D A Feetham: Oh, sorry, I beg your pardon, I thought we were on the Europa Stadium. I understand.

The Question... (*Interjection*) 462 does actually mention advertisement in the context of the Gibraltar Airport. That is the question.

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Mr Speaker: I am amazed that these little boxes carry so much information –

Hon. Chief Minister: Question 463 does not mention the Airport, sorry, which is the one I have seen, and my answer relates to 463.

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Hon. D A Feetham: And 462 does.

Hon. Chief Minister: Question 462 does mention the Airport, yes. But my answer remains the same – because my answer was to Questions 462 and 463 together.

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Hon. D A Feetham: Mr Speaker, can we come back to the question of Europa Stadium Ltd?

In the light of the fact that he is saying that the £41 million is going to be taken up by the GFA, is it therefore envisaged that this particular company is the company, the vehicle that is going to have carriage, effectively, or indeed ownership of the land, and the development of the land in order to build a new Stadium at Europa Point, if indeed it goes ahead.

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Hon. Chief Minister: Mr Speaker, this is the company to which the Government would grant the land at Europa, the shares of which would then be transferred to the GFA.

1365 **Mr Speaker:** Next question.

Q708/2014
Dockyard –
Development plans

Clerk: Question 708, the Hon. D A Feetham.

1370 **Hon. D A Feetham:** Mr Speaker, has the Government received any proposals or are there any plans to build a marina at any part of the dockyard?

Clerk: Answer, the Hon. the Chief Minister.

1375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no plans to build a marina in any part of the dockyard. The Government regularly receives proposals for the development of sites for different purposes. Since it was elected into office, two separate proposals have been submitted for the construction of a yacht marina within the area of the dockyard. Neither dealt with the issue that the dockyard is presently leased to Gibdock Ltd and is not available for any such redevelopment.

1380 **Hon. D A Feetham:** And, Mr Speaker, does he envisage that perhaps in the near future it will be available for such redevelopment?

Hon. Chief Minister: No, Mr Speaker, but I know why he is thinking that.

1385 **Hon. D A Feetham:** Well, perhaps I can tell him why we are thinking about this!

I have here a letter from the Cumberland Committee which was sent to residents of Cumberland Terraces after a meeting between himself and the Committee. It has been sent to me by somebody who has received it –

1390 **Hon. Chief Minister:** There are 500 suspects.

Hon. D A Feetham: – 500 suspects indeed! (*Interjection*) And it says this:

‘We complained about the restricted conditions of the underlease which were written to stop speculations and similar stuff, but never written to protect rights of the residents who were disillusioned and although were grateful and had seen enormous reinvestment in their homes had lost trust in the investment and might still want out.’

And then it goes on further, some of the grievances, and then it says:

‘The Chief Minister’s answer was surprising, and out of the blue, but relevant in a way, as he mentioned the Police Station was going to be moved from there. He envisaged that a luxury development would probably spring up there in that site. And he then states, “what if I told you that Gibdock is going and a luxury yacht marina will be in its place? Wouldn’t your surroundings and investment go up so much that you would not care about the underlease so much?”’

Is that a statement that he made to the Committee of Cumberland Terraces, or indeed anybody else?

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Hon. Chief Minister: Mr Speaker, let me start at the very beginning.

The Government has had, at huge cost to the taxpayer to undertake remedial works to fix the building of Cumberland Terraces, which was done under the auspices of the previous administration, and which was shoddier than any construction we have seen before. And at huge cost to the taxpayer, we have had to go back into Cumberland Terraces, back into Nelson’s View and back into all of those developments, and spend millions of pounds to reinstate those homes to what they should have been.

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And that work which the Government has done, we have done with the assistance of excellent and responsible tenants, who have had to suffer years of remedial works as a result of the homes delivered to them so shabbily by the previous administration.

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Norman Apap is the Chairman of the Cumberland Terraces Association. He has done a particularly good job in working with the Government and its contractors to ensure that all concerns are addressed in a timely fashion. At a meeting last week, Mr Speaker, with Mr Apap, where we had the opportunity to look at the excellent progress that has been made – the millions of pounds that the taxpayer has had to spend to fix GSD negligence, and the amount still left to pay – one of the issues that Mr Apap raised with me was that, of course, they have issues now that for three or four years, they have been residents of a building site, and they have had controls on how they can sell their properties, and would the Government consider changing the underleases?

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The discussion related also to some of the ambient issues that people in that area suffer. The fact that they are near to a police station and sometimes have the noise that blue light operations involve late in the evening. The fact that they are next to a dockyard that however much in keeping with modern legislation one may wish to run it may sometimes cause a nuisance to those who live near it.

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Mr Speaker, that discussion suggested Mr Norman Apap should lead us to the possibility of being more generous in the leases available to people at Cumberland Terraces so close to a police station and a dockyard, that we might consider not having the onerous terms that are identical, or almost identical in every co-ownership estate since the concept of co-ownership commenced in 1988.

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And my retort to Mr Apap was, although he was very congratulatory of the work that the Government has done on behalf of all his tenants, that for example it is no secret that the Royal Gibraltar Police wish to now find premises more suitable to the growth that they have experienced, certainly in the last three years that we have been in administration, and that that may involve a move away from New Mole House, and that therefore it is very likely that New Mole House, given the aspect of the area, might be redeveloped for high-end residential purposes, which would likely be how the Government might make the most out of that land. And that, look, given the type of length of tenancy that we were talking about, who knows whether Gibdock might tomorrow convert itself into a marina?

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The owners of Gibdock today are an American investment fund that looks for the maximum return on its money. And that what would the Government say to those who hold underleases of the sort that are each identical from 1988 until the recent co-ownership sales, if having changed the Cumberland underlease because they were next to a dockyard and next to a police station and therefore potentially the more onerous of our residents in co-ownership, if those facilities were to change and actually become high-end facilities, where living close to them might add value rather than take away value, it was an explanation of why the Government will not agree to change the underleases that are the model that are applicable across the co-ownership estates, *despite* the great hardship to which the people of Cumberland Terraces and the associated estates have been put by the negligence of the previous administration in the delivery of their properties.

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1440 **Mr Speaker:** Now look, let me make one thing clear now at this stage, to the Hon. the Leader of the
Opposition and to the Hon. the Chief Minister. We have had a perfectly reasonable question, ‘has the
Government received any proposals or are there any plans to build a marina in any part of the dockyard?’
The Chief Minister has been answering questions for over an hour, and the temperature of the House has
1445 to make, quotes from record of a meeting. That niggles the Chief Minister to point out that it was the
negligence of the GSD in their term of office not to have done this and not to have done that, which has
caused problems with the people in Cumberland and now having heated themselves up, there is the danger
that they are going to do what they usually do – what they usually do on a Thursday afternoon, alright? –
and that is embark on a long and lengthy debate. (*Interjection*)

1450 Well, let me tell both of them that I am not going to allow it. So if the Hon. the Leader of the Opposition
has any supplementary let him ask it, *short, sharp and to the point*, or else the successor to the mind of
Betty Boothroyd will bring matters to a halt.

1455 **Hon. D A Feetham:** Mr Speaker, I shall endeavour to behave.

Mr Speaker: You have been behaving. That is what has been excellent.

Hon. D A Feetham: Indeed, indeed Mr Speaker, indeed –

1460 **Mr Speaker:** And so has the Chief Minister, (**Hon. D A Feetham:** Yes, he has.) but I detect signs of
the temperature rising.

Hon. D A Feetham: Mr Speaker, I assure the Speaker that my temperature is well under control.
But Mr Speaker, there has been a very lengthy answer. It has taken the Chief Minister seven minutes –

1465 **Mr Speaker:** A very lengthy supplementary.

Hon. D A Feetham: – seven minutes, eight minutes, to answer the supplementary that I posed, and
what he really says is, ‘Well, who knows whether Gibdock is going to be leaving and a luxury marina is
1470 going to take its place?’

Therefore my supplementary is: is he therefore suggesting that the Committee members of the
Cumberland Terraces were wrong when they heard the Chief Minister say, ‘What if I told you that Gibdock
is going and a luxury marina will be in its place?’ That is what the Chief Minister is alleged to have said in
that particular meeting. That is what has gone out to the residents of Cumberland Terraces, and I am just
1475 asking the Chief Minister, in fairness, whether that is true or it is not true, and whether the Committee are
mistaken in what they say that they heard the Chief Minister say?

Hon. Chief Minister: Mr Speaker, if I may say so, just starting with your remarks earlier. My old Head
of Chambers used to say to me that in the Grammar School, in the mornings when he arrived, one particular
1480 boy sometimes might suffer at the wrong end of a Christian Brother and when asked, ‘What’s that for? I
haven’t done anything’, the Christian Brother might reply, ‘It is not for what you’ve done; it is for what you
are about to do.’ So, I think both the Leader of the Opposition and I shall stand by that remark tonight.

Mr Speaker, the hon. Gentleman I think cannot have heard what I told him. Because what I am saying is
that I gave those remarks to the Committee in explanation of why their leases would not change: because
1485 the environment which they now regard as one that has a negative effect on the value of their properties
could change at any time, for reasons unrelated to the Government.

I have told him that we have received a number of proposals, two proposals to turn Gibdock into a
luxury marina. But none of those have come from the owners of Gibdock or anyone who has any right or
interest in that property and is entitled to redevelop it.

1490 The hon. Gentleman may know that when one is in Government, one receives a lot of proposals, and
some of them come from people who simply have an idea and believe that the Government is the
leaseholder of a particular area, when actually the Government has leased that property a long time ago.

It is only in explaining – and this is what I said earlier – only in explaining why we would not change
the model of underlease from the existing model of underlease to a different and more positive model, or
1495 more agreeable model, of underlease for the residents of those estates, because their environment which
they regard as negative and affecting them negatively could change into a positive environment, which
might have a positive value on their properties.

He will know, like I do, Mr Speaker, that coming to the nuisance is not a defence against the person
doing the nuisance as a maxim of the law that we studied, and that what is a nuisance in Bermondsey is not

1500 a nuisance in Belgravia or the other way round. And all of those issues are relevant to one's assessment of what a property may or not be worth in that area.

With these underleases being a 99 years in length, will Gibdock always be... or will the area know today as Gibdock always be a dockyard for those 99 years, having a negative effect on those underleases?

1505 As I put it to him, Mr Speaker, if Gibdock, or anything else were to turn in that area from being not so luxurious to being very luxurious, it would have a positive effect on the value of those properties. That is the example that I was giving the Committee. That is the example which they have translated into, I think, their hope that one day Gibdock might turn into a luxury marina.

But Mr Speaker, that is very much in the hands of the shareholders of Gibdock and at the moment, they seem to be doing very well indeed as a yard.

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Hon. Sir P R Caruana: He has provoked me to rise.

Mr Speaker, does the Hon. the Chief Minister think that in the very harsh criticism that he makes of the previous Government in relation to these two projects – and I deeply regret that they should be suffering from defects of the sort that he has alluded to – but in his very harsh criticism of the previous Government, 1515 does he think he is being sufficiently fair in not acknowledging the fact that these were two developments that the Government first had to take over from a developer after they had already been designed and substantially built, and then had to take over from the contractor, and that therefore these were projects that may well have had defects built in to design and construction before the Government took over responsibility for either of those two things?

1520 And perhaps more importantly, because political criticism between Governments and Opposition are to be expected and not to be taken too seriously, does he think he is doing sufficient fairness and justice to GJBS, a company that used to do work, and I believe still does excellent work for the Gibraltar Government and the Gibraltar taxpayers, and that it was they who finished the construction of those two projects, and that if there was negligent construction it was necessarily by them, and that really, both in the case of GJBS 1525 and in the case of the Government as developer, effectively after it had taken over, that defects might well have flown from problems that had already been built before either of us took over our respective positions?

Can he bring himself to accommodate either of those two facts, preferably both of them, in his assessment of the situation?

1530 **Hon. Chief Minister:** Mr Speaker, I am delighted to say that now that the hon. Gentleman is not Leader of the Opposition, or Chief Minister, he takes such a more measured approach to interventions in this House.

But it is really in recalling the spirit of his attitude to the defects in Harbour Views that he repeatedly referred to in the time that he was in office, even 15½ years after he had taken over, and in alluding to that 1535 generosity of spirit of his own, that I have approached the issue of Cumberland.

Because, of course, in relation to Harbour Views, the situation was such that the Government had not the role of either the developer or contractor. The Government had provided the land at no cost because this was to be land to be used for affordable co-ownership. The developer there suffered the defects of the contractor and was able to sue to recover the costs of putting those defects right.

1540 With the Government there, three steps away from the problem, the then previous administration, the GSLP suffered considerably from the criticism of the hon. Member, who despite the recovery of the cost of repairing the defects insisted in laying the fault at the door of the previous GSLP administration. And if I may say so, may I doff my political hat to him, because he did it very successfully, and managed to persuade people that the people who made up the Government of the GSLP somehow had responsibility for the failures which happened in that estate. I have absolutely no doubt that he his ingenuity will lead him to 1545 be able carve out an argument to suggest that they might, even though they did not.

But in this instance, Mr Speaker, as he has himself so eloquently put it this afternoon, the Government here has suffered from the collapse (a) of a developer and (b) of a contractor, and then had to call upon the excellent facility that is GJBS to complete works, and in fact this Government has actually been relying on 1550 GJBS to *fix* the defects, because the defects are not defects just in construction – and look, the best company in the world goes through a snagging process when they hand over a building, and those are *not* the issue.

The issues here are the serious problems in the design that was approved, and it was approved clearly, given the absence of any co-ownership and a serious dent being made in respect of co-ownership homes 1555 being put on the market, at the time when the hon. Members were clearly under pressure to deliver those homes as soon as possible.

So the GJBS factor is the redeeming factor. They do the excellent job of completing, but to those terrible designs, which were approved by the previous contractor and developer and by the GSD administration of which he was the leader, Mr Speaker.

1560 And so, with the most generous spirit, trying to be as unlike the attitude he used to take when he was here – and I do remember him so fondly, Mr Speaker, whipping us repeatedly on the subject, in relation to the issue of Harbour Views, Mr Speaker – one cannot but visit the blame for the negligence and cost that is now being visited on the taxpayer on any other than the political leadership that he represented for the period that these projects were in the making.

1565 And I should leave him under no misapprehension, Mr Speaker, that most of the tenants feel likewise.

Mr Speaker: The relevance of the issue of Cumberland to the original question having been exhausted, does any Member have any other supplementary arising from this question? Because I think we have had enough on Cumberland – having regard to the fact that it has nothing to do really with the original question. It does not stem directly from it and I think it has been ventilated.

1570 Now, the hon. backbencher does not spend, unfortunately, a lot of time with us and he does not intervene too often. I will allow him. I think he is entitled to one final supplementary in which he can encompass any concerns.

1575 **Hon. Sir P R Caruana:** Well, Mr Speaker, if that is going to be your ruling, for which I am very grateful, you might have saved me the trouble of sitting down and standing up again, (*Laughter*) and the admonition that separated my two standings up and sitting downs! But nevertheless, I am grateful to Mr Speaker for giving me the opportunity to come back with a second supplementary.

1580 And would the Hon. the Chief Minister then not accept my urgings to reconsider the harshness of his political criticism, in the context of the fact that he well knows that Ministers do not consider or approve those aspects of design which could result in construction problems? We may approve things about whether we like the look of them or whether they are more... but we do not approve. He must know that, and I accept his political attack as nothing more than a political attack, but he has to be aware that obviously we do not accept the degree of political responsibility for that. And I should distinguish... except, of course, to the extent that one is responsible at a high political level for everything that happens on one's watch, regardless of the degree of *actual* culpability.

1590 But would the Hon. the Chief Minister not be willing to recognise that the political attack that I do remember making on a sustained basis, against the then Government in relation to Harbour Views, was of a different nature? We were not saying to the Chief Minister or to the Minister for this or that that they were responsible for construction defects. The political attack – he will not remember it because he was not in Parliament at the time – the political attack was on the basis that warnings were being made to the Government at that time and that the Government was not paying sufficient heed to them, given that it was a co-financier and indeed, under the guaranteed purchase scheme, the potential purchaser of an unlimited number of apartments, and that the political attack was focused on the extent to which the Government could, and we obviously at the time thought should, have reacted to tell-tale signs that we were being informed about and which the Government chose not to attach importance to.

1595 Now, if that were the fact, the equivalent of that would have been that the GSD Government would know or would have known that there were problems in the construction of those two developments, did not respond to them and then the purchaser suffered difficulty. I am not inviting him to accept the factual premise of my distinction; simply to asking him to accept that such a distinction, if the factual premise were correct, would exist.

Hon. Chief Minister: Mr Speaker, he reminds me, and indeed no doubt those who continue to support the GSD, of why we miss him so much.

1605 Mr Speaker, first of all let me say, that I accept, something which I do not think he ever did when he held my position, but I think he does now: that all Governments act in good faith, and that all Governments have different imperatives, but all of them are seeking to act in the best interest of Gibraltar and Gibraltarians; and that some of them have things pointed out to them and they act in relation to those things in a particular way, and others have other things pointed out to them and they act in relation to those things in a particular way – always wanting to ensure that things are done right.

1610 Very often things arrive at the ears of Members in Opposition which is not actually... or the information that arrives to the ears of Members of Opposition is not always true, and when it is synthesised through the ears of Government Ministers, they may be able to point out to things which actually are true on the ground.

1615 And it is also true, Mr Speaker, I assure him – and well, he has been in Opposition, he knows that it is true – sometimes the information that reaches the Opposition is the truth and the truth just does not reach the Government, because there are so many layers of other people trying to sometimes protect politicians from those truths, for whatever reasons.

I accept all of those things. I dare say we were never able to persuade him of those things when he held this Chair.

1620 Mr Speaker, in particular, given the examples that he has relied on, the GSLP administration was even further from the construction because they were not in the saddle of developer, and I see him nodding, he accepts that point.

1625 So, look, there are faults in construction. Ministers, unless there happens to be a builder among them, and we have none on this side at the moment and they had none on their side, should not have the expertise to understand these things. We all rely on advice.

1630 Opposition points out things they hear, usually in the street and sometimes very often from disaffected entities. In other words, you might be told that the windows being fitted are not fit for purpose by the guy who did not get the contract for the windows. And the Opposition might be persuaded of something which appears to be rational and when put to the Government, it actually just turns out that the reason for the argument being put is not exactly the correct technical one.

1635 But we have a situation where at Cumberland and at Nelson's View, Mr Speaker, the Opposition was making the points in this House, and in press releases, to him in Government, about the different types of construction, the number of floors that were one type of construction and the other type of construction for the fifth floor and above, of whether the weight would be carried with tiles or whether it had to be wood, about the windows and the type of windows and what they would put up with.

1640 So, look, Mr Speaker, what happened before 1996 – and he is absolutely right I was not here before 1996, so I cannot recognise what he suggests that I recognise. But as then a member of the public, what happened before 1996 was that things were said and a political position was taken, but the result of that was that clearly the problems found their master in court, and the developer was able to recover the cost of curing defects.

And then there were defects on the repairs of the defects, which is another thing to talk about in respect of Harbour Views.

1645 Here we were pointing things out to them and they also continued, and absolutely no doubt in good faith, on the basis of technical advice, but nonetheless there are many millions of pounds which are going to have to be spent in putting things right.

1650 Mr Speaker, the final comment I would make is that it is rare for him to get up. I know that he now makes points from the position of somebody who wants to be a backbencher in this House and is not pretending to take a front bench brief, but I do sometimes miss Caruana versus Bossano, and I just wonder whether Mr Bossano might wish to make any points in relation to the position pre-1996. It has been many months since we have had one of those good old Caruana-Bossano exchanges.

Mr Speaker: Next question.

1655

Q709/2014
Double Taxation Agreements –
Negotiations

Clerk: Question 709, the Hon. D A Feetham.

1660 **Hon. D A Feetham:** Mr Speaker, how many Double Taxation Agreements is the Government currently negotiating?

Clerk: Answer, the Hon. the Chief Minister.

1665 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is currently negotiating the text of two Double Taxation Agreements and is in discussions with a number of other countries in relation to the same.

1670 **Hon. D A Feetham:** Can he identify the two countries? If he cannot, is he prepared to give me the information behind the Speaker's Chair? I do not mind receiving the information either in this House or outside on this particular occasion.

Hon. Chief Minister: Mr Speaker, I would prefer to give him the information behind the Speaker's Chair, because those negotiations are, of course, sensitive.

I will say, Mr Speaker, that one of them is seen as really a framework agreement and that once that one is done, a lot of others will be easier to do.

1675 But I am quite happy for him to have a discussion with me about this after the close of the session.

Q710-711/2014
Allegations of bullying against Ms Joanna Hernandez –
Investigation

Clerk: Question 710, the Hon. D A Feetham.

1680 **Hon. D A Feetham:** Can the Government confirm whether the investigation into the allegations of bullying by 35 trainees against Ms Joanna Hernandez has concluded?

Clerk: Answer, the Hon. the Chief Minister.

1685 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 711.

Hon. D A Feetham: Mr Speaker, can the Government confirm that Ms Hernandez has been provided with full details of the complaints made against her?

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Clerk: Answer, the Hon. the Chief Minister.

1695 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I understand from the Chief Secretary that the investigation which is being conducted under his authority has not yet concluded. The Government considers it would be inappropriate, Mr Speaker, to comment further on anything pertaining to the investigation, given that anything said may adversely affect the fairness of the process for all parties.

Hon. D A Feetham: Mr Speaker, I do not understand how it can affect the fairness of the process to provide me with the information that I have requested.

1700

But in relation to the second question which is whether Ms Hernandez has been notified and provided with full details of the complaints, or allegations, made against her, the reason why I am asking that is because she herself in correspondence in the press alleges that she has not been provided with details of the allegations which have been made against her, which I found surprising given the fact that this was a complaint that was made in February or March of this year, and the investigation has now been ongoing for quite a considerable period of time.

1705

Hon. Chief Minister: Mr Speaker, I am not going to become involved in the investigation which the Chief Secretary is carrying out, even in respect of making public statements as to whether he has given such information to *x* or to *y*.

1710

The matter is with him, he is the Head of the Civil Service, he is dealing with this issue, and – I know the hon. Gentleman makes public statements about this case all the time – I do not think it is in the interests of the people making the complaints, or the person complained of, that we should be looking at a blow by blow of what has or has not happened in relation to that investigation across the floor of the House.

1715

I think what all of us would want is that any investigation of this type be dealt with in the appropriate way by the appropriate parties and if the hon. Gentleman wants to go out and make further comment, it is a matter for him. The Government is not going to be involved in doing so.

Hon. D A Feetham: Mr Speaker, no, the only comment that I have made is that this investigation appears to be shrouded in mystery, and that there is a lack of transparency in relation to this particular issue. That is the only comment that I have made. I still maintain that that is so, and indeed that is reinforced by the answer that the hon. Gentleman has given me today.

1720

We have here an investigation that is taking place, it is the first time that the Government policy on anti-bullying and its legislation is being tested, and this investigation is taking months and there is no information at all arising out of it.

1725

Now, Mr Speaker, can he at least tell me when he envisages that this investigation is going to be concluded? We are already several months into the investigation. Can he at least tell me that?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman says that this is an investigation that is shrouded in mystery. Well, this is the investigation that I think has most been talked about in history. It is an investigation that he puts on the front pages of newspapers. The person who is the subject of the investigation engages in correspondence with him in newspapers. I fail to see which part of this investigation can adequately be described as being shrouded in mystery.

1730

It is taking a long time, he says. Well, Mr Speaker, as the hon. Gentleman has said, this is the first investigation dealing with anti-bullying. It may be that for that reason it is taking a long time. It may be that

1735 for that reason it is going to be quicker than any of the others. We do not know, because there are no others to compare it with.

But, Mr Speaker, it is certainly true that matters which related to, for example, unfair dismissal claims brought against the previous administration sometimes took a very long time – one of them involving a very senior member of the GHA who took Industrial Tribunal proceedings against the previous administration, and that took five years.

1740 The hon. Gentleman says to me, how long does he envisage the investigation is going to take. Well, look if he was asking me about an investigation I was conducting, I might have some opportunity of giving him some view. But this is not my investigation, and therefore, Mr Speaker, I am not able to answer that question.

1745 I have already indicated what I would have thought all of us would want, which is that the matter be dealt with as fairly as possible. We should not, in my view, be venturing into giving further opinions, or being involved in this matter in any further way.

It appears that the hon. Gentleman wants to, I assume because he wants to pretend to be making common cause with those who are making complaint or those being complained of. In respect of that person being complained of, I doubt there is much common cause from what I read on the front pages of the newspapers, so it must be the 35 that he is trying to deduct from the tally of difference between us of 200 odd votes at the last election, come to a conclusion that he is maybe one seventh of the way there if he can persuade them to vote for him.

1750 But this is a serious issue he should just allow it to run its course and then it might actually reach its conclusion sooner.

Hon. D A Feetham: Well, Mr Speaker, I do not know where the hon. Gentleman has been over the last 10 years. I do not understand on what basis he can say that this is the most talked about investigation in history, when they made this particular individual a *cause célèbre* when the hon. Gentleman to his left, the leader of the House, went to Spain to talk about the Dr Giraldi inquiry and which led to a Spanish programme describing the Dr Giraldi as the house of horrors, Mr Speaker –

Mr Speaker: That has nothing to do with the question. Carry on.

1765 **Hon. D A Feetham:** Now, Mr Speaker, can he at the very least tell me whether the report, when it is produced, in relation to this investigation, will be made public in order to allay the concerns of those who believe that the Government is fudging this particular issue, because of the individual concerned – who they turned into a *cause célèbre* over the last seven years since 2006/2007.

1770 **Hon. Chief Minister:** Well, clearly, Mr Speaker, I do not recognise any of the premise of that question. Nobody has turned anyone into a *cause célèbre*. In fact, Mr Speaker, the hon. Gentleman said that Mr Bossano went to Spain to do something. Mr Bossano never went to Spain to make any comment about anything. In one particular instance, Mr Bossano was interviewed in Gibraltar about a particular issue –

1775 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** In the GSLP Office.

1780 **Hon. Chief Minister:** In the GSLP Office, Mr Speaker, and certainly not a place that could ever be described as Spain. (*Laughter and interjection*) But, Mr Speaker, the hon. Gentleman attributes to us the ability to raise to the status of *cause célèbre* anything that we simply happened to be concerned about during Opposition.

Well, what about that other *cause célèbre* which was the case I was telling him about, which involved a very senior member of the GHA who sued in an Industrial Tribunal and that case took five years? A public forum, the Industrial Tribunal, people can go and see what happens and read a judgement. But what about the many other cases which took so long under the previous administration?

1785 Mr Speaker, look, this is an internal complaint, which has hit the headlines. Mr Speaker, it has hit the headlines in very great measure, because the hon. Gentleman keeps putting it there. But an internal complaint continues to be an internal complaint, whether it is put in the headlines or not. And he is asking me whether I will publish, or the Government will publish, a report into an investigation which we are not conducting, which is being conducted by the Chief Secretary.

1790 Well, look, my instinct – although it is not my report, Mr Speaker, and it is not a matter for me to say anything other than what I think, which is what I am going to do – my instinct is that internal reports continue to be internal reports whether the Leader of the Opposition puts them on the front pages of

1795 newspapers by his repeated reference to the person who is involved as being complained of, because of what appears to be an unhealthy obsession with this person.

Now, Mr Speaker, my own view is that it is likely that a conclusion will be known but that the report will not be made public. But that is a matter entirely for the Chief Secretary as far as I am concerned.

1800 **Hon. Sir P R Caruana:** Mr Speaker, may I raise a point of administrative order? And that is somebody appears to be taking Mr Speaker's comments about temperatures earlier in this afternoon's session very literally. Either that or there is an attempt being made to freeze the Opposition out of Parliament. *(Laughter)* In either case, could we turn the air conditioning down and the temperature up? *(Interjections)* Oh, you have...

1805

Hon. Chief Minister: Mr Speaker, may I just reflect on the fact that that is I think a moment of common cause between Bossano, Garcia and Caruana of the sort one does not often see in this House. *(Interjections and laughter)*

Q712/2014

British Overseas Territories – Relationship with UK

1810 **Clerk:** Question 712, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government believe that the statement made by Albert Poggio at the reception to celebrate the 20th Anniversary of the founding of the United Kingdom Overseas Territories Association to the effect that 'there is still a long way to go in establishing a modern relationship between London and the Overseas Territories' is applicable to the relationship between the United Kingdom and Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister.

1820 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Well, Mr Speaker, can he expand on that? What else needs to happen in order to ensure that there is a modern relationship between Gibraltar and the United Kingdom? Because, of course, his statement is at odds with statements that we have made, and that is his prerogative, but it is at odds with the statement that the United Kingdom has also made in relation to the relationship between Gibraltar and the United Kingdom post the new constitution.

1825

Indeed I think it is also at odds with statements that the hon. Gentleman may have made in the United Nations, when he has described the relationship that Gibraltar has with the United Kingdom – although I understand that he may have made those statements because he is asking the Committee what else needs to happen in order for the Committee to decolonise Gibraltar, or for Gibraltar to be decolonised.

1830

Hon. Chief Minister: Mr Speaker, the statement that Mr Poggio made is not in the nature of the statement that either the previous Chief Minister has made, or that I have made, about a modern relationship not based on colonialism, as a reflection of the constitutional position, which they might think is enough and need not go further, and some of us think could potentially go further.

1835

Mr Poggio's statement is not about that, and he has quoted Mr Poggio's statement: Mr Poggio's statement was about London and the Overseas Territories – in other words, not Gibraltar; London and the Overseas Territories, and there are different aspects to the relationship between Gibraltar and London which you could describe as modern and not needing to go any further, some as modern that could go further, some as modern that must go further, and some as not so modern and still very much in need of modernisation.

1840

In relation to London and the Overseas Territories as a collective, it is much easier to justify the statement that the relationship needs to be modernised, although I am very happy to say that I believe it is much more modern today than it was five years ago before the coalition Government, or indeed 15 years ago before the New Labour Government. And these things happen in steps.

1845

But Mr Poggio's remarks, and I know that he was – I could see exactly where he was going and where he thought he was going to catch me, Mr Poggio's remarks are not about London and Gibraltar; they are about London and the Overseas Territories as a collective.

1850 **Hon. D A Feetham:** Mr Speaker, I am not trying to catch the hon. Gentleman out. (*Interjection*) I can assure the hon. Gentleman! This statement took me by surprise, and what I wanted to explore with the Government was well how far is it applicable – that is the question – to the relationship between the UK and Gibraltar. No-one is trying to catch anybody out.

1855 So the answer to this is effectively that yes, the relationship between the UK and Gibraltar needs further modernisation, but that that modernisation is not in a constitutional context but is more in terms of a general relationship context. Is that the answer, because I have not understood it?

1860 **Hon. Chief Minister:** Mr Speaker, in constitutional terms, in non-constitutional terms, in decolonisation terms and in non-decolonisation terms, there is always going to be room for further modernisation.

1865 And now if he wants to go back and have the argument about whether the constitution that we have is modern and not based on colonialism, and whether that is it, and that amounts to decolonisation, or whether there is more that can be done and things can be even more modern, and even less based on colonialism – well look, that is an argument we have had on a number of occasions. But this does not reflect that, Mr Speaker.

There are many aspects to the relationship between London and Gibraltar, and the relationship between the two Governments is not the only one. There are other types of relationships between the community and the United Kingdom.

1870 Mr Speaker, one of the ones which vexes some people more than others – it does not vex me so much, but I respect the people who it genuinely vexes quite considerably – is whether each of the Overseas Territories should be able to lay a wreath at the Cenotaph on Armistice Day, Mr Speaker. That is an issue where an element of change would be very welcome by the Overseas Territories. It is really one which is representative more than of substance.

1875 The fact that the flags of the Overseas Territories now fly over the Foreign Office on the days of the National Celebrations of each of the Territories is a step in the right direction.

The flags of the Overseas Territories now fly with the flags of the Commonwealth in Parliament Square on important occasions of the Commonwealth – a step in the right direction. But those are illustrative only of the issues of substance in the relationship.

1880 Mr Speaker, whilst there is still the power to legislate over the heads of the Parliament of Gibraltar, if that is the nature of the power that is in our constitution – even that is an issue that we could hopefully debate for very long indeed – I would have thought all of us would believe that there is room for modernisation. There may be some of us who do not want that modernisation to happen, for other reasons. There may be some of us who believe there is potential modernisation that should not be pursued. But this is not an argument that we can simply have across the floor of the House, based on trying to compare the remarks that Chief Ministers have made in the United Nations about the constitution in the context of trying to get the Committee to recognise that the maximum possible level of self-government has been reached, which is I think a common endeavour, and the remark that Mr Poggio, in our view rightly, makes about the relationship generally between London and the Overseas Territories, which to a very great measure is applicable to the relationship between London and Gibraltar.

1890 **Hon. D A Feetham:** Mr Speaker, I said I was not trying to catch the hon. Gentleman out, and I am not trying to increase the temperatures in this House, but he is catching himself out.

1895 The quote from Albert Poggio, or the words attributed to him, were ‘there is a long way to go’ – ‘a long way to go in establishing a modern relationship between London and the Overseas Territories.’ Now he appears... and I ask well is that applicable to the relationship between Gibraltar and the United Kingdom?

1900 I am going to try and simplify that. Does he agree or is it his view that there is still a long way to go in establishing a modern constitutional relationship between the United Kingdom and Gibraltar? Because he seems to have included constitutional arguments and the constitutional position in the answer that he has just given me before, when I had understood him previously that really he was not talking about the constitution; he was talking about other aspects of the relationship between the United Kingdom and Gibraltar, which I could understand if it is in that context.

1905 **Hon. Chief Minister:** Mr Speaker, I know I introduced complex arguments into my previous answer and the hon. Gentleman has therefore not been able to understand me.

Mr Speaker, the relationship between Gibraltar and the United Kingdom in constitutional terms is modern and not based on colonialism. Can it be further modernised? Yes. Do I wish to see it further modernised? Yes. Is it possible to see it even further away from colonialism? Yes. Would I like to see it further based from colonialism? Yes.

1910 We have had the argument before on a hundred occasions. I have talked about continuing to be able to salami slice different options, short of independence, which would also produce a modern constitution not

based on colonialism. Does that amount to decolonisation? Completely different concept. That is the issue at the UN – probably the issue that divides us.

But, Mr Speaker, can there be further modernisation in the constitutional relationship, without getting to independence? Yes, there can.

1915 Can there be further modernisation in the relationship generally? Yes, there can.

Is there a long way? *Absolutely* there is. *Absolutely* there is.

The hon. Gentleman looks at relationships between other overseas territories of other nations and in some instances they are much more developed than the Overseas Territories' relationships with the United Kingdom. Is the relationship between the Overseas Territories and the United Kingdom and London a good one and a modern one? Yes, it is, but it could be so much more modern, so much more effective, and so much more respectful.

1920 And, Mr Speaker, I put it to him that those who have held office as Chief Minister for longer than I have would be of the same view, and would be able to give even more examples of instances where that might be of benefit.

1925

Hon. D A Feetham: Well, Mr Speaker, I welcome the first part of the answer, which was that he agrees that Gibraltar and the United Kingdom have a modern, non-colonial relationship – *non-colonial* relationship –

1930 **Hon. Chief Minister:** I have not said that. I have said – and if he goes back to *Hansard* he will see, Mr Speaker – a modern relationship not based on colonialism.

Now, I have also specifically said that decolonisation is a separate issue (*Interjection*) and it is something that we deal with in the Committee of 24. But I have not said non-colonial. I have said not *based* on colonialism.

1935

Hon. D A Feetham: Well, Mr Speaker, I do not see what the distinction is. It is a distinction without a difference. 'Non-colonial' and 'not based on colonialism' as far as I can see is exactly the same way, and I am not treading on the decolonisation argument, which is effectively a delisting issue, because the argument is, well, the relationship is a non-colonial relationship, it is a modern non-colonial relationship. It ought to be sufficient to delist. The decision to delist is yours. You are taking the political decision not to delist. But that does not mean that the relation is a matter of substance, is not a non-colonial.

1940

So I still welcome the Chief Minister's statement that it is a modern relationship that it is not one based on colonialism, which effectively is the position that we have had since the new constitution in 2007.

1945 But what I want to ask him is: what other steps is he taking in order to further slice the salami, as he put it, on the road to further modernisation, which is what he believes ought to take place?

Mr Speaker: He does not have to answer that question, it does not arise. If he wants to he can, but it does not arise.

1950 **Hon. Chief Minister:** I am very grateful, Mr Speaker, because it clearly does not arise. But –

Mr Speaker: I would welcome a debate on the issue, really. I would welcome a motion on the Agenda of this House precisely giving everybody, and surely the issue is sufficiently important, for all the Members here to participate in such a debate. Why not? Why does it have to be the Chief Minister and the Leader of the Opposition under the guise of a particular question, on a matter which is no longer relevant – to the question, that is?

1955

Hon. Chief Minister: Mr Speaker, I think I agree with you. I think these are subjects for motions – they are important subjects about the future of our community, not just for exchanges at Question Time, although sometimes it is useful to ventilate these issues – at least the tip of these issues – at Question Time.

1960

Mr Speaker, look I believe, like I believe most people who have had the opportunity to hold my office do, that it is important that the people of Gibraltar are respected, and that their political leadership is respected, in particular in London. And that the degrees of respect with which we are held are not necessarily the degrees of respect which we are shown in which we are held.

1965

But the way that the United Kingdom deals with its Overseas Territories is not, in my view, the best example in international law of how different countries with overseas territories have resolved those issues, and have reached understandings with the people of those territories.

I would be delighted if somebody were to lay a motion on this subject. I probably am too busy to deal with other subjects but it would be a very interesting thing to explore further together as a Parliament.

1970

Mr Speaker: Next question.

Q713/2014
Gibraltar Airport resurfacing work –
Costs

Clerk: Question 713, the Hon. D A Feetham.

1975 **Hon. D A Feetham:** Mr Speaker, can the Government confirm that UK Defence Secretary Michael Fallon was mistaken when he said in a written parliamentary statement last month that the UK and Gibraltar will share equally the cost of the first resurfacing work at Gibraltar Airport next summer and such cost will be borne entirely by the UK?

1980 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

Q671-672/2014
Class A drugs possession –
Convictions

Clerk: We now move back to Question 671 and the questioner is the Hon. S M Figueras.

1985 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details of convictions for the possession of Class A drugs in Gibraltar, on a month by month basis, broken down by drug type, from January 2011?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

1990 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 672.

Clerk: Question 672, the Hon. S M Figueras.

1995 **Hon. S M Figueras:** Can the Minister for Justice provide details of convictions for the possession with intent to supply of Class A drugs, on a month by month basis, broken down by drug type, from January 2011?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice

2000 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over to him.

SCHEDULE TO QUESTION 672/2014

2011	Possession	Possession with intent to supply	Drug	Result
January	2	0	2 Cocaine	1 Guilty - Fined £800 (P) 1 Guilty - Fined £400 (P)
February	6	1	7 Cocaine	1 Guilty - 2 years probation (P) 1 Guilty - Fined £600 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P) 1 Guilty - Fined £600 (P) 1 Guilty - 2 years imprisonment suspended for 2 years (PWITS) 1 Guilty - Fined £500 (P)
March	2	0	Cocaine	1 Guilty - Fined £500 (P) 1 Guilty - Fined £500 (P)
April	0	0		
May	2	0	2 Cocaine	1 Guilty - Fined £90 (P) 1 Guilty - Fined £750 (P)
June	0	0		
July	3	0	2 Cocaine 1 Ecstasy	1 Guilty - 6 weeks imprisonment suspended for 18 Months (P) 2 Guilty 6 months imprisonment (P)
August	2	1	2 Cocaine 1 Ecstasy	1 Guilty - 24 months Conditional Discharge (P) 1 Guilty - 8 months imprisonment (PWITS) 1 Guilty - Fined £300 (P)
September	1	2	2 Cocaine 1 Ecstasy	1 Guilty - 21 Months Custody (PWITS) 1 Guilty - Fined £1,000 (PWITS) 1 Guilty - Fined £500 (P)
October	2	0	2 Ecstasy	1 Guilty - 3 weeks imprisonment (P) 1 Guilty fined £600 (PWITS)
November	2	0	Cocaine	1 Guilty - 10 days imprisonment (P) 1 Guilty - Fined £500 and 6 Week imprisonment sus for 1 year (P)
December	4	4	7 Cocaine 1 Ecstasy	1 Guilty - four years imprisonment (PWITS) 1 Guilty - Fined £700 (P) 1 Guilty - six months imprisonment (P) 1 Guilty 36 monthss imprisonment (PWITS) 1 NSP (PWITS) 1 Guilty -2 years imprisonment (PWITS) 1 Guilty NSP (P) 1 Guilty - 3 months imprisonment suspended for 2 years (P)

SCHEDULE TO QUESTION 672/2014

2012	Possession	Possession with intent to supply	Drug	Result
January	3	2	5 cocaine	1 Guilty - 2 years imprisonment - of which 1 suspended (PWITS) 1 Guilty - Fined £500 (P) 1 Guilty - 24 months imprisonment (P) 1 Guilty - 12 months imprisonment (PWITS) 1 Guilty - community service order - 100 hours (P)
February	3	0	2 Cocaine 1 Ecstasy	1 Guilty - Fined £700 (P) 1 Guilty - Fined £200 (P) 1 Guilty - Fined £500 (P)
March	2	1	1 Ecstasy 1 Methadone 1 Cocaine	1 Guilty - 2 years suspended (PWITS) 1 Guilty - fined £60 (P) 1 Guilty Fined £300 (P)
April	1	0	Cocaine	1 Guilty - Fined £900 (P)
May	1	0	Ecstasy	1 Guilty - Fined £500 (P)
June	5	0	1 Ecstasy 1 Methadone 3 Cocaine	1 Guilty - fined £700 (P) 1 Guilty - fined £75 (P) 1 Guilty - 3 weeks imprisonment suspended for 18 months (P) 1 Guilty - fined £500 (P) 1 Guilty - 1 months imprisonment (P)
July	1	0	Cocaine	1 Guilty - 2 weeks imprisonment (P)
August	1	0	1 Ecstasy	1 Guilty - Fined £500 (P)
September	5	0	3 Cocaine 2 MDMA	1 Guilty - fined £600 (P) 1 Guilty - Community Service Order - 80 hours (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £800 (P)
October	3	0	2 Ecstasy 1 Cocaine	1 Guilty - Fined £800 (P) 1 NSP (P) 1 Guilty - Fined £600 (P)
November	2	0	Cocaine	1 Guilty - 1 months imprisonment and £250 D/O (P) 1 Guilty - Fined £600 (P)
December	3	0	3 Cocaine	1 Guilty - fined £600 (P) 1 Guilty - Fined £400 (P) 1 Guilty - Fined £400 (P)

SCHEDULE TO QUESTION 672/2014

2013	Possession	Possession with intent to supply	Drug	Result
January	1	0	Cocaine	1 Guilty - 5 weeks imprisonment (P)
February	1	0	Cocaine	1 Guilty - Fined £800 (P)
March	0	0		
April	2	0	Cocaine	1 Guilty - fined £500 (P) 1 Guilty - time served one day (P)
May	0	0		
June	3	0	Cocaine	1 Guilty -Fined £250 (P) 1 Guilty - Fined £1500 (P) 1 Guilty - Fined £600 (P)
July	0	2	1 Ecstasy 1 Cocaine	Guilty Fined £500 (PWITS) Guilty - one month suspended (PWITS)
August	0	1	1 Cocaine	1 Guilty - 3 years imprisonment (PWITS)
September	3	0	3 Cocaine	1 Guilty - Fined £600 (P) 1 Guilty - fined £100 (P) 1 Guilty - 3 weeks imprisonment (P)
October	0	0		
November	2	0	Cocaine	1 Guilty - 1 month imprisonment (P) 1 Guilty - Fined £500 (P)
December	0	1	Cocaine	Guilty - 8 months imprisonment (PWITS)

2014	Possession	Possession with intent to supply	Drug	Result
January	0	0		
February	0	0		
March	2	0	Cocaine	1 Guilty - 3 months imprisonment (P) 1 Guilty £500 fine (P)
April	0	0		
May	0	0		
June	1	0	Cocaine	Guilty - £700 fine (P)
July	1	0	Cocaine	Guilty - 4 months imprisonment (P)
August	0	0		
September	0	0		
October	0	0		

2005 **Hon. S M Figueras:** Mr Speaker, while I wait for that to arrive and have a review of it, I am happy to move on to the next question if it will help move things forward.

**Q673/2014
Rehabilitation periods –
Progress of review**

Clerk: Question 673, the Hon. S M Figueras.

2010 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice say whether he has made any progress on the review of the rehabilitation periods, as alluded to in this House he was looking into, in the context of answers he gave in relation to Question 321/2014?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2015 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, when I read this question I honestly thought this was a trick question, but perhaps it was not. (*Interjection*) The question asked whether we had made progress on the review on rehabilitation periods.

2020 Mr Speaker, not only have we made progress on the review of the rehabilitation periods, that review has been carried out, a Bill following the review was published on 10th April 2014, the Bill came before Parliament on 30th May 2014 and it was passed on that day with the support of the Opposition.

The Criminal Procedure and Evidence (Amendment) Act 2014 which contains the new rehabilitation periods which the Opposition supported received assent on the 10th June 2014 and was published in *The Gazette* and came into force on 11th June 2014. (*Interjection, banging on desks and laughter*)

Q675/2014
Detention of juveniles –
Creation of dedicated unit

2025 **Clerk:** We move now to Question 675, because Question 674 has previously been answered. Question 675, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Justice say whether the Government is revisiting the possibility of creating a dedicated unit for the detention of juveniles?

2030

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the position remains as stated in my reply to Question 322/2014.

Q676/2014
HM Prison –
Recruitment

2035 **Clerk:** Question 676, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Justice provide details to this House of anticipated recruitment, if any, at HM Prison in the coming 12 months?

2040

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, it is not possible to say with any certainty whether any prison officer will resign or retire within the next 12 months. We do however anticipate that a Principal Officer will retire during this period. This will lead to the recruitment of one prison officer, and there may of course be more if there are other retirements or resignations.

2045

Hon. S M Figueras: Mr Speaker, I am asking the question, and I am grateful for the answer, particularly in the context of matters that may or may not arise from Question 678, and whether there are any discussions ongoing with the Prison Service in relation to any developments in that way.

2050

I suspect from the answer the Minister has given that there is nothing programmed, but could he confirm that there is no wholesale overview or any exercise of that nature being conducted in relation to staffing levels or any other issues related to HM Prison?

2055

Hon. G H Licudi: Mr Speaker, that is in fact contained in the answer to Question 678, which the hon. Member has alluded to so perhaps we can just wait for that answer.

Q677-678/2014
HM Prison –
Health and safety; terms of employment

Clerk: Question 677, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Justice provide details to this House of health and safety procedures currently in place at HM Prison?

2060

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 678.

2065

Clerk: Question 678, the Hon. S M Figueras.

2070 **Hon. S M Figueras:** Can the Minister for Justice say whether there are any discussions ongoing with Prison Officers in relation to their terms and conditions of employment and to the extent that he is able to, can he provide the House with a flavour of what these discussions entail?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2075 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, Health and safety is an extensive subject that encompasses the safe, efficient and effective running of all operations and activities within the prison. To this end Prison management issues sets of instructions, policies and procedures known as Standing Orders. These cover topics that include: (1) procedures for high risk prisoners; (2) routine precautions to prevent infection from blood-borne viruses; (3) guidance for the safe use of the gymnasium and the exercise yard; (4) guidance for hospital bed watch; (5) medical reception of inmates; (6) security instructions when escorting prisoners outside the establishment; (7) cellular confinement.

2080
2085 As part of initial training, officers attend classes on unarmed defence tactics and control and restraint. These classes ensure that the officer will know how to deal with scenarios where the use of minimum force might be required and ensure that they can do so in a safe and efficient manner, minimising the possibility of injury either to him or herself, or to the prisoner. Officers are also trained in the use of batons. In scenarios where authorisation is given for a cell extraction, officers can be further equipped with helmets, gloves, arm/leg guards and shield such as personal protective equipment. The Government is working with Unite the Union to further improve this training.

2090 As part of initial training, officers attend a course of First Aid at Work. The Prison also has a fully qualified Hospital Officer on duty seven days a week and on call at night time. This ensures that any minor accidents to officers or inmates can be seen to quickly.

2095 Prison Officers might be more susceptible to exposure of infectious diseases. To protect them, they are offered both Hepatitis 'B' and the Flu vaccinations. As a result of the Ebola crisis and in response to concerns on the possibility of receptions of Central African nationals a briefing was held between professionals from the GHA, Prison Hospital Officers and Management. Procedures and protocols were discussed and agreed.

2100 With respect to prisoner activities, two of the most popular facilities are the gymnasium and the handicraft workshop. All gym sessions are monitored by a Sports and Games Officer who ensures that all weights/machines are used in a safe manner by prisoners. Prisoners using tools in the workshop do so under direct supervision of qualified staff who ensure that they do so safely.

2105 The Prison Estate is well equipped with fire fighting equipment. Fire extinguishers are fitted throughout, and serviced regularly. All wings are additionally fitted with fire hoses. The Prison has a well designed evacuation plan and fire drills are practiced with regularity. The Fire Brigade conducts regular familiarisation visits to the Prison in order to ensure that they are familiar with the building and evacuation routes.

2110 The Chief Minister, as Minister with responsibility for Industrial Relations, has formed a working group comprising of his Private Secretary for Industrial Relations, the Prison Superintendent, Prison Officers and Unite the Union Officials, to undertake a review of terms and conditions of service, training and development, health and safety, security, and the state of infrastructure and facilities. Huge progress has already been made thanks to the professionalism and commitment from all parties involved and we expect this review to be completed by the first quarter of next year.

2115 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether there is a dedicated Health and Safety Officer appointed at HM Prison?

Hon. G H Licudi: Mr Speaker, I am not sure of the answer to that, whether someone has specific responsibility for health and safety. But certainly the Prison Superintendent would have overall responsibility for all health and safety aspects of the Prison.

2120 **Hon. S M Figueras:** Yes, for clarification's sake, Mr Speaker, I was alluding to an officer having specific responsibility for that. I am grateful for the answer in any event.

2125 **Hon. J J Netto:** Mr Speaker, could I ask a supplementary question to the one asked by my hon. Friend. Is the Minister aware whether there is a health and safety committee between the management and the union?

Hon. G H Licudi: Mr Speaker, I am not aware of a specific committee between management and the union on health and safety. That does not mean that there is not one; it is simply that I am not aware.

2130 But what the hon. Member must note is, and I have alluded to relations with the union on a couple of aspects in the answer I have given. One is in relation to training, and secondly as part of the working group which has been formed by the Chief Minister, with his Principal Secretary for Industrial Relations, and also with Unite, and one of the items clearly that is on the agenda there, apart from terms and conditions and training, is certainly health and safety. So to that extent there is that Committee and that working group that is looking at with Unite the Union all aspects of health and safety at the Prison.

2135

Mr Speaker: Next question.

Q679-683/2014
University of Gibraltar –
Recruitment and advertisement

Clerk: Question 679, the Hon. D A Feetham.

2140 **Hon. D A Feetham:** Mr Speaker, when does the Government expect the recruitment process to the faculty of the University of Gibraltar to commence?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2145 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer together with Questions 680 to 683.

Clerk: Question 680, the Hon. D A Feetham.

2150 **Hon. D A Feetham:** Why did the Government consider that it was unnecessary to advertise the position of CEO of the University of Gibraltar?

Clerk: Question 681, the Hon. D A Feetham.

2155 **Hon. D A Feetham:** Mr Speaker, how many extra posts does the Government envisage will be created at the point at which the Gibraltar University commences to operate as an institution of learning?

Clerk: Question 682, the Hon. D A Feetham.

2160 **Hon. D A Feetham:** Mr Speaker, can the Government please state what procedures it will put into place to ensure that the selection and appointment to the faculty of the University of Gibraltar will be independent of, I should say, Gibraltar Government?

Clerk: Question 683, the Hon. D A Feetham.

2165 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether staff employed to work in the University of Gibraltar will have Civil Service status, or what other part of the public service will employ them?

Clerk: Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2170

2175 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as I indicated in answer to Questions 540 to 544/2014, the University of Gibraltar Ltd or UniGib has already been incorporated and will be the operating vehicle through which staff will be employed. Staff will not have Civil Service status. They will be employed by the operating company. Recruitment of staff will be carried out by UniGib through its board of directors.

We are in the process of finalising the initial structure for the University. Part of this is identifying the human resource requirements. It is not possible at this stage to say the precise number of staff which will be employed when the University commences next year. However, I expect this exercise to be completed very soon and that recruitment should start early in the New Year.

2180

No-one has yet been engaged by UniGib and therefore the company does not currently have a CEO.

2185 **Hon. D A Feetham:** Mr Speaker, just in relation to that last aspect of the answer, I may have got this wrong, but my understanding was that if somebody has not been recruited as the CEO, certainly somebody has been identified to be the CEO of the University of Gibraltar, and has effectively been identified to fill this post. So the Government has taken a decision not to advertise because it has already identified the individual. Am I right in that?

2190 **Hon. G H Licudi:** No, Mr Speaker, that is not the position.
The hon. Member may be alluding to a particular member of the project team that was seconded and I did announce in the press conference that Dr Darren Fa had been seconded to the University on a full-time basis from the Museum, and it was envisaged that Dr Fa will continue to be engaged through the operating company in due course, on a full-time basis in a position of leadership. But that position will not be CEO. I have seen allusions to Dr Fa as the CEO of the University of Gibraltar Ltd, but that is in fact an error. There is no current CEO, nor has the Government decided to embark on a process to identify the person as CEO.

2195 **Hon. D A Feetham:** Well, Mr Speaker, just for the sake of completeness in relation to this, so it is the intention of the Government or indeed the board of this particular company once it is operational to advertise for the position of CEO when that position is required to be filled in the future when the company is effectively operational or just about to become operational?

2200 **Hon. G H Licudi:** The first thing we have to do, Mr Speaker, is to get the structure right. Whether it will be a CEO or some other title that remains to be seen, and the board will decide on the recruitment process that will be followed.

2205 There may be individuals who are seconded or identified as being suitable for certain positions, but certainly no decision has been taken as of today in respect of a CEO or the ultimate Head of the University.

Mr Speaker: Next question.

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q684/2014

Government policy on business start-ups – Registered companies

2210 **Clerk:** Question 684, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide an update of how many companies are currently registered at No. 6 Convent Place and Town Range supposedly as part of the Government's policy on start-ups?

2215 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): There are none, Mr Speaker.

2220 **Hon. D J Bossino:** Mr Speaker, I think on the last occasion that he answered a similar question, there were 13 at No. 6 and seven at Town Range. Is that because they have all found alternative corporate service providers?

2225 **Hon. J J Bossano:** Well, Mr Speaker, the first thing to point out the to hon. Member, is that he has chosen to qualify the companies as being *supposedly* part of the Government policy of start-ups. Now I do not accept that there are any companies or have ever been any companies *supposedly* as part of the start-up. (*Laughter*) Either they were part of the start-up or they were not part of the start-up. So there has never been any that were *supposedly* part of the start-up. (*Laughter*)

2230 **Hon. D J Bossino:** Mr Speaker, he knows what I am talking about, and we have a different point of view in relation to the start-up issue. Can he tell me which companies are currently registered in No. 6 Convent Place and 31 Town Range, which according to him are in pursuance of the Government's policies in relation to start-ups?

2235 **Hon. J J Bossano:** Well, Mr Speaker, there are none of those either. *(Laughter)*

2240 **Hon. D J Bossino:** Mr Speaker, if you record that I can just go back to the question that I posed I think in my first supplementary, which is that there were 13 in No. 6 and seven registered at 31 Town Range, he will recall that I think the intention was that part of the start-up policy was to give them this facility, a registered office, but that eventually the expectation was, I think I am quoting him accurately, the expectation was that they would eventually find alternate corporate service providers. Can he confirm that all of these have now found alternative corporate service providers?

2245 **Hon. J J Bossano:** I can indeed confirm that, Mr Speaker.

Hon. D J Bossino: And, Mr Speaker, given that there are none, can he advise this House whether the intention is to continue to provide this facility?

2250 **Hon. J J Bossano:** I think that I have explained it in the past, Mr Speaker, but I will explain it again, because he may have had a lapse of memory. When you get on, it happens to you. *(Laughter and interjections)*

2255 The policy was initiated at the time when unemployment was much higher and amongst the unemployed there were quite a number of people... well look, it was a very small number compared to the total unemployment, but there were at least a dozen people who were interested in the possibility of moving into a self-employed position, because in fact there were people who had been predominantly in the construction industry, most of their working lives but were now having difficulty in being hired by other construction companies because they were mainly in their late 40s or 50s and some near 60. So the way to help them get a foothold in the industry was to help them set up a small company of their own, and they finished up with a company with a few trainees and now they are entirely operating on their own, and they are no longer

2260 needing any assistance.

If tomorrow, we find somebody with problems of getting into activity in a self-employed capacity or as an employer with difficulty or having a background of being able to do it or being able to afford for example the fees that lawyers charge these poor people for setting up a company, then the Government will once again step in.

2265 **Hon. D J Bossino:** I think out of consideration for the excessive number of lawyers already competing in the market, I do not think I want to harm the legal profession any further with more competition. *(Laughter)*

2270 **Mr Speaker:** Next question.

**Q685/2014
Sunborn Hotel –
Employees**

Clerk: Question 685, the Hon. D J Bossino.

2275 **Hon. D J Bossino:** Can the Minister for Employment state how many individuals are employed at the Sunborn Floating Hotel, broken down by nationality and activity and how many have had their employment terminated since the vessel started operations?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2280 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there are a total of 183 individuals employed in the Sunborn Floating Hotel. Their nationalities are Australian, Belgian, British, Czechoslovakian, Dutch, Finnish, French, Gibraltar, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Malaysian, Moroccan, Filipino, Polish, Portuguese, Romanian, Slovakian, Spanish and Turkish. The areas of employment are administrative activities, maintenance activities, and catering and hospitality services.

2285 A total of 63 individuals have had their employment terminated since the Hotel started operations.

Hon. J J Netto: Mr Speaker, if I could ask the Hon. Minister for Employment, out of the 183 that he referred to as the total how many are Gibraltarians, how many are Spanish, how many are British and how many are Moroccans?

2290

Hon. J J Bossano: Well, a third are British and Gibraltarian, a third are Spanish and a third are made up of the other nationalities. There may be one or two Moroccans in that third.

2295

Hon. D A Feetham: Mr Speaker, when he says a third are British, did he say British Gibraltarian or did he say British and Gibraltarians? And can he give a further breakdown between British and British Gibraltarians?

2300

Hon. J J Bossano: I think they are about equal, there may be one more British than Gibraltarians, but I think they split half and half. That split of course is not 100% accurate in the sense that it is always mentioned in the surveys. Sometimes people are classified because of their surname, which may be an English surname but they are Gibraltarian because they have been brought up and lived here all their lives.

2305

Hon. D J Bossino: Mr Speaker, does he have this information to hand? Does he know how many trainees are currently placed? I know they would not be employed by the Hotel but does he know how many trainees would be under the FJS scheme placed at the vessel, at the moment? I think the last time there were about three or four. Something like that.

2310

Hon. J J Bossano: I think at the moment we have got one, who is training to be a chef, and is a Gibraltarian. And I think that the people we had before training are now taken on full-time.

Hon. D J Bossino: Following on from that particular supplementary, he will recall that I think he told me in a previous session that he had somebody from the ETB stationed there to deal with matters relating to the FJS. Is that person still on board the vessel, so to speak?

2315

Hon. J J Bossano: That is no longer the case. We had somebody there who was a Labour Inspector because at the time we identified some problems in terms of the registration of employees not being consistent with the numbers of people who were seen coming in and out of the boat. But things have now settled.

2320

Hon. D J Bossino: And how is he seeing the movement of trainees going in that direction, in terms of getting placements at the Sunborn?

2325

Hon. J J Bossano: The problem of trainees is not reluctance on the part of the employer. We register an average of eight or nine people a day in the Employment Service, and every single person is seen within 24 hours in an interview, and they are helped to produce a CV, and included in that we tell them where are the training opportunities, and where are the vacancies, which clearly changes every day.

2330

In that context we do not have much interest in training in the catering when people learn what the level of remuneration is compared to other jobs, and compared to other places with different hours of work that are more amenable from 9-to-5 jobs compared to working in a hotel where you have to work very unsocial hours, and the wages do not compare favourably, unless you happen to be at the top of a profession.

So there is not much of a demand, but if the demand were there we would be able to find hotels willing to take trainees, I think in both the Sunborn and in some of the other hotels.

Mr Speaker: Next question.

Q686-687/2014
Strand Credit Finance Company Ltd –
Purpose; details of incorporation

2335

Clerk: Question 686, the Hon. D J Bossino.

Hon. D J Bossino: Can the – well it is put to the Chief Minister – I will read it out as it is – can the Chief Minister state what the purpose of Strand Credit Finance Company is?

2340

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): I will answer the question together with Question 687, Mr Speaker.

Clerk: Question 687, the Hon. D J Bossino.

2345

Hon. D J Bossino: Can the Chief Minister provide details of when Strand Credit Finance Company Ltd was first incorporated, with details of shareholding, to include details of authorised and issued share capital, directors and secretaries since the date of incorporation?

2350

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the purpose of Strand Credit Finance continues to be as stated in answer to Question 656/2013.

2355

The details of the shareholdings and the date of incorporation continue to be the same as stated in answer to Question 665/2013.

The directors and secretaries since the date of incorporation have been as follows: Dilip Dayaram until 31st August 2014; Ernest Gomez until 30th October 2014; Albert Poggio throughout; Christine Victory Secretary throughout; and Gibraltar Investment (Directors) Ltd since 30th October 2014.

2360

Hon. D J Bossino: Yes, Mr Speaker, the hon. Member is absolutely right in his answer – he did answer the question relating to the purpose, but that was back in October 2013 where he said the purpose for incorporation is to undertake any credit finance business that may require a UK registered company, and the purpose from what he tells me now has not changed. I just wanted to find out whether in fact there had been a change.

2365

If I could ask him, because I do not think we had any supplementaries to ask of this because this may have been the session where we walked out... But can the Minister, Mr Speaker, advise what is envisaged – can he be a bit more particular and provide further details from the sort of scripted answer that he gave to the question?

2370

Hon. J J Bossano: Well, Mr Speaker, the answer that I gave him in 2013 continues to be the position today, and what was envisaged then is what continues to be envisaged today. Nothing has happened since.

2375

Hon. D A Feetham: Mr Speaker, just in relation to this, because I asked the question last time round, I was trying to find this particular question in *Hansard* and the answer, and it does not appear in *Hansard* and the reason why it does not appear in *Hansard* is because we did not get to this question. That was the day when we asked the question about Credit Finance and where Credit Finance was investing the money, and the hon. Gentleman basically said that the Government was not prepared to provide that information. We then left Parliament and although we received the answer that he would have given, it is not in *Hansard*. I just wonder whether steps could be taken for that to be included in *Hansard* because it is not.

2380

Mr Speaker: It becomes a written answer.

2385

Hon. D A Feetham: Yes, well I have not been able to find it. (*Interjection*) No, I think that does not come from *Hansard*, I think that comes from the questions that the hon. Gentleman, if I am wrong – because I have been searching – I have spent about an hour searching for this – (*Interjections*)

2390

Mr Speaker: May I suggest that on another occasion if the Hon. the Leader of the Opposition is in that position that he cannot find something, please phone the Clerk and I am sure he will be able to clarify the matter for you.

2395

Hon. D A Feetham: Yes, Mr Speaker, if it is in *Hansard* it is in *Hansard*. I could not find it in *Hansard*. That is why I asked my hon. Friend to come to Parliament and to ferret out the actual answer provided by the Hon. the Father of the House, because that had actually been sent to me. That had been sent to me after the session.

2400

But can I ask him this: has there been any kind of any business transacted by Credit Finance Company by Strand Credit Finance Company Ltd since the last time that we asked the question? Indeed since the incorporation of this particular company?

2400

Hon. J J Bossano: Not so far, Mr Speaker.

2405 **Hon. D A Feetham:** I detect in the answer that the hon. Gentleman is hopeful that some kind of business may be transacted by this particular company. Do I detect that perhaps there are ongoing discussions whereby this particular company is going to be providing the same type of loans to UK businesses, or UK investments that were made by Credit Finance for example in relation to the Sunborn here in Gibraltar?

Hon. J J Bossano: No, Mr Speaker, the only thing he can detect is that I do not know the future and in his assumptions, what he demonstrates is what a fertile imagination he has. (*Laughter*)

2410 **Mr Speaker:** I am informed both the question and the answer are in *Hansard*, there are no supplementaries, of course, and that is why [*Inaudible*]

2415 **Hon. D A Feetham:** It may well be that it is in the written questions and written answers. I was going through *Hansard* of the oral questions, oral answers because of course it was for oral answers, it is just that we never got that far. And it may well be that it is filed under the... but thank you very much, Mr Speaker.

2420 Well, Mr Speaker, in that fertile imagination that I have, surely he can give me some credit for the fact that if the Government is incorporating a company, the purpose of which is to provide the same kind of loans that is in essence the substance of the answer that he provided last year, the same type of business as Credit Finance... It is not a fertile imagination for me to ask well, is there anything in the pipeline? Is the Government planning anything in relation to this?

What has happened? Is it just simply that the Government has got cold feet after it has received all the criticism that it has received in relation to Credit Finance, and it has decided that perhaps discretion is the best part of valour, so to speak, and that it does not want to open a second front in relation to this particular company in London?

2425 **Hon. J J Bossano:** Mr Speaker, I may be known for a lot of things in the 42 years I have been here but discretion being the better part of valour does not happen to be one of them. (*Laughter*)

2430 No, the answer is quite simple: it was set up because it was thought it was a good idea to have a company there that could be used if it was needed to be used. It has not – the opportunity has not arisen or the need has not arisen, and we have not made use of it. If and when it does, a decision will be taken to make it.

2435 But without him trying to read anything into it, I could give him an example. We have got a situation where we buy property, for example for medical cases in the United Kingdom, there might be a situation where because of problems or the bank insists it is impossible to raise a mortgage on a property for a patient. Well look, then we might want to do it with a UK company as opposed to a Gibraltar company. It is not happening, it is not envisaged that it is going to happen; it is just that I am trying to help him understand what might happen. (*Interjections*)

2440 **Hon. D J Bossino:** Mr Speaker, yes, I think that answer is very useful.

Can he confirm that the issued share capital still stands at £100,000 because that is the answer that he gave at the time?

2445 And if I may, as well, a second connected supplementary: in answer to the second question he gave me the details of the... I cannot remember actually he may have... Did he say in relation to the shareholding that it had not changed since the answer he gave to Question 665, or did he give me a name of a company? The reason why I am asking the question is because I was unable to take a full note of it – it says Gibraltar Investments and it started with a B and I sort of lost it there.

2450 **Hon. J J Bossano:** Mr Speaker, the shareholding has not changed, I gave him the names of the directors, which was the information that he had not asked for before and which is new.

If he wants I will repeat the directors. They are Dilip Dayaram –

Hon. D J Bossino: I have got that –

2455 **Hon. J J Bossano:** You have got that? Yes. The investment company is a director not a shareholder. (*Interjections*) As to the share capital there has been no change.

2460 **Hon. D J Bossino:** Mr Speaker, the movements of directorship I think he gave as August and October 2014, in relation to those two individuals, Mr Dayaram and Mr Gomez. I have details here of a search, the result of a search conducted on the company, which shows two terminations of appointments of directors as 6th November 2014. Can he provide any information in relation to that? They do not seem to tally unless

there is some sort of filing issue – whether it tallies with the information which he has given us, whether there has been any further movement which he may not have been able to provide information on.

2465 **Hon. J J Bossano:** Mr Speaker, this is the information that I have been provided with by the people who are involved in the Treasury in looking after this. But, of course, if the information can be obtained by a search, then it is in the public domain and he should not be putting a question.

A Member: Hear, hear. (*Interjections*)

2470 **Mr Speaker:** Next question.

DEPUTY CHIEF MINISTER

Q688/2014 Naval Ground car park – Cost of construction

Clerk: Question 688, the Hon. D J Bossino.

2475 **Hon. D J Bossino:** Can the Deputy Chief Minister state what the cost of the construction of the car park at the Naval Ground is?

Clerk: Answer, the Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, the detailed design of the coach and car park has not been completed. Consequently the cost of construction is not finalised.

Questions for Written Answer

2480 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I invite the House to recess for 10 – (*Interjection*) Well yes. (*Interjection*) I do not mind doing it now if you wish – if Mr Bossano stops stealing it from me. (*Laughter*)

2485 Mr Speaker, I have the honour to lay on the table the answers to written questions W228/2014 through to W284/2014.

And can I, Mr Speaker, invite the House to recess for 10 minutes now before we return for Bills?

Mr Speaker: The House will now recess for 10 minutes.

The House recessed at 5.30 p.m. and resumed its sitting at 5.50 p.m.

BILLS FIRST AND SECOND READING

Business Names Registration (Amendment) Bill 2014 – First Reading approved

2490 **Clerk:** Order of the Day – Bills, First and Second Reading.
A Bill for an Act to amend the Business Names Registration Act.
The Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2495 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Business Names Registration Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Business Names Registration Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Business Names Registration (Amendment) Act 2014.

**Business Names Registration (Amendment) Bill 2014 –
Second Reading approved**

2500 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Business Names Registration Act be read a second time.

The effect of this Bill is to end the distinction between pre- and post-1st January 2000 businesses that are registered under the Business Names Registration Act as regards the requirement to submit annual statements of particulars.

2505 Currently pre-2000 businesses do not have to file an annual statement of particulars. They are entirely exempt from this requirement. From now on, however, all registered business names will need to file a statement at least once every calendar year.

2510 The primary reason the Government has decided to remove the different treatment of pre- and post-2000 businesses is so that all businesses will be on an equal footing, irrespective of when the business name was registered. This is a simple question of fairness and abolishes the distinction of pre- and post-2000.

The practical effect of this for pre-2000 businesses is that they will need to file a statement of particulars by the end of this year.

2515 I should emphasise that Companies House wrote to each pre-2000 business on 28th July of this year. As a result every business has had sufficient time to prepare for this legislation.

I should also emphasise, Mr Speaker, three further points.

The first is that the proposed legislation will not introduce any new fees. The existing £15 fee for filing an annual statement of particulars will apply to all businesses simply by virtue of the fact that all businesses, not just post 2000 will now have to file such an annual statement.

2520 Moreover, Mr Speaker, it is equally important to note that in order to promote the formation of small businesses in Gibraltar the fee of £20 for initial registration of a business name has been kept to £20, the same level at which it has been for the past 20 years.

2525 The second is that this measure, because it will capture all businesses under the Act, will yield more complete information as to which businesses are not carrying on business. This in turn will allow the Registrar to make better decisions as to which businesses names to remove from the Register, thus freeing those names up for other businesses to use if they wish to do so.

The third is it will help Gibraltar to provide comprehensive business statistics to the OECD and the EU when this is requested or required of us by them.

2530 Finally, Mr Speaker, I want to thank my colleague responsible for Financial Services, the Hon. and Learned Mr Albert Isola, for the co-operation I received from him on this matter, as well as Companies House for the sense of initiative and their co-operation in bringing this matter to a close.

Mr Speaker, I commend the Bill to the House.

2535 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

2540 **Hon. D J Bossino:** Mr Speaker, the Opposition will be supporting the Bill, I have spoken to the Hon. Minister about this. On the face of my reading of this very short Bill, and the original Act which it intends to amend and the explanations he has given me before today's session, and also in today's session, I have no difficulty in supporting this Bill.

It seems that the effect of the amendment is eminently reasonable in terms of its practical effects, and I certainly have not received any representations against it. On that basis, Mr Speaker, simply to indicate that certainly at least the front bench will be supporting. But I am not sure whether the backbencher may have something to say in relation to this and what his views are.

2545

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Business Names Registration Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Business Names Registration (Amendment) Act 2014.

**Business Names Registration (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

2550

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2555

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

**Fire Service (Amendment) Bill 2014 –
First Reading approved**

Clerk: A Bill for an Act to amend the Fire Service Act.
The Hon. the Minister for Sports, Culture, Heritage and Youth.

2560

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Fire Service Act be read a first time.

2565

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Fire Service Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fire Service (Amendment) Act 2014.

**Fire Service (Amendment) Bill 2014 –
Second Reading approved**

2570

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, the Bill does three things to the Act. One, it changes the name of the Service in order to reflect the current service given. The Brigade, as it is known in the Act, now has moved to not only Fire but also Rescue Services, such as road traffic accidents or getting people trapped out of the lift etc.

2575

Second, it updates the description of the ranks of the Service. The description of the ranks was changed without regard to the Act and this amendment just reflects what is currently the names of the ranks.

And third there are a number of sections that refer to monetary figures. The amendment removes them and replaces them by the standard scale of fines.

I commend the Bill to the House.

2580

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

Hon. S M Figueras: Mr Speaker, yes.

2585

I would like to take the opportunity to associate myself with the comments that the Hon. Chief Minister made in relation to my hon. Friend who is not in the Chamber with us, Mrs I M Ellul-Hammond who has asked that I deal with this matter in her absence. I join the Chief Minister in expressing the hope that she will be able to join us in the Chamber just as soon (**A Member:** Hear, hear.) as her recovery is complete enough to make that return. (*Banging on desks*)

Mr Speaker, turning now to the Bill, this side of the House will be voting in favour of the Bill.

2590 A number of points that have been raised by my hon. Friend are that, as the Hon. Minister has just explained, this Bill amends the nomenclature throughout the Act of ‘Fire Brigade’ to ‘Fire and Rescue Service’. Perhaps the Hon. Minister could clarify if this is as a result of Sir Ken Knight, the UK Government’s Chief Fire and Rescue Adviser’s review, or whether it is for the sake of modernisation of nomenclature after nearly 40 years in order to reflect the breadth of work of our Fire Brigade, as I note the
2595 Hon. Minister has alluded to the fact that there is a much wider range of service on offer by the Fire and Rescue Service.

The Bill also brings any penalties in line with the standard scale of fines rather than stating a qualified monetary value as per the old Act. And that much is acknowledged as a desirable move.

2600 It also updates the description of the ranks in the Service, perhaps the Hon. Minister in his response could clarify if this is again in line with any recommendations that have been received as a result of the review of the Service?

2605 And two particular questions are asked and that is are the new titles for the posts of Leading Fire Control Operator and Fire Control Operator part of the definition of the new medical priority dispatch system in preparation for it to go live? And generally could the Hon. Minister explain if any of these changes are as a consequence of Sir Ken Knight’s review? Or if indeed the new Bill is a prerequisite to the implementation of the recommendations that came out of said review?

Mr Speaker, I am asked by my hon. friend to draw the attention of the hon. Minister to section 2(16)(d) which amends section 18 subsection (5) of the Act and the new proposed amendment reads as follows:

“‘Service area’ means the area of Gibraltar, other than those areas for the time being occupied by the Ministry of Defence’.

2610 Could the Hon. Minister clarify what ‘for the time being’ means – if this means the new Fire and Rescue Service may at some stage service areas occupied by the Ministry of Defence, or is this an indication that the Defence Fire Service may not now be integrated with the Gibraltar Fire and Rescue Service as outlined in the Government’s manifesto?

Perhaps, Mr Speaker, the Hon. Minister could clarify the queries that have been raised, and as I said at the outset of my address, this side will be happy to vote in favour of the Bill.

2615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to deal just with the issue that relates to the MoD and all the other issues can be dealt with by my hon. colleague when he speaks last as the mover.

2620 Mr Speaker, the issue of the Gibraltar Defence Fire Service has developed considerably in the past three years. The issue before was a consideration simply of amalgamation with the City Fire Brigade, who have developed quite a lot since then, into amalgamating the DFRS as it is known, the Defence Fire and Rescue Service into the Government of Gibraltar, but not into the City Fire Brigade because that creates issues for both the City Fire Brigade and the DFRS in terms of promotions etc. So the current thinking is that the DFRS will go into a free standing SPV owned wholly by the Government of Gibraltar, which is the model that works successfully in relation to other parts of the infrastructure management of the MoD that passed
2625 to the Government before the election – in particular GMES, Mr Speaker, which is the company that owns the assets and operators of the old MoD Power Station, and I think the Gibraltar Laundries which took the people who worked in the MoD laundry.

2630 And so in order to de-conflict issues between the two brigades and issues of promotions etc, the first step is to give the men of the DFRS the security of employment that they can have in being employees of the Government of Gibraltar through a state-owned company, a wholly owned company, whilst not creating an amalgamation issue with the CFB. And that as I understand it is the preferred option of the men of the DFRS and the men of the CFB who could then have more time to look at when they can merge, if that is a future that makes sense for the community and for each of their services.

2635 They provide quite different services although they are able to support each other in different ways. But the training that they receive for specific things that they are required to do is quite different. So the training to get into an A320 that has turned into a fireball is different to the training to get up a tower block and a lift.

I hope that is helpful.

2640 **Mr Speaker:** Does any other hon. Member wish to contribute before I call upon the mover to reply?

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Thank you, Mr Speaker.

2645 The hon. Gentleman raises three points in relation to the points that the hon. Lady wants to clarify. First and foremost is the fact that this Bill, the change of the name is not necessarily in relation to the audit report, but both. It is to do with... it did come as one of the things in the audit report, but also because what we are now going to call the Gibraltar Fire and Rescue Service will be 150 years next year and this has been

in the pipeline for a number of years, even before the audit report came about. So I would suggest that it is for both reasons: one is because it was intended to be done, and two because it was suggested within the report.

2650 On the second point which is whether the ranks are to do with the report, the simple answer is no. And that is because the ranks that are reflected in the Act now as in the Act of 1976 differ to the actual ranks that are existing now. So therefore the changes are reflecting, like I said in my presentation before are reflected the changes that have already happened during the years. So for example the Assistant Chief Fire Officer is no longer the Assistant Chief Fire Officer; he is now the Deputy Chief Fire Officer. The Divisional Officer: 2655 there is no Assistant Divisional Officer; there is only Divisional Officers. So the Act actually changes what has been happening through the years and now updates it. And it is therefore nothing to do with the actual report.

And on the third point which is to do with the Fire Control Officers that is an issue that is still pending, has nothing to do with the audit report, and is a thing that we need negotiating. If the hon. Gentleman looks 2660 at the Act itself, although we are changing the names to reflect what they are now, the ranks, it says the Government may by order in *The Gazette* amend the list of ranks, so we can either remove them if need be, but we have not taken yet a decision on how we are moving towards the Fire Control Officers, or what they are named now, Fire Control Officers. So basically we are awaiting that to happen, and once whatever happens, it will not reflect in the Act itself. So it is nothing really to do with the Act.

2665 So I have just tackled the three points that the hon. Gentleman raised and the Hon. Chief Minister tackled the MoD one.

Thank you, Mr Speaker.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Fire Service Act be 2670 read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fire Service (Amendment) Act 2014.

**Fire Service (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

2675 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I beg to give notice that the Committee Stage and the Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

2680 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Business Names Registration (Amendment) Bill 2014 and the Fire Service (Amendment) Bill 2014.

In Committee of the whole Parliament

**Business Names Registration (Amendment) Bill 2014 –
Clauses considered and approved**

2685

Clerk: A Bill for an Act to amend the Business Names Registration Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

2690 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Fire Service (Amendment) Bill 2014 –
Clauses considered and approved**

2695 **Clerk:** A Bill for an Act to amend the Fire Service Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

2700 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Business Names Registration (Amendment) Bill 2014;
Fire Service (Amendment) Bill 2014 –
Third Readings approved; Bills passed**

Mr Speaker: The Chief Minister.

2705 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Business Names Registration (Amendment) Bill 2014, and the Fire Service (Amendment) Bill 2014, have been considered in Committee and agreed to without amendments, and I now move that they be read a third time and passed.

2710 **Mr Speaker:** I now put the question, which is that the Business Names Registration (Amendment) Bill 2014, and the Fire Service (Amendment) Bill 2014 be read a third time and passed. Those in favour of the Business Names Registration (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.
Those in favour of the Fire Service (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

2715 **Clerk:** Adjournment.

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise to move the adjournment and to sincerely trust that at the next meeting of this House we will have the opportunity of having our to date absent Member Isobel Ellul-Hammond back with us; and if I may say so, Mr Speaker, wish a safe return to Gibraltar from his splendid cruising holiday to Mr Edwin Reyes who I know has not been able to be here for that purpose.
2720 I move that the House do now adjourn *sine die*.

Mr Speaker: I now propose the question, which is that the House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:**
2725 Aye.) Those against? Carried.
The House will now adjourn *sine die*.

The House adjourned at 6.10 p.m.



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Gibraltar, Thursday, 18th December 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

CONFIRMATION OF MINUTES

Clerk: (i) Oath of Allegiance. (ii) Confirmation of Minutes. The Minutes of the last meeting of Parliament which was held on 20th November, 2014.

Mr Speaker: May I sign the Minutes as correct? (**Members:** Aye.)

5

Mr Speaker signed the Minutes.

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions. We start –

Congratulations and good wishes

10

Chief Minister (Hon. F R Picardo): Excuse me. Mr Speaker, before we start with the questions, before the House starts its business, first of all I happily congratulate GBC for an excellent fundraiser yesterday which has seen them collect almost £100,000 and reflects on the generosity of this community which is exemplified throughout the year but in particular at this time... (*Banging on desks*)

15

Mr Speaker, I think it would churlish to start this session without congratulating you on the publication of your memoirs and your recollection of the things that happened here. I think it informs all of us and perhaps might bring some semblance of history to our debates during the course of today, given that it is no doubt fresh in our memories.

20

And note that Ms Isobel Ellul-Hammond is still not with us and wish her a very speedy recovery and return to our group.

Procedural

Chief Minister (Hon. F R Picardo): Mr Speaker, this morning the Ministers who will be answering questions will be answering in respect of the portfolios they held before the reshuffle in order to be of maximum assistance to the House, otherwise we would be dealing only with Ministers who had been holding portfolios for a week, answering questions. So I think it would be helpful to the House to have the fuller answer that can be given by the Minister who has been holding the portfolio for longest.

25

Tribute in memory of children in Peshawar, Pakistan

30 **Chief Minister (Hon. F R Picardo):** Mr Speaker, finally before we launch into our discussions and our debates at this time of year in particular, I think it would be remiss of the House not to want to reflect on what has happened in the Peshawar Province of Pakistan in the past 48 hours, which has seen 132 children die.

35 At this time of year in particular which is so characterised by children, I would invite the House to spend a moment in silence reflecting on that and perhaps the words of the Band Aid single that says 'And tonight thank God it is them instead of us.'

Members stood in silence.

Questions for Oral Answer

ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

Q761&763/2014 Development aid – Details

Clerk: We now start with Question 761/2014, the Hon. D J Bossino.

40 **Hon. D J Bossino:** Mr Speaker, now that the Hon. the Chief Minister has mentioned the Speaker's Memoirs which I am reading through and finding them of great interest, I think yesterday was in fact the 40th anniversary of a demonstration which was occurring outside this House and I think it was on the day of Mr Speaker's probably 30th birthday when the Tupamaros, I think they were, threw a stone into this Chamber and almost hit Mr Isola from the Opposition benches. I think the cause of the demonstration had
45 to do with parity, I think I am right in that.

Mr Speaker, if I could pose a question formally: can the Minister for Inward Investment provide details of all EU funding provided since answering Question 359/2013 to include all applications made with details of whose applications were rejected?

50 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I will answer this question with Question 763, Mr Speaker.

55 **Clerk:** Question 763, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Business Development please provide details of which entities have applied for development aid, with details of the nature of the projects and the amount of aid provided to each successful applicant since he took office?

60 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, since the answer given to Question 359/2013 there have been no applications for development aid.
65 Since May 2013, the following ERDF funds have been provided:

A J Sheriff Electrical Ltd	£147,371.23
ANS Project Management Services Ltd	£5,662.41
Astute Investments Ltd	£19,999.06
70 DC Leisure Ltd	£78,670.90
Decor Construction Ltd	£9,242.42
Everleigh Ltd	£19,040.59
Gibraltar Tourist Board	£9,932.00
Gibraltar Tourist Board	£88,842.00

75	Gibraltar Sports & Leisure Authority	£174,636.46
	Horatio Holdings Limited	£68,092.63
	Jets Diner Ltd	£19,917.57
	Roxbay Holdings Ltd	£16,103.29
	Technical Services Department	£197,237.40
80	Technical Services Department	£198,697.62
	Technical Services Department	£1,467,033.24
	The (Gibraltar) Laundry Services Ltd	£12,699.70
	The Atlantic Café Ltd	£65,283.00

85 No obligations for EU funding have been rejected since answering Question 359/2013.

Hon. D J Bossino: Mr Speaker, does the Hon. the Minister have a total of the figures? I have very roughly calculated it and may be completely off the wall at about £2.6 million to £2.7 million, perhaps slightly higher, but am I in the right range?

90 I can do the additions later when I have got the information, particularly from *Hansard* or I will listen to it on the audio service provided by the parliamentary website, but I wonder if he has that information ready to hand? I do not expect him to bring out his calculator and calculate it.

95 **Hon. J J Bossano:** I have not got the total, but I would say it is probably higher than the figure that he suggests at first glance.

100 **Hon. D J Bossino:** Mr Speaker, does he have an explanation – I have no idea what... I cannot think of an explanation myself – as to why it is that there is such a difference between the figure that he provided to me in answer to my original question which was posed in May 2013, which covered the period December 2011 to May 2013, and this period from May 2013 to date, which is more or less the same period?

I think the sum total of the grants given in respect of the first answer to the first question was just under £1 million, whilst this is *possibly* three times that or very close to that. Does he have an explanation for that?

105 **Hon. J J Bossano:** Well, this is demand driven, that is to say the amount of money has to be spent within a certain period of time and I think what tends to happen, and what has always happened, is that when we are getting close to the period where we would lose the money if we do not spend it, if there are not enough private sector entities in the pipeline, Government projects tend to be put in to make sure that we do not finish up having to give money back. Quite apart from losing that money, it becomes more difficult to get more money the next time if you do not spend everything they gave you the last time.

115 **Hon. D J Bossino:** I am grateful for that, so given that explanation, Mr Speaker, was money given back shortly after I asked the question in May 2013? The thing is I do not have the exact period as to when the funding has to go out. I do not have that information, but as I said before, as at May 2013, when the period covered was in the region of a year, a year and a half, the expenditure was more or less a third of what has been expended more or less in the same period now, and I just wondered whether money was given back in the first tranche, when he was in office.

But I may be posing the question wrong because I am not aware of what the period is.

120 **Hon. J J Bossano:** Well, if it had happened, I would have been very angry and I do not remember being very angry, so it cannot have happened.

125 **Hon. D J Bossino:** Mr Speaker, I take this opportunity to ask the Hon. the Minister to confirm to this House, a report which appeared in the *Gibraltar Chronicle* on 16th December, which reported on further funding from Europe in the sum total of £9 million. It was expressed as being £1 million more than the current tranche. Can he confirm that that is what Gibraltar is receiving?

130 **Hon. J J Bossano:** Well, I think the report that the *Chronicle* had was something that emanated from statements made in Brussels. We have not yet had confirmation officially of the approval of the amount. So I am not going to make a statement in Parliament on something that is based on a report in the *Chronicle* which is based on a report in the press in Brussels.

135 But I asked, when that report came out and I was told, 'We have not yet been told.' The Government has not yet been told that it has been given the amount that it was asking for, so the answer is I cannot tell him what the amount is because the report in the *Chronicle* is based on a report from the media in Brussels.

Hon. D J Bossino: Mr Speaker, again not being aware of how these things work in practice, presumably from the answer that he has given, there is no prior negotiation between the Gibraltar Government and the relevant EU department as to what funding Gibraltar could receive. Do you simply wait and see what is given to you? Is that a correct exposition of how these things work?

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Hon. J J Bossano: The negotiation is between the United Kingdom and the EU as to what the United Kingdom gets. What we get is something out of the United Kingdom allocation, which was first obtained in fact by Robert Mor when the GSLP was in Government and it was the first time, because prior to that, the UK had argued in their own self-interest that because we did not pay VAT, we were not entitled to access EU funding, which comes from VAT. But we actually were able to challenge that interpretation which had been going on from 1972 until we were in Government after 1988, and the EU said that it was purely an internal matter as far as they were concerned.

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For example, if Spain has a situation where Ceuta does not pay VAT, it does not mean Spain cannot use EU funds in Ceuta. So we were able to establish that it was a matter for internal negotiations other than the fact that we can only access the pool of funds that is not destined for areas of very high unemployment, for obvious reasons. So the level of funding that is available is broken down into chunks for regions based on the regional unemployment rate, and we are only eligible for the chunk that is for the place that has the least level of unemployment.

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Therefore when we are looking at the United Kingdom, for example, there will be areas of the United Kingdom – for example at one stage, it was Northern Ireland; at another point in time it was the area around Liverpool, where unemployment was like it is in Spain for example – and they would be a category 3 and they would get a higher level of funding. We have to compete with the ones that have got the least level of funding. The negotiation is conducted by the unit that handles the distribution of these funds and it takes place predominantly with London, but our representative goes with the London team also to deal with Brussels.

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Hon. D J Bossino: Mr Speaker, which representative would that be? Presumably it is a civil servant, from within which Department? Can he answer that question?

It is actually interesting what he is saying, because the *Chronicle* report quotes the relevant – I do not dare pronounce... oh yes, Corina Crețu, who is the European Commissioner for Regional Policy and actually she is quoted as referring to Gibraltar's specific needs, not just the UK, but she seems to be very conscious of what Gibraltar's small businesses' needs are. It would be interesting to learn, given the explanation he has just given, what precise involvement Gibraltar has as part of the UK delegation, if I can put it in those terms, in the negotiations.

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Hon. J J Bossano: Well, I imagine what this lady said was because it was a question from the *Gibraltar Chronicle*. If they had had the question from the *Diario de Cádiz*, they would have talked about the needs of Andalucía. So it is not that we are held in such high esteem by the Commissioners of the European Union, that they are particularly conscious of our problems.

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We have got a unit which has always been there, at least since we started, which is part of the Ministry for Enterprise and is in the budget. It is a unit that is headed by a senior executive officer and he is the one that has been doing it longest – well, I think he has been doing it from the beginning, he has been doing it all the time. Therefore he is the expert in the matter and certainly he tells me that he has not had an official confirmation of the funding. So if he does not know, then I do not think I can be expected to know.

Q762/2014
Nuffield pool site –
Update

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Clerk: Question 762, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Inward Investment provide an update in relation to the development of the Nuffield pool site?

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Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the Government continues to be in discussion with the successful tenderer of the Nuffield pool

190 site. However, it is still the case that the re-provision of the pool has to take place before access to the site is
obtained.

Hon. D J Bossino: Mr Speaker, in answer to the question which I posed back in October 2013, which is
195 the second occasion I have asked questions in relation to this particular project, the Hon. the Minister for
Inward Investment explained that the.. well, I will read it – and it has really progressed from that stage,
which is the initial stage when he walked into office –

‘to the point that it has now in effect been awarded to him [i.e. the applicant] and he is now in the planning process.’

Can he provide me information? I am sure it is publicly available, but can he advise this House whether
the planning process element of the project is now complete or whether there are things still to be done in
that regard?

200

Hon. J J Bossano: Well, it is not the Government’s planning process; it is the process of the person that
was successful in the tender. I do not know... He does not communicate to me how his planning processes
are going, so I do not know how close he is to finishing it or not finishing it, or if there has been objections,
if it is nearly over, but I know that in any event this is part of the Project Euston where we have to re-
205 provide the assets that the MOD lose in one area in another area. As the Member may be aware, one of the
things that was changed after 9th December 2011 was the nature of the sequence of the payments.

So for example in the Improvement and Development Fund, the reason why we have a sum of money
there unspent is because that is money that has been obtained from the sale of MOD properties, which is
ring fenced and can only be used as far as we are concerned for the re-provisioning needs of the MOD.
210 Otherwise, it would then mean that the money had been spent on something else and we would not then
have the money to do what we are required to do in order to get the release of those sites.

So the answer is that even if the planning process was finished, until the pool is re-provided, the guy
cannot get on with the job but I am not aware, because it is not something I am involved in, in how much
more he has got to do to get the necessary clearance for the project.

215

Hon. D J Bossino: Mr Speaker, I asked the question as a supplementary on the last occasion. I am not
sure he answered it. Is the project still a hotel project? He talks about the applicant still being in the
planning process but surely we must know, the Government must know what it is that he intends to do
there.

220

Hon. J J Bossano: Well, I do not deal with planning, but I am not aware of any changes from what was
intended. As far as I am concerned, the nature of the hotel may change but it is still a hotel and a tourist
project because in fact the investor happens to be the person that brings the highest number of tourists to
Gibraltar.

225 Part of the philosophy of the investment, as he has explained it to me, is that he wants to have his own
hotel here because he believes he can bring more tourists and therefore, he would rather, as it were, have a
vertical integration of the whole process, where he does the advertising in the United Kingdom, he
organises package tours and he puts them in his own hotel here.

Q764/2014
Unemployment –
Details

230 **Clerk:** Question 764, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide details on a monthly basis of the
registered unemployed since asking Question W266/2014?

235 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
Speaker, to my knowledge, eating disorders have had no effect on the level of unemployment.

240 **Hon. D J Bossino:** Mr Speaker, yes, the hon. Member is absolutely right. I have been in error in quoting the written question number, it should have been 226 and not 266. So perhaps he could answer the question which he knows I intended to ask – but I suppose it is the season to be jolly so I will take it on board.

245 **Hon. J J Bossano:** Well, Mr Speaker, I have many qualities but mind reading is not amongst them. I read the questions very carefully and the numbers very closely and I try to answer what I am asked.

But if he wants to know what the answer is, if he had put the correct question and said 226 then the answer is, of course, one that he already knows because I gave him the answer to 226, which is that we continue with the policy introduced by the previous Administration of providing the figures quarterly.

250 **Hon. D J Bossino:** Yes and actually I could not find the... because I have asked this question on a written basis previously, and the answer came back as he has just given it verbally over the floor of the House.

But, Mr Speaker, the reason why I ask this question now orally is because the Hon. the Chief Minister made a reference to a particular figure during the course of his party political broadcast of the latest unemployment figure. It does not tally with the latest unemployment figure which I have, which is the last quarterly figure which is the latest that I can possibly ask because that represents the figure as at the latest quarter. But I think the Hon. the Chief Minister referred to a figure of something in the region of 261 or 281 as being the latest available – (*Interjection*) 269, as being the latest available figure.

255 I assume that figure is one which would be the last monthly figure, I can only assume that and that is why I thought I was able, given that that information has been provided to the public through a broadcast that as a Member of this Opposition I was able to ask that question quite freely in this House and the hon. Member would be able to provide it across the floor of this House.

265 **Hon. J J Bossano:** In fact he should not be asking the question because if it is in relation to information that has already been put in a political broadcast, then it is already in the public domain and he is not supposed to be asking questions to obtain answers which have already been put in the public domain.

But in fact as the policy was defended previously when it was questioned previously by Members who were previously on that side, the position of the Government then and the position of the Government now, which continues to be the same, is that the Government thinks that the correct policy and practice that the figures should be given on a quarterly basis because it smooths out the movement up and down.

270 Therefore it is misleading to say there is a downward trend because of one day's figure or an upward trend because of another day's figure. I think when this was first explained in Parliament by the Hon. Mr Netto as far back as 1967 – 1997 sorry! (*Laughter*) I am the only one that has been around that long! The argument was indeed that he use an example that there could be a vacancy for a particular job in a particular part of the private sector and an influx of people who were only there because they knew of the vacancy and they were interested in that vacancy and they were not really available in terms of being willing to look at other jobs, and when the vacancy was filled, those people would then disappear.

275 So in fact if one were to give a particular snapshot of the figure for unemployment, that snapshot changes not just on a daily basis but virtually on an hourly basis during the day. While I am talking, there will be people who are registering unemployed and there will be terms of engagement that are being inputted.

280 So the figure that was given, was given as an indication of a direction in which we are going and we hope that the final quarter figure – I cannot guarantee it, but I am hopeful that it will be – will be around the 300 mark or just under, which as the Leader of the Opposition said in his first debate with me in 2012, in his judgement would then mean really that we have got no unemployment because it is very difficult when you get to the 300 mark, clearly the people who are easiest to employ have been employed already. The ones who are more difficult to employ are the ones who are left when you start going below 300.

285 That has always been the case, it continues to be the case but we may not bring it down to 300 but that is my target for this quarter, and the figure will be available early in January.

290 **Hon. D A Feetham:** Mr Speaker, it is not that... and I will try and formulate it in a question. May I just try and refresh his memory? It is not that I said that there is zero unemployment; it is that the unemployment, except for three years in the early 1990s... The figures started in 1990, so it is the hon. Gentlemen's Government that started with the unemployment figures. For the first three years, of course we were transitioning from an MOD economy into a private economy, the figures were oscillating around the 700 to 800 figure.

295 After that date, the figures have stayed stable always, it does not matter which Government has been in power, it has stayed stable between the 300 and the 500. That seems to indicate, not that there is zero unemployment – and I am asking whether he agrees with this analysis – but that 300 appears to be the base line in terms of unemployment that always has existed in the economy going back to 1994.

305 **Hon. J J Bossano:** Grammatically, zero unemployment means zero – no-one unemployed. I think that is impossible to achieve. But in fact I think that is the correct interpretation of the statistics, that it ranges between a maximum of 500 at any one given time and a minimum of 300, and the fluctuations are even bigger if you look at monthly figures, because you can have a particular month for example when there are a lot of people made redundant or a particular month when, for example, a gaming company comes in and takes on more people than would be normal. But the movement within the labour market in the time that I have been there is a movement of Gibraltarians which is quite high.

310 The movement has been in the region of 2,400 and therefore, even though the official figure is around 500, we all know that it went much higher in 2012, when we came in, because there were a lot of people not registered or people who were waiting to be put on the VTS and things like that, which he himself acknowledged when he computed the figure as being much higher. Those are no longer there. That is to say, the people who were there and recorded are now recorded as people in employment and that is why the employment survey records a much higher figure.

315 If I can quote the greatest Gibraltarian on this subject –

Hon. D A Feetham: Of our time. Of our time.

320 **Chief Minister (Hon. F R Picardo):** *Of all time – que no que cambia, para arriba, para abajo.* – of all time! – of our time! *Chiquillo estás más liao!*

Hon. J J Bossano: He explained to us, I think it was in the budget of 2006 if my memory does not fail me –

325 **Hon. Chief Minister:** In condescending terms.

330 **Hon. J J Bossano:** – that, really, the labour force of Gibraltar could only be understood in terms of adding people in employment and people in unemployment. When I was arguing that there was hidden unemployment, his argument was well, look, we have now exhausted the labour force of Gibraltar. There are no more Gibraltarians available, other than the 300-odd that are registered and therefore, if we do not import Frontier Workers, the economy will be incapable of growing. Well look, the reality is that if he adds the unemployed for example for October and the Gibraltarians in employment in October, he will find that since 2011 on that basis, the labour force has grown, adding those two.

335 So clearly they cannot have appeared out of nowhere, they must have been somewhere but they were not being recorded in the system.

Mr Speaker: Next question.

Q765-768/2014
Construction and engineering Training Centres –
Assessors and courses

Clerk: Question 765, the Hon. D J Bossino.

340 **Hon. D J Bossino:** Can the Minister for Training provide details of the number of assessors currently working at both the Construction Trades and Engineering Trades Training Centres, together with details of courses for which they are qualified to assess?

345 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I will answer the question together with Questions 766 to 768.

350 **Clerk:** Question 766, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Training provide a breakdown showing how many trainees are currently training for NVQs in both construction and engineering trades, inclusive of individual courses being followed and the qualifications to be obtained?

355 **Clerk:** Question 767, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Training provide details of how many instructors are presently delivering training in respect of NVQs in both construction and engineering trades, showing details of the training facility at which they are based and what courses they are delivering and indicating whether they are Government employees or employees of specific Government-owned companies?

360

Clerk: Question 768, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Training provide a breakdown with details showing how many trainees have attained NVQ's in 2014, pertaining to their construction or engineering trades, inclusive of information relating to the individual courses and level of qualifications achieved?

365

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, there are currently 11 assessors working at both the Construction and Engineering Training Centres who are qualified to assess carpentry, plumbing, painting and decorating, wall and floor tiling, plastering, bricklaying, mechanical engineering and fabrication and welding courses at levels 1, 2 and 3.

370

There are currently 74 trainees in the construction and engineering trades. The individual courses being followed are carpentry, bricklaying, plastering, wall and floor tiling, electrical installation, fabrication and welding, motor vehicle mechanics and mechanical engineering. The qualifications to be obtained are City & Guilds certificates at levels 1, 2 and 3.

375

There are 11 instructors, 10 of whom are Government employees, presently delivering training in both construction and engineering. They are based at the Construction Training Centre and Gibdock delivering courses at levels 1 and 2 in plumbing and levels 1, 2 and 3 in carpentry, painting and decorating, wall and floor tiling, plastering, bricklaying, mechanical engineering, electrical engineering, fabrication and welding.

380

One hundred and thirty-four trainees have attained City & Guilds levels 1, 2 or 3 in 2014. The individual courses followed to obtain these qualifications were carpentry, plumbing, bricklaying, painting and decorating, plastering, wall and floor tiling, fabrication and welding, electrical engineering and mechanical engineering.

385

All these trainees, as well as those still in training, are being partly financed by the European Social Fund as has been the case in previous intakes.

A Member: Hear, hear. (*Banging on desks*)

**Q769-772/2014
Gibraltar Savings Bank –
Update**

390

Clerk: Question 769, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of where and how all the monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments, as at 30th November 2014?

395

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer Question 769 with Questions 770 to 772.

400

Hon. D A Feetham: Mr Speaker, can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate –

Mr Speaker: Question 770.

405

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 November 2014?

Clerk: Question 771, the Hon. D A Feetham.

410

Hon. D A Feetham: Can the Chief Minister provide this House with a breakdown by debenture issue of that part of the aggregate public debt which comprises Government debentures as at 30th November 2014?

Clerk: Question 772, the Hon. D A Feetham.

415 **Hon. D A Feetham:** Can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises bank debt, as at 30th November 2014?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

420 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, as at 30th November 2014, the aggregate public debt consisting of bank debt was: Barclays Bank plc, £150 million; and NatWest Offshore Ltd, £50 million.

Government debentures by maturity dates were as follows:

	2017 debentures	£90,716,800
425	One month's notice	£232,997,300

The value of Gibraltar Savings Banks and other debt security by maturity date was:

	One month	£29,013,000
	2015 debentures	£43,864,300
430	2016	£22,985,600
	2017	£169,687,400
	2018	£164,314,100
	2019 debentures	£113,018,700
	Other debentures	£13,293,559
435	Bonds	£102,712,826
	Deposit accounts	£271,607,862

The average yield in respect of the different categories of investment vehicles held by the Savings Bank for the month of November, are as follows:

440 On-call accounts with the Bank of England, the Crown agents and Gibraltar banks had an average yield of around 0.51%. The Gibraltar banks were: the Royal Bank of Scotland, Barclays Bank, National Westminster Bank, Jyske Bank and Lloyds Bank.

445 Floating Rates Notes quoted on the London Stock Exchange had an average yield of 0.91%. 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, Volkswagen Financial Services, Dexia, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, Centrica plc., ASB Finance Ltd, Royal Bank of Canada, BG Energy Capital plc, Suncorp Metway Ltd, BMW Finance and National Grid Gas plc.

450 Monthly Income Debentures with a 6% return and preference shares in Credit Finance with an average dividend of 5.6%. As previously explained, quoted stocks and call accounts fluctuate marginally on a daily basis and these fluctuations are not significant.

I shall now, Mr Speaker, hand over the Savings Bank Fund Statement listing the investments. I am not creating a precedent but since we are near Christmas and it is almost the same time, I will give it to him as a Christmas present. (*Laughter and banging on desks*)

455

Mr Speaker: Whilst the hon. questioner studies the further detailed statement that has been provided to him, may I suggest that we go back to Question 714, the Hon. Mr Bossino. Then I will give an opportunity to the Hon. Leader of the Opposition to come back –

Schedule to Question 772
 Answer to Question 769
 November 2014

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 30/11/2014
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.330	£20,065,902.40 £2,483.01	£20,068,385.41
EIB FLOATING RATE NOTE 05/01/16	£20,000,000.00	99.976	£19,995,270.60 £19,069.18	£20,014,339.78
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.002	£4,235,079.53 £2,891.14	£4,237,970.67
NEDER WATERSCHAPS BANK FRN 09/04/18	£12,200,000.00	100.000	£12,200,000.00 £12,809.61	£12,212,809.61
KFW FRN 09/03/15	£17,000,000.00	99.987	£16,997,779.80 £25,130.19	£17,022,909.99
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.029	£5,001,437.45 £414.55	£5,001,852.00
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.994	£4,999,688.05 £5,652.36	£5,005,340.41
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.026	£4,001,058.92 £3,980.60	£4,005,039.52
GE CAPITAL UK FUNDING FRN 9/5/16	£3,000,000.00	100.515	£3,015,441.42 £1,819.94	£3,017,261.36
WESTPAC SECURITIES NZ LT FRN 2/10/17	£5,000,000.00	100.000	£5,000,000.00 £8,266.06	£5,008,266.06
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.231	£5,011,535.60 £2,836.92	£5,014,372.52
CENTRICA PLC 5.5% 24/10/16	£6,000,000.00	107.646	£6,458,788.68 £33,452.05	£6,492,240.73
ASB FINANCE LTD LONDON FRN 13/03/17	£5,000,000.00	100.285	£5,014,242.20 £11,903.68	£5,026,145.88
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.084	£5,004,187.05 £11,459.69	£5,015,646.74
BG ENERGY CAPITAL PLC 5.125% 07/12/17	£5,000,000.00	109.925	£5,496,261.25 £251,335.62	£5,747,596.87
VOLKSWAGEN FIN SERV NV 1.75% 21/08/17	£3,155,000.00	101.020	£3,187,181.00 £15,277.98	£3,202,458.98
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.143	£5,007,144.10 £8,593.55	£5,015,737.65
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.759	£1,995,172.22 £2,707.79	£1,997,880.01
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	100.209	£5,010,426.10 £2,397.26	£5,012,823.36
NATIONAL GRID GAS PLC 6% 07/06/17	£3,000,000.00	111.892	£3,356,766.33 £86,794.52	£3,443,560.85
GOVERNMENT DEBENTURES	£201,000,000.00	100.000	£201,000,000.00	£201,000,000.00
BANK OF ENGLAND	£22,395,524.18	100.000	£22,395,524.18	£22,395,524.18
CFC LTD SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA LTD	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL A/C	£2,263,052.09	100.000	£2,263,052.09 £11.24	£2,263,063.33
LLOYDS BANK GBP CALL A/C	£20,392,925.61	100.000	£20,392,925.61 £6,509.63	£20,399,435.24
BARCLAYS BANK PLC	£105,710,208.49	100.000	£105,710,208.49	£105,710,208.49
NATIONAL WESTMINSTER OFFSHORE LTD	£25,705,999.86	100.000	£25,705,999.86	£25,705,999.86
JYSKE BANK	£20,100,827.43	100.000	£20,100,827.43	£20,100,827.43
CASH	£4,000,000.00	100.000	£4,000,000.00	£4,000,000.00

BUSINESS, EMPLOYMENT AND SKILLS

Q714/2014

**Small Business Saturdays held 2013 and 2014–
Cost to Government**

Clerk: Question 714, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Small Businesses state what the full cost to the Government has been of the Small Business Saturdays held in 2013 and 2014?

465

Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, the cost of the Small Business Saturday held in 2013 was £7,937.59.

470

The cost of the Small Business Saturday held this year is expected to be in the region of £6,700.

Hon. D J Bossino: Mr Speaker, a question I do have and I think it kind of arises from the question in the Order Paper: out of interest, is there any empirical evidence which the Government can use to assess the success of this particular venture?

475

Certainly as far as the last Business Saturday is concerned, I attended and I supported it, Main Street was heaving that day – not only locals, but also I think because it coincides I think very usefully with a national holiday in Spain, the Constitution Day I think it is and also the *Inmaculada Puente* – Immaculate Conception – it was also visited by our neighbours, in very large numbers I may add.

480

But is there any empirical evidence? The reason why I ask is because apparently in the UK there is. Just looking at the relevant Twitter account, they have published how much was actually made on that particular day in the UK and I just ask that question, whether he has that information or if he does not, whether it is something that can be looked into for the future.

Hon. N F Costa: Mr Speaker, in the first place to concur with the statements that the hon. Gentleman has made in respect of the fact that Main Street on Small Business Saturday was in terms certainly of the number of people, the footfall and the volume up and down Main Street and the adjacent streets, in our view, very successful.

485

The statement that he refers to in respect of the UK measurement of the success of their equivalent is only an estimate. The way that I have read it, it is not actually a number crunch that is arrived at scientifically; it is more of an estimate of how they think the day has fared.

490

I do not have any hard statistics in the way that for example I would be able to give him hard statistics on the number of visitors coming to Gibraltar, hotel occupancy, overnight stays. There does not exist that research in respect of Small Business Saturday.

495

What I have asked, though, are the umbrella organisations – the GFSB and the Chamber of Commerce – to please revert to me with the assessment of their individual members, so that collectively we are able to ascertain the impact of the Small Business Saturday.

I did receive during the course of the day and after messages, not just from the GFSB but also from individual traders, who have told me that they have had the best day in the whole year. I do recall that last year as well there were some traders who said exactly the same thing.

500

So in our view it is a success. The anecdotal evidence does suggest that it does help to have the missing element which was put to me at the beginning of the term of office, which was entertainment. What brings the families down to Main Street apart from the shopping element, which is why they all attend, is also because families are able to entertain themselves with the different entertainment that we lay on.

505

But as I say, without empirical statistical data, the anecdotal evidence that I received, and I hope they will be confirmed by the GFSB and the Chamber, was that traders did extremely well on that day.

A Member: Hear, hear.

Mr Speaker: Next question.

510

Q715/2014
Recent trip to Hong Kong –
Cost

Clerk: Question 715, the Hon. D J Bossino.

515 **Hon. D J Bossino:** Can the Minister for the Port provide details of the final cost of the recent trip to Hong Kong?

Clerk: Answer, the Hon. the Minister for Business and Employment.

520 **Minister for Business, Employment, Skills & Training (Hon. N F Costa):** Mr Speaker, the information requested by the hon. Gentleman is set out in the schedule that I now hand to him.

SCHEDULE TO QUESTION NO 715/2014

FLIGHTS	
Minister Costa	£2750
Krystle Acolina	£3471
Diana Soussi	£3229
Bob Sanguinetti	£2750
HOTEL ACCOMMODATION	
Minister Costa	£1527.99
Krystle Acolina	£1216.00
Diana Soussi	£1614.96
Bob Sanguinetti	£1527.99
TRANSPORT	
Minister Costa	£211.16
Krystle Acolina	£211.16
Diana Soussi	£220.23
Bob Sanguinetti	£245.16
FOOD & DRINK	
Minister Costa	£438.33
Krystle Acolina	£377.12
Diana Soussi	£650.94
Bob Sanguinetti	£350.94
MISC TRAVEL	
	£51.91
MISC	
	£818.04
PRINTING & STATIONERY	
	£4,472.91
VENUE RENTAL	
	£2,684.61
RECEPTION	
	£4,978.42
VIDEO & PHOTOGRAPHY	
	£801.26
GIBRALTAR CRYSTAL	
	£5,000.00
PORT HANDBOOK	
	£765.79

ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

Q769-772/2014 continued –
Gibraltar Savings Bank –
Supplementary questions

Mr Speaker: Does the Hon. Leader of the Opposition wish to come back with supplementaries –

525 **Hon. D A Feetham:** Yes please.

Mr Speaker: Do so now please.

530 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Father of the House provide me with the total aggregate public debt comprising Government debentures, rather than the breakdown? Does he have the figure there of the aggregate public debt comprising debentures?

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I gave him two figures, which are: one month's notice £232,797,300; and of the 217 debentures which have not all been withdrawn or repaid, the last time round the hon. Member opposite acknowledged that the final figure would not be known until after the end of December. There is still £19,716,800 of that outstanding which will not be there in January.

So the total of the two is about £250 million – £251 million I think.

Hon. D A Feetham: Mr Speaker, yes so we have seen a reduction in the aggregate public debt comprised of Government debentures, but am I right that effectively, we will see an increase in that figure, because the Gibraltar Savings Bank will then increase the figure for Government debentures, which at the moment stands at £200 million? That will probably go up closer to £300 million by the end of January and therefore the aggregate public debt comprised of Government debentures is likely to rise significantly above this figure of £251 million, once the exercise is done that we spoke about last month.

Hon. J J Bossano: No, Mr Speaker, that is not correct.

The figure that he had the previous time was the Gibraltar Savings Bank had invested £100 million of Government debentures. The figure that I am giving him in the list that he has got is now £200 million. (**Hon. D A Feetham:** Yes.) That £200 million is part of the £232 million that is shown as public debt, so it is already there and therefore, the only thing that is likely to increase is the £19 million that is still outstanding under 2017. So what you are likely to get in January is another £20 million of debentures to repay the £19.7 million, and therefore it would still be that we have got £200 million owed to the banks and about £250 million or £260 million so it will be around the figure that we have had before, which is £450 million between debentures and the bank.

Hon. D A Feetham: Yes, I understand. So effectively what the Government has done is converted the Government debentures, which with the exception of the £100 million has been held by individuals, they are Government debentures issued to individuals, they have converted that into Government debentures issued to the Gibraltar Savings Bank, but the gross public debt will remain at around £450 million to £460 million.

Hon. J J Bossano: That is correct.

Mr Speaker: Any other supplementaries? No?

BUSINESS, EMPLOYMENT AND SKILLS

Q715/2014 continued – Recent trip to Hong Kong – Supplementary questions

Mr Speaker: Then we will come back to Question 715. Does the Hon. Mr Bossino have any supplementaries arising from the schedule?

Hon. D J Bossino: I am sure it is a question which the Hon. the Minister will have expected from me, because in the last session he said that he was quite brave to provide me with an estimate of the expected cost which he had at about £28,000. So the obvious question is can he give an explanation as to why the total cost which has been calculated by my hon. and learned Friend Mr Figueras quickly here, is slightly in excess of £40,000?

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Yes, Mr Speaker, the hon. Gentleman is correct. The answer that I gave as an estimate was £28,000. In the first place I am advised by my officials that the original answer that I gave to him in this House last month should in fact have read £32,000 – £31,632.08. That was the estimate that was made by the officials at the time. They gave me the incorrect information, so I would like to rectify that to the hon. Gentleman for the record and the increase relates to the following. I will just walk him through it and he can make a note if he wishes, following the schedule that I gave him.

In respect of flights, the estimate would have been around £11,500. It actually came up to £12,200 so there is a slight increase there.

Hotel accommodation, the estimate was for £4,500. It came out to around £5,900' also an increase.

585 Transport was estimated at £650 and it came in at £887.71.
Food and drink for some reason was not estimated. It came in for the entire week at £1,817.33.
Miscellaneous travel was also not estimated. It came in at £51.00.
Miscellaneous – which meant expenses of the GMA, GPA, Public Liability Insurance for the reception
and logistics arrangements – was also not estimated and came in at £818.
590 The venue rental was estimated at £2,500 but came in at £2,684.
Reception was estimated at £4,091.86. It came in at £4,978.
Video and photography estimated at £7,579 and came in at £800.
So there were variances... I will allow him to confer with his colleague. I have taken him through some
of the estimated figures which then increased, but although I have taken him through some of the
595 breakdown; the general answer is that there was an estimate and then the actual figure incurred always
increased slightly up. I think I am right in saying that yes, it was slightly increased in all of them.

Hon. S M Figueras: Mr Speaker, perhaps – and forgive my voice but as a representative of the
community, I am dutifully enduring what is going around at this time of year.
600 From a marketing point of view, Mr Speaker, and it does not necessarily arise from the answers to the
question that he has given, but could the Hon. Minister provide us with a flavour of what the objectives – if
there are any specific objectives that he can allude to – were part of the process of planning for this event
and what it is expected or hoped that can be generated from what is a significant investment but which, in
the light of the objectives that he might offer, may in fact be considered reasonable in the event.

605 **Hon. N F Costa:** Mr Speaker, in the first place to say that I thought that the £40,000 – although I accept
that it is not an insignificant amount – was money very well spent. It is not a delegation that has been
comprised before to visit the Far East. I said to GBC that in fact in my view the Government has been
missing a trick in not having had a trade delegation attend Hong Kong on shipping matters since we were
610 elected into office. It is the first time that any Government has done it and I think it is a trade delegation that
should definitely attend Hong Kong annually.

I will tell him why. During the course of the four days that we were in Hong Kong, we met with 58
persons. Those 58 persons were divided into 19 round table meetings. Literally on the last day, we were
615 having our last meeting, getting changed and going off to the airport. We met what were the top companies
in terms of fleet management, fleet operators, fleet owners and we learnt a lot. For example, we learnt that
the Hong Kong register went from around 5 million tonnes to 91 million tonnes since 1997. Our tonnage is
around 3.4 million tonnes and it continues to grow steadily every year, as the hon. Gentleman knows.

620 But clearly, there is a lot to learn from being able to transform single-digit growth into double digit
growth in the space of time that the Hong Kong flag did so and there are lessons that we can learn which I
have advised my hon. colleague, Minister Isola who will now be responsible for maritime affairs.

It was also staggering to me that almost every company, if not every single company that we met, in fact
does business with Gibraltar. They either come here to take bunkers or they use Gibraltar for crew changes
or the provision of stores, spares, some light engineering work and of course for our docking.

625 So in effect Gibraltar, due to its strategic location, has enjoyed the business of the maritime trade from
the Far East since time immemorial because of our location. So I am convinced that now that they have put
faces to the people that run the port and the Gibraltar maritime flag, that we will be able, in the same way
that we have done with tourism, that by meeting people we have been able to increase the number of people
coming to Gibraltar for the UK transport operators, increasing air routes etc, by knowing us they will know
that we are now a phone call away to be able to service and to be able to attend to any of their needs.

630 I have no doubt that now that my colleague Minister Isola will carry on the work that has been started,
we will be able to tap what I do really consider to be an untapped mine of business to Gibraltar in the
maritime world. We have just come back so I cannot tell him whether the results of meeting 58 people are
yielding or translating into immediate business, but I can definitely tell him that I am extremely confident
that it shall do so. So that £40,000, I would in fact if I had to make an assessment, I would now remove
635 £40,000 of other marketing efforts and invest it in this. That is how confident I am that it is important that
we continue with these trade delegations to the Far East.

Hon. D J Bossino: Yes, Mr Speaker, the last point he makes and I do thank him for the very complete
answer he has given and for giving us the opportunity to hear his thoughts in relation to this particular trip,
640 but in relation to yielding business, how can that be assessed? I know that as politicians, especially when
you are on that side of the House and it is your initiative, you will use all manner of adjectives to make it
sound as positive as possible – and they may be true.

645 But, is there any way – and this sort of relates to the question asked in relation to small businesses – of
somehow empirically assessing that? One of the thoughts that come to mind is whether you can conduct a
survey by way of questionnaires asking the relevant stakeholders – they talked about at the last meeting of

the House when I asked him questions in relation to this topic – asking them whether they have indeed yielded – using his word – the results arising from this trip. If not, can some thought be given to pursuing this as a possible venture?

650 **Hon. N F Costa:** Mr Speaker, in the first place to say that whereas there is no collection of hard statistical data on the Small Business Saturday, clearly traders will be able to tell their umbrella organisations whether on that day they did more business. So whereas as there may not be a survey laid before Parliament as to whether the Small Business Saturday had more people down Main Street, certainly we will be able to receive from the umbrella organisations, whether traders reported on that day more
655 business than usual during the course of that month, or indeed during the course of the year. So no empirical statistics but certainly there will be evidence to be able to relate to the hon. Gentleman whether Small Business Saturday was successful.

In fact, it will be easier to tell the hon. Gentleman whether the meetings that we have held in Hong Kong have yielded results. Let me for example, tell him that we met with Bomin Bunker Oil Limited which
660 he knows is a very big company; we met with Fleet Management Limited which is also a very big company; the Wallin Group, another giant of the maritime industry, so these are recognisable names. If those companies, the ships that they manage or that they operate, call at Gibraltar through the local agents for bunkers, spares, provisions, light repair work crew changes, we will register that, so it is much more scientific in this respect.

665 So during the course of – well Minister Isola will be able to during the course of the next six months, ask local agents what business if any, has arrived from the 19 companies that the delegation met. If those companies have been calling at Gibraltar which most of them have, then we will be able to compare whether as a result of those meetings, there has been an increase in traffic to Gibraltar following those meetings and then we will be able to assess that for him more scientifically than the Small Business
670 Saturday assessment.

But I am sure that my hon. and learned colleague, Minister Isola will introduce processes that will be able to collate that information with ease to be able to advise the hon. Members opposite. Yes.

Mr Speaker: Let me intervene at this moment. Look we have had what is really a question asking for
675 statistical information – the *final* cost of the trip, because the House already had an indication of what the costs were. I have allowed two supplementaries, one asking the Minister whether he can make an assessment and he answered that.

Then Mr Bossino comes in and asks is there some empirical basis on which that can be done and the Minister answered. Now we are going further and further departing from what was a purely statistical
680 answer.

Now, I am going to allow the Hon. Mr Isola to reply and then that is it because we are really taking the whole issue far beyond the ambit of the original question. (*Interjections*)

Hon. A J Isola: Mr Speaker, I think we have had a similar discussion in relation to financial services in
685 terms of how you can monitor or cost benefit the investments made in marketing, very similar to the question asked in respect to the Hong Kong visit.

As we have discussed and I think we have agreed on various occasions, it is extremely difficult to monitor it but I can tell you that the converse is that if you do not go, you certainly will not get the benefits that you will if you do go, which I accept and concede are difficult to assimilate.

690 But I can tell you that, for example, if we had not gone to Bermuda we would not have the business that we have had from Bermuda. If we had not gone to New York, we would not have had the investment that we have had from New York in respect of the ILS business. And if you talk to – there is one instance where I went on a private visit to Holland with a group at their specific request to attend a meeting, supporting them, I can tell you that three weeks after my visit I have had a call from them saying, ‘Many, many thanks,
695 we have landed a huge client as a result specifically from that visit.’ So what I do know is that if we had not gone that would not have happened.

So there are two issues for me: one is raising the profile of Gibraltar generally, telling people about the quality of what we do and our reputation and the importance we attach to it; and the second thing is directly meeting people in the sector, talking to them about what we can do and there is an awful long way to go
700 before we actually get there in terms of explaining what Gibraltar can do.

We had an accountant in Gibraltar a month ago, a senior tax adviser to one of the large accounting firms, who did not know – and he is from the UK – who did not know that you could passport financial services from Gibraltar. So in terms of what has happened over the last 20 years, my personal view is we have failed and we have an awful lot of work to do to tell people what can be done from Gibraltar.

705 So, in my view, the money is extremely well spent and it is more than that: if you talk to the private sector, they will tell you it is absolutely vital that we continue this.

Mr Speaker: Next question.

Q716/2014
Employment –
Goals to achieve

Clerk: Question 716, the Hon. D J Bossino.

710

Hon. D J Bossino: Can the Minister for Employment state what goals he has been given to achieve by the Chief Minister and Deputy Chief Minister, as he told GBC following the Cabinet reshuffle?

Clerk: Answer, the Hon. the Minister for Business and Employment.

715

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, in addition to the general duties of the Ministry of Employment, I have specifically been entrusted with the goal of continuing the extraordinarily successful work that the great Joe Bossano has done at the Ministry of Employment.

720

It is no mean feat, Mr Speaker, to have reduced unemployment from over 1,200 to 269 as at a week last Monday.

It is no mean feat to have employed well over 681 more Gibraltarians in full-time employment in just two years of Government up to October 2013 compared to less than half of that in the whole of the 16 years of the previous administration. (**A Member:** Hear, hear.) (*Banging on desks*)

725

That means that in two years Joe Bossano did twice as much in terms of adding full-time Gibraltarians to the labour force, as all the Ministers of Employment of the Party opposite in all of the 16 years in Government. (*Banging on desks*) That figure will be even higher once the results of the last Employment Survey are published, which will provide the figures correct for last October. What a great record for Joe and what a dismal record for them, Mr Speaker.

730

So the Chief Minister and the Deputy Chief Minister have set me as a goal that I should ensure that I follow the example of success set by Joe and not the examples of failure set by Employment Ministers of the Party opposite. It is certainly not going to be easy to follow in the footsteps of the true giant of Gibraltar politics but, Mr Speaker, I do relish the challenge of living up to the very high standards set by Mr Bossano at the Employment Ministry.

735

In part, Mr Speaker, I will also be working to design and implement programmes for the continuing and professional development of the public sector and to develop skills programmes of selected areas of the private sector in consultation with Gibraltar's small and medium-sized businesses. I have also been tasked with modernising the employment registration processes at the Employment and Training Board and placing all such new systems on line.

740

The Chief Minister and the Deputy Chief Minister also wish me to prioritise the legislative reform to the Industrial Tribunal which has already been commenced, but which is a work in progress at the moment that we are committed to have finalised during this lifetime of Parliament. (*Banging on desks*)

Hon. D J Bossino: Mr Speaker, what a depressing reply from the Hon. Minister. (*Laughter*) What a depressing reply – because honestly, I really had high hopes. (*Laughter*)

745

Mr Speaker, in the letter which I published in the *Chronicle* only a few days ago, I did say that I hoped that the Hon. Minister, who I know pretty well and have got to know over the last three years as a reasonable guy with an open mind would be given sufficient autonomy to rethink their flag ship policy called the Future Job Strategy, but it clearly does not seem to be the case.

750

I was going to ask him whether he could put paid to any rumours that in fact the Hon. Mr Bossano, the previous incumbent in post, was in fact still pulling the strings in that particular Department and he has confirmed by his answer that that must be the case, because I do not believe for one moment that that particular answer has not had a hand in drafting by the previous incumbent.

755

Mr Speaker, but I still ask him this, with some trepidation, whether as part of those goals or indeed his own personal goals, whether he would consider – as the Hon. the Leader of the Opposition did when he had dealt with my portfolio in a shadow capacity and I have on many, many occasions – is whether the Government could consider to shift away from the Future Job Strategy. It has been criticised by us on many occasions for the reasons which are legion and they are all on record, but also in fact by Unite, the Union and other bodies.

760

So will he consider for one moment, the possibility of shifting away from that particular policy and amending it to provide proper training and proper jobs for our youth and unemployed?

Hon. J J Bossano: No, Mr Speaker. *(Laughter and banging on desks)*

Mr Speaker: Any other supplementaries?

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Hon. D J Bossino: I'm speechless! *(Laughter and interjections)*

A Member: Speechless!

770

Clerk: Question 717 –

A Member: Presumably the answer was no. *(Laughter)*

**Q717-720 & 723-727/2014
Gibraltar Bus Company new buses –
Tender, preparation, maintenance and costs**

Clerk: Question 717, the Hon. S M Figueras.

775

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say whether any consultants were contracted by the bus company for the purposes of assessing proposals received for the tender of the new buses to the Gibraltar Bus Company?

780

Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, I will answer this Question together with Questions 718 to 720 and 723 to 727.

785

Clerk: Question 718, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say whether any progress has been made identifying what works need to be carried out to Europa Road to support the weight of the new buses and what this might cost?

790

Clerk: Question 719, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport provide details in this House of the full amount of advertising revenues invoiced and received by Big Publications Ltd on a yearly basis for 2012, 2013 and the year 2014 to date, for advertising on the buses broken down into the following categories namely – back of the bus advertising; side of the bus advertising; bus stop advertising and any other forms of advertising sold by Big Publications?

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Clerk: Question 720, the Hon. S M Figueras.

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Hon. S M Figueras: Can the Minister for Transport say how many formal complaints the bus company has received from the public about the new buses?

Clerk: Question 723, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of the cost to the taxpayer of the maintenance contract for the new buses, including but not limited to the hourly rate charged by the entity undertaking the maintenance and the term of the contract?

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Clerk: Question 724, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state who has been awarded the contract for the maintenance to the new buses?

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Clerk: Question 725, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state the price tendered by each tenderer in respect of the contract for the new buses (a) by reference to the price per bus and (b) the overall contract price?

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Clerk: Question 726, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state how many entities tendered for the contract for the supply of the new buses?

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Clerk: Question 727, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state whether it has estimated the cost of reinforcing certain parts of the road system in Gibraltar in order to cope with the weight of the new buses and if so, what is the estimated cost?

830

Clerk: Answer, the Hon. the Minister for Business and Employment.

Mr Speaker: May I suggest that at the end of the answer, the Opposition be facilitated copies of the answer before the end of Question Time. I think it will facilitate the conduct of business in supplementaries arising from these numerous questions.

835

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, no consultants were contracted by the bus company for the purposes of assessing the tender proposals.

840

As previously mentioned in my answer to question 639/2014, all matters relating to Big Publications, including revenues invoiced and received, are the subject of an internal audit that is currently ongoing. Once this audit has been completed, the Government will be in a position to provide the relevant details.

The records of the Bus Company show that no formal complaints have been received from the public regarding the new buses. Negative comments have surfaced in local and social media.

845

The bus company is still negotiating the maintenance contract with Bassadone Motors in order to maximise the value for the taxpayer.

The prices tendered by unsuccessful tenderers in the procurement process is commercial in confidence and cannot be disclosed. The overall contract price of the awarded tenderer is, as I have said in a previous answer to a question, £4,790,000.

850

I refer the hon. Gentleman to Question 552/2013 and 125/2014. As I explained then, a total of five companies were invited to tender. Out of these five, four submitted priced bids, of which all four companies were found unsuitable for Gibraltar.

All of the vendors were then invited to participate in the negotiated procedure as provided for under Regulation 4(1) of the Procurement (Public Contract) Regulations 2012. Subsequently three tenders were received from which one did not submit a new bid. Finally, two companies were left in the final assessment.

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In relation to the weight of the new buses, I refer the hon. Gentleman to the answer to Question 632/2014 where I informed him of the position in respect of reinforcing certain parts of the road system. In this respect, Golder Associates, a firm of specialised geotechnical consultants, was engaged on 4th November this year to carry out an assessment of the retaining walls which line Europa Road. The investigations are currently ongoing and results of the findings are expected this month.

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Until the detailed investigation is concluded, it is not known whether any works might be required to strengthen the retaining walls along Europa Road.

Hon. S M Figueras: Mr Speaker, I am grateful for the answer.

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In relation to Question 717 and the answer that no consultants have been taken on, I asked the question in the context of information that has been brought to my attention in relation to the appointment of a consultant and of course, that information may, in the context of the answer the Minister has given, be unrelated and it has been mistakenly related to the Bus Company. So in that respect, Mr Speaker, I will certainly seek to explore it with the Minister behind the Speaker's Chair.

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In relation to the answer that he gave to Question 719 and the revenue generated by Big Publications Ltd, I note the answer that he gave at the last session and the one today and wonder whether perhaps the Minister can give us an indication of how long this audit will take and perhaps more helpfully tell this House whether the audited accounts requested as he alluded to in the last session of Parliament have now been received from Big Publications Ltd?

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Hon. N F Costa: Mr Speaker, as the hon. Gentleman is aware, the Bus Company, apart from having a Bus Company manager, has a board of directors. The board of directors have instructed that an audit be

880 carried out, it is an internal investigation and they are seeing to that. As I have explained to him, the audit has not yet been completed and therefore we cannot provide him at this stage, at this stage with the relevant details.

I have not been told in my supplementary information by when we can expect... oh yes, I have – by mid-January.

885 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether – and he will have seen, I suspect, the press release issued by Big Publications Ltd which stated that they had surrendered the contract in September – can the Minister say whether he was aware of that fact and if he was, why it is not a matter that was raised when we spoke last in November, of this issue in this House?

890 **Hon. N F Costa:** Mr Speaker, that statement was a statement that was issued by a private company. It was not issued neither did the Government or the Bus Company have any hand in writing that statement. I read it, along with the entirety of the public so I will limit myself to saying that we do not – the Bus Company, as I am advised, does not – think that the statement issued in that respect, in the respect that he has asked me specifically on when the contract was terminated, is accurate.

895 **Hon. S M Figueras:** Is the Minister able to say whether, given that Big Publications Ltd had actually submitted – and I quote the Hon. Minister at the time when we discussed it in the House a couple of years ago now, nearly – the most sophisticated pricing structure of all proposals at the time, including the one from the existing provider of the service – and given the sophisticated pricing structure, he is concerned that the Bus Company will not have the benefit of receiving those funds which were proposed as part of the proposal exercise?
900

Hon. N F Costa: Mr Speaker, he tempts me to stray into the very purpose of the audit, which I will not do because it is currently ongoing.

905 But I did tell him in the last answer to his question, if memory serves, that the difficulty has arisen because there is a difference as to the amount that is owing, so that I am advised – but this is subject to the audit currently being conducted so I cannot confirm it to him with any certainty – that once the audit is completed, the amount that the bus company will receive in terms of revenue will be higher, clearly, than what the bus company has collected.

910 I am giving him an indication of what I have been advised, but to tell him anything else is to basically pre-judge or try to clairvoyantly predict what the audit result will be and I cannot do that for him because it is currently being conducted. But we have committed ourselves in this House to tell him that once the audit is complete and the results are known, we are committed to giving him the relevant details.

915 As the hon. Gentleman will know, the Bus Company has the same interests in accruing all of the revenue that is owed to it, as the hon. Gentleman has in making sure that that happens. So there is no divergence of intention on either side of the House.

Hon. D A Feetham: Mr Speaker, can he confirm that, can the Minister confirm that Dennis Buses was one of the four unsuccessful bidders for this particular tender?

920 **Hon. N F Costa:** Mr Speaker, I am advised that the identity of the tenderers are not disclosable. It is not that I wish to be unhelpful; it is simply that I am advised that the tender bids are commercial in confidence and that I cannot disclose those to him. If I could, I would.

925 **Hon. D A Feetham:** Well, Mr Speaker, let me tell him, and I will get straight down to the point and I will tell him why, the purpose of this question.

The Opposition has information that one of the tenderers was Dennis Buses and that Dennis Buses bid substantially lower for this particular contract than in fact Man Bassadone which was the successful tenderer. Therefore in those circumstances, it is a matter of public interest and it is a matter that the Opposition is entitled to scrutinise.

930 The figures that I have been provided are that the Man Bassadone buses were awarded the contract and their bid was £155,000 per bus, whereas the Dennis buses were £130,000 per bus. Now the Hon. the Minister has also said in answer to my question that out of the five – the four that submitted bids, the unsuccessful ones – all four companies were found unsuitable for Gibraltar. Well, that cannot possibly be the case if it is Dennis because Dennis are of course the suppliers of the blue buses, so that company cannot
935 possible be unsuitable for Gibraltar. It would be very surprising indeed, bearing in mind their experience, if they made a tender of buses that was unsuitable for this community.

940 **Hon. N F Costa:** Mr Speaker, let me correct the hon. Gentleman. The original tenderers, the buses that they tendered for testing, they were all discarded because they were not suitable for the roads of Gibraltar. That is a question of fact. They brought in the buses, they were tested, they were not suitable and they were discarded by the team that were dealing with the procurement of the buses.

Hon. D A Feetham: Including Man Bassadone?

945 **Hon. N F Costa:** All four original tenderers, all of those buses, had to be discarded because of the unsuitability of the bus provided for testing for the roads. So I can correct him and tell him that that was certainly the case. It is not correct what he has said, as a matter of fact.

Hon. D A Feetham: Right, so all four, including the Man Bassadone buses –

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Hon. N F Costa: I have not said that.

Hon. D A Feetham: Well, so all of them except for the Man Bassadone buses were unsuitable –

955 **Hon. N F Costa:** Let me clarify, what I have said is that I am not revealing to him the identity of the companies that provided the buses for testing. What I am telling him is that of all those companies, of the four companies that provided the buses for testing, those four buses that were tested were found unsuitable.

I am not, by answering in the terms that I have, accepting that they were either Man or Dennis. I am just telling him that of the companies that provided us buses for testing, they were unsuitable.

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Hon. D A Feetham: Well, Mr Speaker, can I ask him whether out of those four, ultimately the successful tenderer, Man Bassadone – we know that Man Bassadone was the successful tenderer ultimately – whether Man Bassadone was also one of the ones that were deemed, that were submitting buses that were unsuitable for Gibraltar in those four that he has mentioned in answer to my question.

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Hon. N F Costa: Mr Speaker, I am going to re-read the answer that I gave him, because perhaps he missed this aspect of the answer.

As I explained to the hon. Gentleman, a total of five companies were invited to tender. Out of these five, four submitted priced bids, of which all four companies were found unsuitable for Gibraltar's roads.

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Then I add: *all* of the vendors, i.e. all of the companies that provided the buses for testing, were invited to participate in the negotiated procedure under the relevant regulation. Subsequently three tenders were received from which one did not submit a new bid. In other words, by the end we were left with two buses.

975 **Hon. D A Feetham:** Mr Speaker, is it the case, that effectively the Government has chosen, has allocated a tender which is higher to the taxpayer than a tender that it had which was lower from Dennis Buses who are the current suppliers of the blue buses?

Hon. N F Costa: Mr Speaker, I have already answered the question to the hon. Gentleman – (*Interjection*) Yes, I have in the terms that I am allowed to answer the hon. Gentleman in this House.

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But if his question to me is whether the taxpayer did not obtain value because the award was not given to a company that perhaps bid at a less cost, let me tell him that when contracts are considered by officials, it is not always the case – certainly my experience in three years, that it is not always the case – that the company that has quoted the cheapest price gets the contract, because obviously the board will consider many other factors – *many* other factors. Therefore even if the award was given to a company that had a higher price, it does not mean that it was the least competitive.

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I will give him an example. The Dennis buses in 2004 cost whatever they did and there was a maintenance contract that was meant to be £80,000 a year. He knows, because I have given the information to the hon. Gentleman, that whereas those I am sure at the time that board in particular considered that they were the best value for money because the per unit bus, the cost was however much, and because the maintenance would be so much, in fact there were certain years where the maintenance contract came up to almost £½ million.

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I can also tell him that the Dennis buses were found to be unsuitable for Gibraltar's topography and I will explain to him why.

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Only after four years of the buses doing the circuits, they really started to need serious maintenance work. So even if the bus of Dennis were to cost lower compared to the bus of another company, when you add in the repairs and the maintenance and the cost, which I have provided to the hon. Gentleman, in fact it is not as cheap any more.

1000 So the hon. Gentleman I am sure appreciates that the tender process is more sophisticated than just Unit A and Unit B: Unit A is £5, Unit B is £10. Unit A is cheaper, therefore it is Unit A. Because when you add the other factors that I have mentioned, not least the maintenance contract, of which he has the information, then it is not comparing apples with apples; it is comparing apples with pears.

The experience of the Dennis buses in Gibraltar had been, with all due respect to the Dennis company, not a very good one or successful to Gibraltar.

1005 Let me tell him that the only company, the only entity in Gibraltar that won when Dennis was awarded the contract, was the company that has the maintenance contract, because from £80,000 a year they all of a sudden saw themselves with £250,000 a year, over £300,000 a year, sometimes £½ million a year.

So I am sure that he appreciates what I am trying to tell him.

1010 **Hon. D A Feetham:** Yes, but I am sure that he appreciates too, that I am entitled to scrutinise what he has said, I am entitled to scrutinise this tender and the answers that he has provided to me, and the dearth of information he has provided me, prevents me from doing that.

1015 Because of course it is my job to scrutinise whether the Government is obtaining value for money and if I am told that effectively that the Man Bassadone buses have cost per bus £155,000 per bus, whereas Dennis has bid at £130,000 per bus – and I am giving the hon. Gentleman an opportunity to rebut that, if I have got my figures wrong – then it is up to him, the onus is then on him, to provide cogent reasons why they have chosen one over the other – not surmise a Micawberism.

1020 What you are effectively doing is you are saying well, because this could happen and this could happen, but I am not interested in what could happen in hypothetical situations. What I want to do is to examine this particular tender to ensure that the Government has obtained value for money and why has Man Bassadone been awarded this particular contract when there was another bidder that was substantially cheaper?

1025 And may I add this: the information that I have been provided is that in fact this particular bid, in relation to the buses, did not include a maintenance element that there were other companies that were effectively bidding in relation to the maintenance. But look, I may be wrong in relation to that but you are not providing me with the information, so that I can properly scrutinise this.

Hon. N F Costa: Mr Speaker, the hon. Gentleman is being mischievous – yes – when he knows full well and I have already started the answer by phrasing it in terms that I am advised that the unsuccessful bids of the unsuccessful tenderers are commercial in confidence and I cannot disclose them to him.

1030 **Mr Speaker:** The Minister says that he is advised. (**Hon. N F Costa:** Yes.) Where does that advice come from?

Hon. N F Costa: From the Procurement Office.

1035 Mr Speaker, simply to add that the hon. Gentleman says I speak in hypotheticals. I am not speaking in hypotheticals. The Dennis buses were on our roads from 2004. I have given them exact figures of what the maintenance contract costs so he can add the unit cost of the bus plus the maintenance in a year and actually start working out how much it costs.

I am afraid, Mr Speaker, I cannot add anything else to the information I have already given him.

1040 **Hon. D A Feetham:** Mr Speaker, the actual bids – £155,000 and £130,000 – one with the other, there is a substantial amount, the difference. That is exclusive of maintenance and my understanding is that in terms of the maintenance element of all this, that that is being dealt with separately and indeed, it must be dealt with separately because the answer he has given me is that this contract has been allocated but indeed in relation to the maintenance aspect, there are still ongoing negotiations with Bassadone – not with Bassadone Man, but with Bassadone in order to see whether the Government can come to terms with Bassadone in relation to the maintenance. So one is separate from the other.

1045 I am focusing on the cost of the actual buses. But let me ask him this: does he know that Dennis Buses have written to the Government complaining about the allocation of this particular tender and has the Government responded at all to Dennis Buses and the complaints that they have made?

1050 **Hon. N F Costa:** Mr Speaker, I have not received nor been cited of any correspondence from Dennis Buses, so the answer is no, I am not aware of any correspondence from Dennis or of a complaint.

1055 But, Mr Speaker, let me also tell him that in my experience as well over the past three years when companies compete and they do not get the tender, they ordinarily almost always complain. So it will not be a surprise to me at all.

Hon. D A Feetham: Yes, Mr Speaker, but the difference of course is that you may complain but if at the end of the day yours was the substantially cheaper bid and your buses had been used successfully in Gibraltar over the last four years, then you may have cause to complain.

1060 I really do not want to get into the merits of that. I wanted to examine why one tender has been awarded over the other tender and obviously the Hon. Minister has not been able to provide me with the answer.

1065 Is he satisfied, bearing in mind the criticisms of the Dennis Buses that he has made in this House, and bearing in mind the unfortunate history – nascent history I should say, because this contract has obviously only recently been allocated and the buses are only recently on the streets – but is he satisfied given the unfortunate recent history in relation to the Man Bassadone buses, that this will be a significant improvement on the Dennis buses?

Hon. N F Costa: Yes.

1070 **Hon. S M Figueras:** Mr Speaker, perhaps one supplementary – a supplementary, Mr Speaker, that arises from the comprehensive answers that the Hon. Minister has provided.

1075 Is the Hon. Minister able to say, and perhaps he may need notice of the question – because I do concede that I may venture a little too far into technical detail and that the Minister may need notice of the question, but could he tell this House what feature of the Man buses – or rather what *features* perhaps – make the Man buses so appropriate, so optimised for the topography in the way that he suggests will mean that they will be more reliable and require less maintenance moving forward?

1080 **Hon. N F Costa:** Mr Speaker, I am sure that I have answered this question before to him on the reasons of the engines and so on. I do not have the information before me, it is a very technical question, but the –

Mr Speaker: Could I suggest to the Hon. Minister that he investigates that, and check whether he has in fact, and then come back to the House later today and make reference to that answer and we can continue? Rather than leave the matter in the air, okay?

1085 **Hon. N F Costa:** Yes, Mr Speaker, thank you.

Mr Speaker: So we will now deal with Question 721.

1090

Q721/2014
Oil pollution within the port –
Marine Accident Compliance Officer's report

Clerk: Question 721, the Hon. J J Netto.

1095 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question 172/2014 in June of this year, can the Minister for the Environment say if the Marine Accident Compliance Officer has now completed the investigation of the oil pollution within the port and if so, please provide Parliament with a copy of his or her report?

1100 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, yes, but following the preliminary analysis of the MAICO, no full investigation was deemed necessary. As a result there is no report to publish.

The MAICO did provide me with a preliminary report.

1105

Hon. J J Netto: Mr Speaker, will the Hon. Minister please not accede to provide a copy to the Opposition of that preliminary report?

1110 **Hon. N F Costa:** Mr Speaker, if I may refer the hon. Gentleman to the relevant legislation, which is the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, it reads as follows:

‘The MAICO may at his discretion and to promulgate any lessons learnt, from time to time publish collective short reports of accidents which have not been the subject of a report submitted under Regulation 18(1)’.

which means to say a very serious marine accident.

I asked the MAICO who, as you know, is independent to the Government, although contracted by the Government to investigate accidents and to investigate on them. I did specifically ask him whether he would be publishing a report on this incident and he said to me as follows, by e-mail at 13:03 yesterday:

‘I do not consider this incident to be a major pollution incident and the company have implemented the recommendations. Therefore I do not propose to publish this report.’

1115 As the hon. Gentleman knows, I have no power to ask him to do anything.

Hon. J J Netto: Mr Speaker, in the answer provided by the Hon. Minister quoting the legislation, he mentions the aspect of lessons learnt as a result of an accident. Could I ask the Hon. Minister what lessons have been learnt and what, if any, actions taken to rectify or acknowledge... implement sorry, the lessons learnt.

1120

Hon. N F Costa: Mr Speaker, what I have told the hon. Gentleman was that the MAICO may at his discretion publish reports of accidents. It is entirely a matter for him in his sole discretion, whether... Yes well, I am reading from the legislation and that is the advice of the Maritime Administrator, and I have already told him that the MAICO has told me that he does not consider the incident to be a major pollution incident and that he has no intention to publish the report.

1125

Hon. J J Netto: So do we take it therefore that there were no lessons whatsoever from a situation where there was oil pollution very close to the west side of Gibraltar and therefore nothing to implement to try and avoid a likely repetition in the near future?

1130

Hon. N F Costa: Mr Speaker, what I can tell him is that the reason why the MAICO has decided not to publish a report, apart from the fact that he says that he does not consider it to be a major pollution incident in reference to the relevant legislation, he says and I quote him:

‘and the company have implemented the recommendations.’

1135 If he wants me to advise him on those recommendations, I am happy to ask the MAICO to set those out for me and he can either ask me at the next session of the House or I can write to him. I do not have those with me but I can ask for them if he so wishes.

Hon. J J Netto: I am grateful, Mr Speaker. Quite frankly if he gets the information and just simply passes it to me we can avoid asking the question next month.

1140

Hon. N F Costa: Thank you, Mr Speaker.
I shall so write to the hon. Gentleman.

Q722/2014
Literary Festival –
Cost to taxpayer

1145 **Clerk:** Question 722, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what the cost of the Literary Festival was to the Taxpayer?

1150 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, the cost to the Taxpayer of the Gibunco Gibraltar International Literary Festival of this year is £251,891.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q728-729/2014

**Gibraltar Sports and Leisure Authority –
Vacancies**

1155

Clerk: We now move to Question 728, the Hon. E J Reyes.

1160

Hon. E J Reyes: Mr Speaker, sir, can the Minister for Sports provide details of any current vacancies at the Gibraltar Sports and Leisure Authority, together with details of when these vacancies will be advertised?

Clerk: Answer, the Hon. the Minister for Sports, Culture and Youth.

1165

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 729.

Clerk: Question 729, the Hon. E J Reyes.

1170

Hon. E J Reyes: Can the Minister for Sports provide details in respect of any vacancies which may have been filled at the Sports and Leisure Authority, since the answer to Question 483/2014?

Clerk: Answer, the Hon. the Minister for Sports, Culture and Youth.

1175

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the vacancy for the Pool Operative was advertised and applicants interviewed. The successful candidate started employment for the Gibraltar Sports and Leisure Authority on 1st December 2014.

The post left vacant by the current CEO remains the same as in my answer to Question 483/2014 and just to recall, the answer stated that it was going to come out imminently.

1180

I can now report that we are looking at the whole of the structure of the GSLA and it might take more time than I said in my answer to the last question.

1185

Hon. E J Reyes: Mr Speaker, would the Minister... seeing that from imminently we have now changed to looking into the whole structure – does he have any timescales that he has instructed whoever is reassessing the whole establishment of the place to adhere to?

Hon. S E Linares: Mr Speaker, I have asked how long this will take and all the indications are that it will happen slightly before the end of the financial year, because the impact would be on estimates and things that have to be done for the budget.

Q730/2014

**Sea bathing facilities –
Reason closed to public**

1190

Clerk: Question 730, the Hon. E J Reyes.

1195

Hon. E J Reyes: Can Government provide details of all dates when the sea bathing facilities adjacent to GSLA's swimming pool have been closed to the public since its official opening, inclusive of reasons why any closures were necessary?

Clerk: Answer, the Hon. the Minister for Sports, Culture and Youth.

1200

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the magnificent Gibraltar Bathing Pavilion, which has and will give our citizens a great deal of enjoyment and fulfils one of our manifesto commitments, was never closed to the public.

On Sunday, 21st September, access to the sea was restricted due to works being carried out to the second phase of the project.

Q731/2014
GSLA swimming pools –
Periods of closure

1205 **Clerk:** Question 731, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of all dates when either of the GSLA's swimming pools have been closed for public use during the present financial year, inclusive of reasons why any closures were necessary?

1210 **Clerk:** Answer, the Hon. the Minister for Sports, Culture and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the following are the dates when the GSLA swimming pools have been closed for public use during the present financial year, inclusive of reasons.

1215 Swimming pool – the 25 metre pool was closed on 22nd July and reopened on 22nd September. The reason, closed for summer maintenance nine days earlier than usual due to the installation of new filters and major maintenance works.

1220 Pool for the elderly, disabled and teaching – was closed three times, which were: on 14th and 15th October and reopened on 16th October; on 23rd and 24th October, reopened on 27th October; on 18th and 22nd November and reopened on 24th November. On these three occasions, closure was due to pool user incidents involving human faeces. Both pools were closed on 1st December and reopened on 2nd December. This was due to the torrential downpours; the water levels rose to the extent that the sewage water was emerging through the drains inside the changing rooms.

1225 **Hon. E J Reyes:** Yes, Mr Speaker, the last time or the last date the Minister has provided which is on 1st December due to the heavy downpours and so on: is the Minister aware, is this a new problem that has arisen because we have changed some system or other, or is this a recurring problem that has been ongoing for some time now?

1230 **Hon. S E Linares:** Mr Speaker, this is a problem that has been there for a very long time and we are now trying to deal with all the changing rooms within that pool, for the simple reason that during the time that the Gibraltar Bathing Pavilion was opened, although there are facilities of changing rooms and toilets for that place, many users were using the pool to change and use the facilities there. The complaint has always been the amount of smell that emanates from the drains. It is to do with something when it was constructed that a smell comes out from the drains and in this case, it was water that was coming out from the drains.

1235 We are currently looking at a whole maintenance programme there, which will hopefully alleviate this problem which has been there for, like he said, a number of years now.

Q732/2014
Heritage sites –
Works and costs

1240 **Clerk:** Question 732, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of all works, together with a breakdown of respective cost undertaken at any heritage related site, since the answer to Question 486/2014, stating by whom these works were carried out ?

1245 **Clerk:** Answer, the Hon. the Minister for Sports, Culture and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there have not been any further works or payments.

1250 I hasten to add there have not been any payments. I would think that there might be some payments coming in later on since, because this is the one they prepared for me, I am sure there will be payments coming in, but from Question 486, there have not been any payments made on any works.

1255 **Hon. E J Reyes:** I appreciate that, Mr Speaker: if no payments have been made, then the Minister cannot provide the information. I shall no doubt ask him again in a couple of months' time to see what Treasury have processed.

**Q733/2014
Mega Concert –
Total cost**

Clerk: Question 733, the Hon. D A Feetham.

1260

Hon. D A Feetham: Mr Speaker, can the Government please state what was the total cost of the Mega Concert?

Clerk: Answer, the Hon. the Minister for Sports, Culture and Youth.

1265

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the cost of the Gibraltar Music Festival is currently at £778,867.74. This is £121,132.26 below the projected budget in the estimates of £900,000.

1270

Hon. D A Feetham: Is this figure that the Hon. Minister has provided me the final figure? Because the actual cost of the Mega Concert last year, I believe from the estimates, came in at just over £1 million. So there is a substantial difference between this figure and what it cost previously. So is this the final figure or are there still bills to come in which will then be added on to the £777,000?

1275

Hon. S E Linares: Mr Speaker, when he said last year that the expenditure was over £1 million, what he did not take into consideration was the revenue. So it might have cost, the total cost has to be balanced off from what the revenues are to the expenditure.

1280

But to answer his question specifically, we are expecting a few more invoices to come but I would not expect it to make much more difference and in fact we are even getting some more revenue which is owed coming in as well. So this is the figure as from when you asked the question, it might vary but the variation will be very, very small.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

**Q734/2014
Blood department, St Bernard's Hospital –
Review of staff**

Clerk: Question 734, the Hon. J J Netto.

1285

Hon. J J Netto: Mr Speaker, given the complaint by service users of delays in the blood department of St Bernard's Hospital, will the Minister for Health ask for a management review of staff resources in order to expedite such delays encountered?

Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1290

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the GHA is looking to implement a new appointment system within the first quarter of 2015. This will address the issue of delays. Patients required for blood tests by their GPs, consultants or other clinicians will be provided with an appointment for attending the Phlebotomy Clinic on a specific date and time either at the Primary Care Centre or at St Bernard's.

1295

The current complement is one full-time senior donor carer, one full-time donor carer and one full-time phlebotomy-trained nursing assistant. This should be able to meet the service demands once the appointment system is in place.

1300

Hon. J J Netto: Mr Speaker, I am grateful to the Hon. Minister for his reply. The reason why I actually asked this question was because a couple of weeks ago, I was actually doing some shopping in Morrison

and two particular ladies approached me – two ladies that go regularly to the blood department – and they were quite annoyed at the delays being encountered there. According to them, the delays were due to the fact that some member of staff had retired and that particular position had not been occupied yet. So this is the reason why they brought it to my attention and the reason why I am bringing it here to the Minister, and hence the reason why I have asked the question or framed the question that particular way in terms of management looking into it.

But it seems to indicate that that is exactly what you are doing. Well, the appointment system might help make the appointments go faster but I am not quite sure whether the management team sees a need for further recruitment there.

Hon. Dr J E Cortes: Mr Speaker, no. We are satisfied with the manning levels that we have in that department. What happens is because at the moment there is not an appointment system, everybody turns up at eight o'clock and you can never tell how many people are going to turn up.

Therefore even though the nurses work extremely hard and are extremely efficient and nobody I know doubts that, they take time, because it takes time to draw blood from the patients. If you come in a little bit later than others and there are many patients on that particular occasion, then clearly you will have to wait.

This is why we are now going to be piloting an appointment system in which they actually get a time and that should be able to distribute the number of patients who are having their blood taken during the course of the morning so that they know more or less what time they are due to arrive. So I think that will make an improvement and that is what we are going to be trying out early in the New Year.

Q735/2014

Alameda Botanic Gardens – Maintenance programme

Clerk: Question 735, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, will the Minister for the Environment please say if it is the intention to do a major maintenance programme in the Alameda Botanic Gardens, in order to replace all the broken wooden batons and benches and resurface the pathways due to the amount of potholes constituting a safety hazard to visitors to the gardens?

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the management of the gardens has submitted a proposal for the paving of the pathways which the Government is studying. Benches are routinely maintained and a number of new benches have been added recently.

Hon. J J Netto: Well, Mr Speaker, I think I need to take issue on the question of the benches because the benches I am referring to in particular, and I think it is called Grand Parade Road which is the beginning there, the batons of the benches have been broken for some time, they have certainly not been replaced in the last 12 months. That said, one would hope that it does happen obviously and the benches are up to scratch.

In relation to the pathways, will the Hon. Minister please indicate to us whether it is likely for a programme to resurface the pathways in the Alameda Gardens perhaps in this part of this financial year?

Hon. Dr J E Cortes: Okay, Mr Speaker. Clearly if I had been asked that question a few years ago, I could have told him which benches and how many batons may have been missing, but obviously that is not my day-to-day role now. I take the point on the benches at Grand Parade and I will enquire as to where they are in the routine programme.

Regarding the resurfacing of pathways, this is clearly a problem because of the effect of tree roots and in the years that I used to work within the gardens, we tried many different methods of resolving this. What we have received now is a proposal for resurfacing most of the main pathways of the gardens but I expect that major replacement programme would not start this financial year it would start next financial year, but there would be routine filling in of holes as has happened in the past, during the course of this financial year.

Q736/2014
Commonwealth Park –
Restricted areas

1355 **Clerk:** Question 736, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say when will the restricted areas closed to the public in Commonwealth Park, be re-opening?

1360 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, areas are routinely cordoned off in order to assist in the maintenance. This is totally at the discretion of the gardening staff.

1365

Hon. J J Netto: Mr Speaker, but my understanding is that there are some specific areas which have been cordoned off right from the beginning when it was first published in I think July this year. In other words there are specific areas which have been cordoned off since July or probably June July of this year and have not been reopened. When are those specific areas going to be reopened?

1370

Hon. Dr J E Cortes: Mr Speaker, this is probably the only Parliament in the world where we discuss the turfing of a few square metres of grass in a park, but I am happy to assist the Member opposite.

1375 **Mr Speaker:** That is purely due to the nature of our Parliament. We are a Parliament in which national affairs are discussed and also those of a municipal character.

Hon. Dr J E Cortes: Certainly, Mr Speaker. Alternatively, it might also be because there is very little else to pick on because we are doing such a good job. (**A Member:** Hear, hear.) But I accept your comment of course, Mr Speaker.

1380

The areas we are talking about are the mounds which were particularly popular with children climbing up and rolling down and therefore they took more wear than the rest of the area. The area has been reseeded but there have been problems in relation to pigeons eating the seeds and the seedlings, which is now being addressed because the areas are covered until the grass is big enough and also the fact that whenever those areas are cordoned off, children will once again – and that is what they are there for – go up and roll on them and so on so they need to take more time than would normally be taken in an ordinary flat area of turf in order to recover.

1385

But when the grass is ready to take that, is at the discretion of the people there on the ground day to day. I have seen them recently, I often walk through there on my way between one office or the other and I suspect they will need a few more weeks yet until the root systems are firm enough to take the tread. But this as I say is something which is routine maintenance of a well-used turfed area.

1390

Hon. J J Netto: Well, Mr Speaker, first of all in relation to the first comment that the Hon. Minister made, it seems to me that he seems to suggest that highlighting this particular issue is not that important. If that is so, therefore –

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Mr Speaker: I have as Speaker of this Parliament dealt with the matter. I do not think the hon. questioner needs to make that further –

Hon. J J Netto: Well, the political point I was going to make –

1400

Mr Speaker: I do not think it has to be made –

Hon. J J Netto: If that is the case then his conversion from an environmentalist to a politician has been shorter than envisaged. (*Laughter*)

1405

But keeping on the issue, Mr Speaker, on the specific areas which have been cordoned off since June and continues to be cordoned off since June, can the hon. Minister say whether it is problems of wear and tear, despite the fact that it has been almost five or six months when nobody has been turfing on those particular areas or whether it is in fact a problem of the soil underneath the grass? The soil and the bedrock.

1410

Hon. Dr J E Cortes: The soil and the?

Hon. J J Netto: The soil and the bedrock.

1415 **Hon. Dr J E Cortes:** Okay, Mr Speaker. I think this is the first personal attack across this House since the famous television hug!

Mr Speaker: Let us see if we can move on in the spirit of the day.

1420 **Hon. Dr J E Cortes:** Very well, Mr Speaker.

Mr Speaker: Considering just a week before Parliament and after an embrace from the Chief Minister and the Leader of the Opposition, ushering in a new era, let us proceed on that basis.

1425 **Hon. Dr J E Cortes:** Yes, Mr Speaker. My political abilities have been questioned but fine, that is for others to question, not for me.

1430 Mr Speaker, this is due to wear and tear. It is normal that if you step on grass and you step on it a lot, it is going to wear. I have no information that it is due to the soil, because the soil is exactly the same on the mound as it is on the rest of the park where the grass is growing in a good condition. There is no question of bedrock; there is gravel underneath. I do not think that there is another reason. I honestly think that it is due to the wear and tear on the grass.

Mr Speaker: Next question.

Q737/2014
Climate change –
Government Strategy to combat

1435 **Clerk:** Question 737, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Climate Change provide Parliament with the Government strategy for combating climate change?

1440 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Government strategy for combatting climate changes are multi-faceted and includes a combination of both top-down and bottom-up approaches.

1445 The Department of the Environment and the recently created Climate Change Task Force, chaired by the Deputy Chief Minister, have been actively addressing key aspects of Gibraltar's strategy during the course of the year. The strategy will be elaborated further in the revised Gibraltar Climate Change Programme which is currently being redrafted by the Department of the Environment.

1450 I can nevertheless inform the hon. Member that the strategy is generally divided into four main overarching themes which include: (1) adapting to climate change by building Gibraltar's resilience; (2) facilitating the transition towards a low carbon economy; (3) improving our understanding of climate change science; and (4) raising climate change awareness and changing consumer behaviour through educational initiatives.

1455 This follows a strategic approach adopted by the United Nations Environment Programme for combatting climate change.

Hon. J J Netto: Mr Speaker, can the Hon. Minister indicate to the House when the Climate Change Study Report will be published?

1460 **Hon. Dr J E Cortes:** Mr Speaker, the Climate Change Task Force has been meeting virtually on a monthly basis for about a year. I said 'recently', but it is recently in relative terms. It is now close to completing its work and I would think that within the next few months we will have a document completed.

1465 **Hon. J J Netto:** Mr Speaker, how does the Hon. Minister see that the actual strategy, once it is finalised in the report, will be intertwined with the latest agreement as a result of the Lima Agreement reached, I think it was this last Sunday, 14th December at 1.00 a.m. in the morning in relation to the emissions that need to be obtained by 2020?

1470 **Hon. Dr J E Cortes:** Mr Speaker, it is interesting because depending who you hear reporting on the meeting of the parties in Lima, you get different impressions as to whether it was successful or not. The environmental lobby insists that it was not enough and other people insist that it was. I think it is a major step forward. Now we are no longer discussing whether climate change is caused by man, but how we are going to tackle it. This was certainly the impression that I got when I was fortunate enough to be at the United Nations General Assembly Conference on Climate Change.

1475 We will respond to the agreement and I would like to think that we will go beyond, because we have a potential in our small community of leading by example. It has been a tough job because clearly, climate change was not the in thing three years ago and it has been hard work to push this forward. But I am confident that we will have a robust strategy which Gibraltar can be proud of and which will be in fact, among the best in the world.

1480 **Hon. J J Netto:** Mr Speaker, perhaps just one more final question or supplementary question on this side. Is the Government, or rather is the Minister for the Environment, confident that Gibraltar will be able to obtain the level of emissions agreed to by 2020?

Hon. Dr J E Cortes: Yes, Mr Speaker.

1485 **Mr Speaker:** Next question.

Q738/2014
Eco Wave Power Ltd –
Electricity provision

Clerk: Question 738, the Hon. J J Netto.

1490 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please say if the company Eco Wave Power Ltd has started building the buoys and the necessary infrastructure in order to commence producing electricity into a grid and provide Parliament with an update on this matter?

Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1495 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** No, Mr Speaker, they have not. Eco Wave Power Ltd are currently involved in a tender process, I believe they are currently in Gibraltar, for the required engineering works to be done in Gibraltar.

The Department of the Environment and the Gibraltar Electricity Authority are in contact with Eco Wave Power Ltd in order to monitor progress and we expect works to commence on site next year.
1500 As I say, I believe they are currently in Gibraltar making preparations for the work to begin quite soon.

Hon. J J Netto: Mr Speaker, I am grateful for that but it seems to me that when the news actually came out in the newspaper *Bloomberg* in relation to this particular agreement, that they were talking then about everything being in place by the end of this year and starting to produce electricity at the beginning of next year.
1505

Could I ask the Minister why the delay or why the discrepancy between what the Minister has just said against what came out in the *Bloomberg* article?

1510 **Hon. Dr J E Cortes:** Mr Speaker, the *Bloomberg* article I believe was prepared by the company and therefore this may have been their perception.

Clearly when you actually start a project, you begin to realise the things that you have to go through. It had to go through the planning process which it did, there is their own tender process in sourcing the local firms that are going to be manufacturing equipment, which is clearly something that we welcome, so there are steps that need to be taken but I am not unduly worried at this stage, that these delays are going to be significant or rather that these delays mean that the project is not going to go forward.
1515

I am confident at this point in time that they are genuine procedural delays that one comes across whenever one is embarking on any project, particularly one which is fairly new technology, certainly for Gibraltar.

1520 **Hon. J J Netto:** Yes, Mr Speaker, can I ask just one last supplementary question because within that article, half way through the article there is a statement that can be confusing perhaps even contradictory and it states:

‘Gibraltar plans to produce 15% of its energy from renewable sources by 2020’.

Having been thrown in the middle of the article, it gives the impression that that is going to be the only source upon which the Government is going to rely for producing these renewable sources of energy.

1525 Could the Hon. Minister perhaps clarify that this is not the be-all and end-all to the Government strategy?

1530 **Hon. Dr J E Cortes:** Yes, indeed, Mr Speaker. We are developing a strategy which includes analysing other renewable sources of energy. I dare say we have already seen in a small way, the introduction of some solar that will now take off next year, and we are talking to people about other forms of marine energy and we have not discarded other forms such as the more modern wind generators which are smaller and do not create a danger for migrating birds. So we are looking at the whole range of renewable sources and we are working out a strategy and trying to work out at what rate we have to introduce these and what percentage each is likely to take.

1535 Clearly there are some pilot studies which need to continue regarding marine current speed, wind energy and so on but I can confirm that we are not putting all our eggs in Eco Wave’s basket.

**Q739/2014
Macaques –
Illegal feeding**

Clerk: Question 739, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say how many individuals have been fined or cautioned for the illegal enticing or feeding of macaques, contrary to the existing legislation either inside or outside the Upper Rock Nature Reserve, stating where, the date, nationality, amounts imposed, which entity imposed the fine and whether some cases are waiting to be heard in the courts?

1545 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the information requested is in the schedule that I now hand over.

Answer to Question No. 739/2014

Illegal feeding of Barbary Macaques

DATE	NATIONALITY	INSIDE URNR	AREA	FINE/CAUTION	IMPOSED BY	COURT HEARING
12/2/14	SPANISH	NO	JOHN MACK. HALL	CAUTION	DEPT. OF THE ENVIRONMENT	NO
14/5/14	SPANISH	YES	ST MICHAEL'S CAVE	CAUTION	DEPT. OF THE ENVIRONMENT	NO
16/7/14	MOROCCAN	YES	APES' DEN	CAUTION	DEPT. OF THE ENVIRONMENT	NO
1/9/14	BRITISH	YES	APES' DEN	CAUTION	DEPT. OF THE ENVIRONMENT	NO
26/9/14	BRITISH	YES	APES' DEN	CAUTION	DEPT. OF THE ENVIRONMENT	NO
21/9/14	PHILIPPINE	YES	TRAFALGAR CEMETERY	CAUTION	DEPT. OF THE ENVIRONMENT	NO
7/11/14	BRITISH	NO	OUTSIDE MOUNT ALVERNIA	£500	DEPT. OF THE ENVIRONMENT	NO

Hon. J J Netto: Mr Speaker, can I ask given the information provided in the schedule, there are seven individuals of which six have been cautioned. Is that a policy with regard, cautioning as opposed to imposing a fine?

1550 **Hon. Dr J E Cortes:** Mr Speaker, in the early stages of introducing the feeding tickets, for want of a better word, the decision was taken by the Department that we would initially deal with these matters by way of caution, warning, informing people that this was something new but that they would face the

1555 possibility of fines and after that number of months, it was decided that there was a need to step up a little bit more and that is why the first fine ticket itself was issued in November. So there was a strategy of implementing this reasonably in a step-by-step way.

1560 **Hon. J J Netto:** And one final supplementary question if the Hon. Minister can help me. Of the three British mentioned in the schedule, is it possible to know whether we are talking about British Gibraltarians or other British – what is in the back of my mind basically is that I am trying to find out whether it is our local people or whether they are tourists coming for the day. I do not know whether he has got the information available.

1565 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information but if he will remind me or get somebody to call my office, we will look it up and I am very happy to share that with him.

1570 **Hon. J J Netto:** The only reason is because I am trying to think whether there is a particular problem that needs to be dealt with, in the sense of it being tourists or being local, and whether we ought to create more awareness among the local population or more awareness with the tourists at a particular tourist point. That is the reason why I am asking this supplementary question.

Q740/2014

Sewage treatment plant and related works – Progress with construction

Clerk: Question 740, the Hon. J J Netto.

1575 **Hon. J J Netto:** Mr Speaker, can the Minister of the Environment provide Parliament with an updated account of progress with regard to the construction of the sewage treatment plant and works to the other parts of the sewage system, giving a time limit for each aspect of works to commence and finish?

Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1580 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, with regard to the construction of the sewage treatment plant, numerous meetings have taken place between the joint venture company, namely Northumbrian Water and Modern Water and Her Majesty's Government of Gibraltar, since they were granted Preferred Bidder status.

1585 The Environmental Impact Assessment process has been initiated and the target date for completion of the plant is in 2016. Works to the other parts of the sewage system currently being carried out are: the de-silting and CCTV survey of the main sewer along Rosia Road – this is due for completion in early 2015; the de-silting and CCTV survey of the foul sewer along Main Street from the junction with Bell Lane up to King Street, due for completion in early 2015; and the last phase of the Wellington Front flood alleviation scheme, due for completion also in early next year.

1590 **Hon. J J Netto:** I am grateful, Mr Speaker, for that information, but can I ask the Hon. Minister in relation to the sewage treatment plant, because I did not hear when it is envisaged that works will actually begin. I mean, he has given me the process leading to commencement but not a commencement date or an approximate commencement date.

1595 When he talks about the completion being 2016, are we talking about the beginning, the middle or the end of 2016?

1600 **Hon. Dr J E Cortes:** Mr Speaker, I do not have an initiation date. The discussions have included tweaking the technology, we are aware of the fact that we use a salt-water system which is not used in many other parts so the technology had to be tweaked and discussions I am told are almost completed and then the EIA has to be completed.

1605 So I would have said that it would be a few months before work actually starts, which would probably make the completion somewhere around the middle of 2016. But as we have seen with other projects, the exact start and finish dates, particularly the finish dates are always a little bit delicate because of things that need to procedurally take place.

Q741/2014
On-line reporting facility –
Update on progress

Clerk: Question 741, the Hon. J J Netto.

1610 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if the on-line reporting facility alluded by the Hon. Minister in his budget address is now operational and if so, provide a monthly account of the report submitted, broken down by categories?

Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1615

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes the reporting facility is operational. The Environmental Agency and the Government launched the on-line application Gibenviro in mid-November 2013. That is one of two; I will mention the other one in a minute.

1620

The application was advertised in the local media. Posters were also displayed in public buildings, schools and in St Bernard's Hospital and the Environmental Agency also has permanent advertising in three of its vehicles.

I have the information breakdown, unfortunately it was prepared for me as supplementary rather than as a schedule but there are not many so I will go through them and I can give the hon. Member a copy.

1625

Only 11 reports have been submitted through this app: one of feral cats, four of litter accumulation, two of housing defects, one of smells, two related to pest control and one related to smoke and fumes.

In addition, the Department of the Environment is currently working on a separate on-line reporting tool which has not yet been published. This refers to 'FixMyStreet' and the Department is currently working on the procedural documents for each stakeholder involved in FixMyStreet.

1630

Hon. J J Netto: I believe the Hon. Minister alluded to the fact that he is going to make a copy of the information.

Hon. Dr J E Cortes: Yes.

1635

Mr Speaker: Next question.

Q742/2014
Revised Environmental Action and Management Plan –
Provision to Parliament

Clerk: Question 742, the Hon. J J Netto.

1640 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with a copy of the revised Environmental Action and Management Plan earmarked for September/October 2014?

Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1645

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there were no plans to produce a revised version of the EAMP in September/October this year. The EAMP was updated in January 2013.

1650

There may have been confusion because having researched what I believe I said in Parliament, I am not sure whether it was at the time of my budget speech, was that there was going to be a seminar in September/October, to review where we were on the EAMP and that may have been the confusion, rather than review the document itself.

Because of other exigencies, that seminar did not take place and is now scheduled to take place either at the end of January or the beginning of February. I just offer that by way of explanation, because perhaps the way I said it may have given the impression that it was the document going to be reviewed rather than the implementation of the document.

1655

Hon. J J Netto: So, Mr Speaker, just to be clear there is no intention to revise the existing plan and the existing plan was updated in 2013. Is that correct?

1660 **Hon. Dr J E Cortes:** What I said was that I did not say that there was an intention to revise it in September/October but to review progress on it. That will now happen early in the New Year. Following that discussion, there may be an update of it but I do not think I committed myself to updating it in September/October but to reviewing it. That is the distinction I am trying to make.

Q743/2014
Gibraltar Waste Management Plan –
Provision to Parliament

1665 **Clerk:** Question 743, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment provide Parliament with a copy of the Gibraltar Waste Management Plan?

1670 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Gibraltar Waste Management Plan is available online. A copy will also be provided electronically to the hon. Member today.

1675 **Mr Speaker:** Next question.

Q744/2014
Municipal Waste Treatment Plant –
Timeline for commencement and completion

Clerk: Question 744, the Hon. J J Netto.

1680 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide a timeline for the commencement and completion of the Municipal Waste Treatment Plant?

Clerk: Answer, the Hon. the Minister for Health, the Environment and Energy.

1685 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, a precise timeline for the commencement and completion of the Municipal Waste Treatment Plant is not available at present. The plant is currently in the pre-qualifying questionnaire stage of the tender process. Invitations to tender are expected to be sent out to successful applicants shortly – I believe maybe as shortly as tomorrow – and the target date for completion is late 2015.

1690 **Mr Speaker:** Next question.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q745/2014
Government rental homes –
Unpaid rents written off

Clerk: Question 745, the Hon. E J Reyes.

1695 **Hon. E J Reyes:** Mr Speaker, further to Question 521/2014, 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 the financial year 2014-15?

1700 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, no monies have been written off so far in relation to 2014-15.

Mr Speaker: Next question.

Q746/2014
Government rental homes –
Damage from rainwater ingress

1705

Clerk: Question 746, the Hon. E J Reyes.

1710

Hon. E J Reyes: Can Government provide details of the extent of damage caused to rental homes inclusive of locations as a result of rain water ingress during ongoing refurbishment works, since the answer provided to Question 522/2014?

Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

1715

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, during November and up to 15th December 2014, 32 flats have been affected by water ingress.

As in my previous answer, I am advised that the immediate internal surface and window surrounds have been affected and the contractor has already undertaken effective repairs.

1720

The damage caused inclusive of locations is as follows: Moorish Castle Estate, water penetration through the ceiling was the cause and there were six flats affected. In Laguna Estate there were seven flats affected by water penetration through the ceiling. At Laguna Estate there were also seven flats affected by water penetration through the windows. In Glacis Estate there were three flats affected through water penetration to the ceiling and a further nine flats were affected by water penetration through the windows.

Q747/2014
Government rental homes –
Reallocation of empty homes

1725

Clerk: Question 747, the Hon. E J Reyes.

1730

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of all expenditure incurred since the answer to Question 524/2014 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?

Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

1735

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

And if the hon. Gentleman could please note that all the services contracted were for repairs and none were for cleaning.

Answer to Question 747

Contractors	No. of Properties	Cost
Keyway Construction Ltd	1	£5725.00
A. L. Woodworks	1	£9930.00
Sarah Jane Construction	1	£3500.00
A & K General Builders Ltd	1	£4048.00
J I Construction	1	£9500.00
Ace Plumbing	1	£9290.00
Avanti	1	£5950.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

Q748/2014
Government rental homes –
Tenants requiring urgent decanting

Clerk: Question 748, the Hon. E J Reyes.

1740

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 526/2014, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their homes?

1745

Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 526/2014 six persons have required decanting from their homes as follows.

Tenant 1 due to works was decanted on 15th October 2014 and returned home on 12th December 2014.

1750

Tenant 2 as a result of sewage problems, they were decanted on 17th October 2014 and were able to return to their flat on 23rd November 2014.

Tenant 3 as a result of works was decanted on 17th October 2014 and they were able to return home on 30th November 2014.

1755

Tenant 4 as a result of fire was decanted on 30th October 2014 and as yet there is no date set for their return as work is still ongoing on that flat.

Tenant 5 as a result of problems with the roof was decanted on 17th November 2014 and as yet no date has been set for their return.

Finally, tenant 6 was decanted as a result of repairs to the roof on 3rd December 2014 and once again, there is no date set for their return.

1760

Hon. J J Netto: Mr Speaker, thanks for the information.

The question said tenants requiring urgent decanting and obviously it is quite logical that with the sewage, the fire and the roof, it has had to happen, but the Minister on two particular occasions said that there were works. Does he have any further information as to what type of works because it should be urgent, rather than scheduled?

1765

Hon. P J Balban: Mr Speaker, I do not have the specific information but when there are urgent works required and obviously the works cannot be done with the family within, then that is the reason for the decant. Now exactly what the reason was, I do not know. I am aware of on certain occasions that the works could be due to humidity and because the remedial works have required the removal of walls or having to rebuild walls. Even things like rewiring, on occasions there has been a need for rewiring flats and the need to open up trunking has meant that the tenants have had to be decanted. But I do not have the specific information that the gentleman is requesting.

1770

1775

Hon. E J Reyes: Mr Speaker, is the Minister aware of these six urgent decanting in any way connected with the 32 flats affected for which the Minister gave us information in respect of Question 746, where I see some of them related to water penetration through ceilings, windows and so on. Are any of these six somehow or another also included in the 32 for refurbishment works?

1780

Hon. P J Balban: Mr Speaker, once again I am not sure of the reply to the question. I would think that they are different but I would have to find out. I do not think that they are related because the timeframes for return have been quite long and I believe I did reply to the previous question that I think most of the repairs have now been done to the flats that were affected through water ingress.

1785

Hon. J J Netto: I accept, Mr Speaker, that I had not given adequate notice of that upon return to his office, should the Minister find that any of these six do coincide with the 32, would the Minister just kindly provide this information to me as and when he can and we can then move on to the next question?

1790

Hon. P J Balban: Of course, sir.

Q749/2014
Government co-ownership housing projects –
Updated details of allocations

Clerk: Question 749, the Hon. E J Reyes.

1795 **Hon. E J Reyes:** Further to the answer provided to Question 532/2014, can the Minister for Housing provide revised and updated 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?

1800 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic 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 749

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	321	Nil
2 Bed flats	166	Nil
1 Bed flats	24	14

Hon. E J Reyes: Thank you for this schedule, Mr Speaker.

1805 Yes, I note that there has been further allocations and so on. Just so that I can make a note here, can the Minister tell me as up to when is this return in, because, as I have heard from some constituents that they were actually invited to GRP only earlier this week to be offered some of these as at yet unallocated homes? So is this information correct as of yesterday or as of a few days ago? I know the Minister has to collate information but whoever provided him the details should say as at when, what date.

1810 **Hon. P J Balban:** Mr Speaker, I am not sure of the exact date, but the GRP are still going down the pre-lists and in fact GRP have 10 appointments left before Christmas.

Mr Speaker: Next question.

Q750/2014
Government fleet of vehicles –
Non-polluting engines

1815 **Clerk:** Question 750, the Hon. J J Netto.

1820 **Hon. J J Netto:** Mr Speaker, further to the answer given to Written Question 182/2014, can the Minister for the Environment say if the assessment to the current Government fleet of vehicles has now been completed in order to meet their manifesto commitment to have a fleet of vehicles powered by non-polluting engines and if so, will the Minister provide Parliament with a copy of the report, coupled with the Government's action to fulfil the commitment by the time the next elections are called?

Clerk: Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

1825 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the assessment of the Government's fleet of vehicles has now been completed. The internal report is in the process of being considered so as to determine options on how best to meet the manifesto commitment given to have the transport fleet powered insofar as possible by non-polluting engines.

1830 **Hon. J J Netto:** Mr Speaker, will the Hon. Minister allow the Opposition to have a copy of the internal report?

Hon. P J Balban: No, Mr Speaker. We do not publish internal reports.

1835 **Hon. J J Netto:** But you could of course make an exception to the Government policy and thus provide the report to the Opposition. Is that a problem?

1840 **Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker, this is a report prepared internally in order to enable the Government to assess how it is going to comply with a manifesto commitment. It is a report he could have commissioned when he was in Government, it is about the same fleet of vehicles. It was not his manifesto commitment to do it so we have a manifesto commitment to deal with the fleet in a particular way and this report is an internal report of the Government so there is no question of it being disclosed to the Opposition.

Q751-753/2014
Tesla vehicle lease –
Costs

1845 **Clerk:** Question 751, the Hon. D A Feetham

Hon. D A Feetham: Mr Speaker, what is the term of the contract for the lease of the Tesla vehicle to the Government and what is the projected total cost to the Taxpayer of that contract?

1850 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 752 and 753/2014.

1855 **Clerk:** Question 752, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the total amount paid by the Government to Bassadone Motors and/or any other entity in respect of the Tesla vehicle used by the Chief Minister?

1860 **Clerk:** Question 753, the Hon. D A Feetham.

Hon. D A Feetham: What is the cost to the Taxpayer per month for the Tesla vehicle used by the Chief Minister?

1865 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

1870 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Government has entered into a financial agreement with IFC (Bassadone Motors Finance Company) whereby IFC will finance the sum of £56,594 which is outstanding after the payment of an initial deposit of €30,000 with an interest only deal of three years at a rate of 6%. This equates to a monthly interest of £282.97 per month. The deal includes an option to buy the vehicle at a price of £56,594 after three years. The monthly cost of running the vehicle is almost zero. It can cost a pound or two to charge it.

1875 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister say whether there has been any need to conduct any maintenance or servicing on the vehicle since it was acquired?

Chief Minister (Hon. F R Picardo): Mr Speaker, I am happy to help, given that it is the vehicle that I am driven in.

1880 The vehicle is updated and serviced almost daily. It is connected by a 3G chip to the Tesla factory in California and software updates and servicing is carried out in that way which is really quite an incredible thing to see. It usually happens overnight whilst the vehicle is charging.

Other than that, there has been no need for any major overhaul of the vehicle. There may be a need to repair a small part of the door, which has not been working exactly as it should in the past week or so, but other than that, it has given a magnificent result.

1885 **Hon. S M Figueras:** And in terms of tyres and other moving parts on the vehicle, they clearly cannot be updated remotely. Is the Chief Minister aware of... well, actually could the Chief Minister say whether it is in fact Bassadone who will be conducting servicing as and when it is required in due course in terms of the motors themselves and whatever may need servicing in that respect?

1890 **Hon. Chief Minister:** Bassadone is through Tesla, Tesla the suppliers. The maintenance of the vehicle is done by Tesla itself through Bassadone in the same way as some other high-end marks do their servicing through agents. Tyres, etc I do not think are particular to the vehicle, I think it just carries Pirelli P1s or something like that, so those are available generally and the weight of the vehicle is such that it does not need changing of the tyres very often – unless I am in it, it is actually quite light. *(Laughter)*

1895 **Hon. S M Figueras:** I would warrant it might be a good idea never to give me a lift. *(Laughter)* Mr Speaker.

Hon. D J Bossino: I am alright Yes. Santa is fine.

1900 Mr Speaker, in relation to the arrangement with IFC. Is it the Government's intention to acquire the vehicle at the end of the term?

1905 **Hon. Chief Minister:** Mr Speaker, there is nothing to suggest to the Government at the moment that we should not. Hon. Members need to understand that the reason why this vehicle was not bought outright is that this was a new technology, a very tried and tested technology, by the time that we were acquiring it the vehicle was being marketed generally, but in order to ensure that we did not end up with what might have been a dead duck – and the hon. Member is a follower of Jeremy Clarkson who is not a fan of the vehicle and there are one or two reviews that suggest that it might not be as good as the American market reports suggested, that there might be an opportunity not to have to acquire it.

1910 But every indication at the moment is that the vehicle is working exactly as it needs to for the purposes of the needs of the Chief Minister of Gibraltar and therefore the present intention is to proceed with the acquisition.

1915 **Hon. S M Figueras:** Or indeed, Mr Speaker, as the Norwegian market would suggest because it is if not the most popular, one of the most popular vehicles there.

That notwithstanding then, Mr Speaker, is it then the case that IFC was effectively the entity taking the punt on the vehicle when it was originally acquired by the Government?

1920 **Hon. Chief Minister:** That is exactly right, Mr Speaker, so in the event that the Government were not to proceed, then IFC/Bassadone but it would be IFC would then take the vehicle back at the end of the three-year period and they would be the ones who would market it.

I for one would certainly have been one ready to buy it at that stage, one Tesla vehicle, black in colour, slightly used, taken care of, much weight put on the right back seat, but other than that it is in excellent working order.

1925 **Mr Speaker:** Next question.

EDUCATION, JUSTICE AND INTERNATIONAL EXCHANGE OF INFORMATION

Q754-760/2014

**Students in full-time education –
Details of Years 10 to 13**

Clerk: Question 754, the Hon. E J Reyes.

1930 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details of how many students who were undergoing full-time education and enrolled in Year 10 at the start of the academic year 2013-14, have left full-time education before the commencement of the 2014-15 academic year, providing a breakdown by educational establishment, date – that is, month – of termination and age of student at the time, together with reasons for leaving if known?

1935

Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 755 to 760/2014?

1940

Clerk: Question 755, the Hon. E J Reyes.

1945 **Hon. E J Reyes:** Can the Minister for Education provide details of how many Year 11 students left full-time education during the academic year 2013-14, before sitting GCSE examinations, providing a breakdown by educational establishment, age of student, date of termination and reasons for leaving if known?

Clerk: Question 756, the Hon. E J Reyes.

1950 **Hon. E J Reyes:** Can the Minister for Education provide details of how many students have ceased full-time education in either Years 10 or 11 or equivalent, since the start of the 2014-15 academic year, providing a breakdown by school year, educational establishment and reasons for termination if known?

Clerk: Question 757, the Hon. E J Reyes.

1955

Hon. E J Reyes: Can the Minister for Education provide updated details in respect of any changes there may have been in respect of students currently enrolled for post-GCSE education in Years 12 and 13 or there equivalent, when compared to those enrolled at the start of the current academic year, together with reasons for termination if known?

1960

Clerk: Question 758, the Hon. E J Reyes.

1965 **Hon. E J Reyes:** Can the Minister for Education provide details in respect of the number of students broken down by gender who are repeating subjects pertaining to GCSE examinations which they sat for during the academic year 2013-14, indicating at which educational establishment they are currently receiving revision tuition?

Clerk: Question 759 the Hon. E J Reyes.

1970 **Hon. E J Reyes:** Can the Minister for Education provide details in respect of the number of pupils who sat Advanced Level and GCSE examinations or equivalent, broken down by gender and educational establishment where they received full-time education as at the end of academic year 2013-14?

Clerk: Question 760, the Hon. E J Reyes.

1975

Hon. E J Reyes: Can the Minister for Education provide details of how many students are presently enrolled for post-GCSE education in Years 12 and 13 or equivalent, for the academic year 2014-2015 broken down by gender and educational establishment?

1980

Clerk: Answer the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the information requested is set out in the schedule which I now hand to the hon. Member.

Schedule to Question 760 of 2014

Answer to Question 754 of 2014

School	Year 10	Age	Date	Reason
Bayside	9	15	4/4/14	Employment
		16	30/6/14	Employment
		15	10/7/14	Employment
		16	9/4/14	Employment
		15	17/6/14	Employment
		16	6/7/14	Undecided
		16	5/11/13	Employment
		15	20/5/14	Employment
		15	20/12/13	Overseas school
		Westside	11	15
16	9/1/14			Not known
15	9/1/14			Not known
15	27/12/13			Overseas school
16	24/2/14			Overseas school
16	9/5/14			Undecided
15	27/9/13			Overseas school
15	27/9/13			Overseas school
15	20/9/13			Overseas school
17	2/9/13			Undecided
16	9/1/14			Overseas school

Answer to Question 755 of 2014

School	Year 11	Age	Date	Reason
Bayside	4	16	4/9/13	Employment
		16	20/9/13	Training Centre
		16	4/10/13	Employment
		17	16/9/13	Employment
Westside	5	17	9/9/13	Undecided
		17	9/9/13	Undecided
		16	31/1/14	Employment
		17	2/9/13	Undecided
		17	2/9/13	Undecided

Answer to Question 756 of 2014

School	Year 10	Year 11
Bayside	1*	2~
Westside	7+	11^

* Student left for UK

~ Both left for employment

Cont'd Schedule to Q760/2014

- + 5 Overseas school / 2 Not known
- ^ 2 Overseas
 - 1 Employment
 - 3 They are undecided
 - 5 Not known

Answer to Question 757 of 2014

School	September 2014		December 2014	
	Year 12	Year 13	Year 12	Year 13
Bayside	130 boys	102 boys	125 boys	97 boys
Westside	168 girls	107 girls	170 girls	106 girls
College	42 girls 36 boys	31 girls 30 boys	38 girls 31 boys	30 girls 29 boys

- Losses all left for employment
- + 2 gain "new enrolments"

Answer to Question 758 of 2014

School	GCSE (R)
Bayside	34 boys
Westside	17 girls

Answer to Question 759 of 2014

School	GCSE	AS	A2
Bayside	217 boys	121 boys	96 boys
Westside	204 girls	111 girls	97 girls
College	47 boys 65 girls	52 boys 28 girls	21 boys 23 girls

Answer to Question 760 of 2014

School	Year 12	Year 13
Bayside	125 boys	97 boys
Westside	170 girls	106 girls
College	38 girls 31 boys	30 girls 29 boys

1990 **Mr Speaker:** It is a fairly lengthy schedule, I suggest that I give an opportunity to the hon. Member to study it and while he is doing so, perhaps we can proceed with the question to the Hon. the Deputy Chief Minister which is Question 773, the Hon. D J Bossino.

DEPUTY CHIEF MINISTER

Q773/2014
Single Sky initiative –
Next steps

1995 **Clerk:** Question 773, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Aviation state what steps are envisaged next in relation to the Single Sky initiative?

2000 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

2005 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker. The Government has been assured that the dossier on SES2+ will not proceed to the next stage, which is discussion with the European Parliament, until the question of the applicability to Gibraltar has been resolved. The matter therefore remains with the European Council.

2010 **Hon. D J Bossino:** Yes, I am grateful for the reply, Mr Speaker, but is there any further information he can share with this House as to what the expected timetable is. He says that the matter is now with the European Council. As I understand it, basically we are in the *status quo* as we were previously, which is that the air liberalisation measures post the Cordoba Accord will apply to Gibraltar and that the new initiative, in respect of which Spain wanted to exclude Gibraltar, is not going to be proceeding.

But can he provide any indication as to what you know, in terms of what I said before, in terms of what timetable, what the European Council's next steps are likely to be?

2015 **Hon. Dr J J Garcia:** Mr Speaker, this very much depends on whether the Italian Presidency wants to push this or not. At the moment the position of the UK is that the inclusion of Gibraltar is a red line. This could go to a qualified majority vote, in which case anything could happen and it would be up to the UK to try and convince the other member states to support them and support us on this particular issue.

2020 The UK assures us that the Italian Presidency will not proceed with the matter until it has been resolved. The Council has not taken a position on the Gibraltar issue which is why the text was inserted in brackets. So really it is a question of waiting to see what the Presidency chooses to do.

2025 As I said, the next stage, once the Council approves the text in its entirety, including the Gibraltar clause, then it is to have negotiations between the Council and the Parliament. That is the next stage. That is the stage that we are not proceeding – we are told that will not be proceeded to until the Gibraltar question has been cleared up in the Council itself. But it is a matter for qualified majority voting.

2030 **Hon. D J Bossino:** Given that it is a qualified majority vote, the Hon. the Chief Minister will no doubt recognise that therein in many respects, lies a danger, would he not agree with me? Because although the UK has taken a very robust position in relation to this, something which the Opposition obviously supports, it is within the realms of possibilities that they could be out-voted. Is that analysis, which I am making sort of on my feet now as a result of the answer that he has just given, correct?

2035 **Hon. Dr J J Garcia:** Yes, Mr Speaker. That is an option. It is an option that you could go to a vote and the UK could be out voted. It is an option that we are told is not likely to happen because the Italian Presidency has now stood back on the issue. The Foreign Secretary we know called up his Italian counterpart to make the point soon afterwards, so really it is a question of waiting to see what it is that the Presidency chooses to do. Certainly the UK has made the position clear to them and we now need to wait and see what the next step will be.

2040 What we are told is that they will not proceed on to that next step which is discussion with the Parliament, until this matter has been resolved. What the UK has told us and has said publicly very clearly, is that if Gibraltar happens to be excluded from it, that legal action is an option they would consider.

2045 **Hon. D A Feetham:** Yes, in relation to that, just looking at exactly how robust the position the United Kingdom is in relation to this, have you been able to discuss with the United Kingdom a plan B? In other words, if there is a vote and it goes against Gibraltar, has the United Kingdom Government said to the Gibraltar Government, 'Look, in those circumstances we feel so strongly about this, that we will then take legal proceedings in the European Court of Justice in order to defend Gibraltar's position and challenge Gibraltar's exclusion'?

2050 **Hon. Dr J J Garcia:** Yes, Mr Speaker, in the public statements that the UK has made, I think it was the UK Minister for Transport who was present in the Council meeting and in other public statements that have been made legal action has not been ruled out as an option. So what they are saying is if this happens, and if Gibraltar is excluded, then the UK is contemplating taking the issue to court.

2055 **Hon. D A Feetham:** I understand that there is a nuance, there is an important distinction, simply because you do not rule something out, you are not effectively ruling it in either. How confident is the Government that the United Kingdom, if we do get to the stage where it is out-voted by a qualified majority, that it really will stick to its guns and it will take legal proceedings, because effectively that is the only way in which at that stage, you can challenge Gibraltar's exclusion?

2060 **Hon. Dr J J Garcia:** Mr Speaker, the hon. Member is asking me to express an opinion on something which has not happened. Obviously I understand where he is coming from but certainly the indications that we have had throughout on aviation issues – not just in this particular one, it is the first one that has come up; there are more in the pipeline – are that for the UK this is a red line issue. We saw it from the Minister for Transport the other day in the Council and we have seen it also from the Minister for Europe and others.

2065 So for the UK this is a fundamental red line issue and they are certainly prepared to contemplate every option that is open to them.

Hon. D A Feetham: And bearing in mind that there is an election in the United Kingdom in May of next year and that that could lead to a change in Government, is this something that has also been discussed with the Labour Opposition in the United Kingdom to ascertain what its position is going to be in relation to this, which is obviously very important to Gibraltar?

2070 **Hon. Dr J J Garcia:** In the contacts we have had with members of different parties in the UK and indeed in the Foreign Affairs Committee Reports published recently, I think we are confident that this is a cross-party issue.

Mr Speaker: Next question.

Q774/2014
East Side project –
Projects under consideration

2080 **Clerk:** Question 774, the Hon. D J Bossino.

Hon. D J Bossino: Can the Deputy Chief Minister state how many projects are still being considered for the East Side project, with details of the entities which remain to be considered as well as the nature of each of those projects?

2085 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the answer was set out in a press release dated 3rd December 2014.

2090 **Hon. D J Bossino:** Mr Speaker, the answer I suppose to the extent of the numbers of projects which are still being considered, I think if memory serves, but of course there could have been a change since the press release was issued, was six. Now, obviously by the answers given, I must take it that it remains the same.

2095 But can he give me details of the other information which I am seeking in the question, for example the names of the entities which remain to be considered; and if he cannot give me those, then at least the nature of the projects? I do not think that was set out in the press release.

2100 **Hon. Dr J J Garcia:** Mr Speaker, the Government announced that we were dealing with 17 entities that expressed an interest in the East Side project. There are now six left. Those six will come in January to give presentations to the Government, in more detailed presentations, as to what it is that they propose. Some of them are for the whole plot, some of them are for only parts of the plot and when we announced or advertised for expressions of interest, that closed in August. In the advert we explained what it was we were

2105 looking at which was a marina, leisure activity, hotels, commercial and residential, both high end and affordable. So really that mix is with different entities that were put forward to the Government.

Hon. D J Bossino: I am grateful, Mr Speaker.

Is he able to give me details of the entities which remain? I do not think he has answered that formally.

2110 **Hon. Dr J J Garcia:** Mr Speaker, the Government would treat that information as being confidential at this stage, given the nature of the process.

2115 **Hon. D A Feetham:** Mr Speaker, am I right in saying that the Government's preferred way ahead in relation to this is to have one bid for the entire site, rather than have a situation where you are selling off parts of the plot to different people, which will then create a situation where perhaps the whole scheme will not be harmonious in relation to one part in relation to the other?

2120 **Hon. Dr J J Garcia:** Mr Speaker, at the moment the Government is open to both options. If you remember the West Side reclamation, the plots were sold to different developers for different land uses and it worked quite well. So really we are open to both at this stage, either to parcelling out the plots or to selling the whole plot for development.

2125 **Hon. D A Feetham:** In relation to those bidders that have bid in relation to just simply part of the plot, a part of it, are those in relation to housing or are they in relation to a marina? Can he give me some information in relation to that?

I assume that it is probably going to be housing, either affordable or luxury housing, probably the latter. But if he can provide me with some information?

2130 **Hon. Dr J J Garcia:** Mr Speaker, the hon. Member will forgive me for not elaborating at this stage, because if I divulge the nature of the information, I might prejudice the discussions with the different entities.

EDUCATION, JUSTICE AND INTERNATIONAL EXCHANGE OF INFORMATION

Q754-760/2014 continued – Students in full-time education – Supplementary questions

Mr Speaker: The Hon. Mr Reyes.

2135 **Hon. E J Reyes:** Thank you, Mr Speaker.

Yes, I rise... I must record my gratitude to the Minister for Education for the comprehensive breakdown of details, it is quite complete.

2140 May I just for clarification purposes, Mr Speaker, in respect of Question No. 758, I was asking for an indication of which educational establishments any students could be receiving revision tuition in respect of any GCSE exams they had to repeat, those exams that they took at the end of the last academic year. I have figures for Bayside and Westside, there is nothing reported there in respect of the College. Am I right then in assuming in coming to the conclusion that the College does not offer any revision tuition at all to any student they have enrolled in their books to allow them to repeat any subject that they failed at last year's GCSE exams?

2145 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Yes, Mr Speaker, as I understand it, the repeat programmes are conducted by both Bayside and Westside. Hon. Members will recall that when we came into Government, there was a programme conducted by Westside but not by Bayside, and it was suggested that that was unfair. We changed that and we made it clear that Bayside itself should offer a programme, so for boys there is a programme at Bayside and for girls there is a programme at Westside. It can combine possibly with other programmes in the College, but anybody who wants to do the repeat programme for GCSEs, if it is a boy they will do it at Bayside, and if it is a girl they will do it in Westside.

2155 **Hon. E J Reyes:** Yes, Mr Speaker, if I recall correctly, I even praised the Minister for having brought into effect that Bayside also offered a repeat course and so on. Yes, but the way this answer has been

questioned, it refers that there are 34 boys enrolled in a repeat programme at Bayside and 17 girls in a repeat programme at Westside. But my question does go a bit beyond that; my question does not say how many are enrolled in that repeat year. My question says, ‘provide details in respect of the number of students broken down by gender who are repeating subjects’.

2160 Therefore there could be a student who is undergoing three or maybe even four AS-Levels but yet the school – I know it happened in my days – is able to provide... for example, someone wishing to enter teacher training, Mr Speaker, might be interested to know it is now compulsory that you hold GCSE passes Grades A to C in English, Spanish and also a Science subject.

2165 So you could have a very able student, a very good linguist for example, but yet mathematics is not his forte. Therefore the school, College, Bayside or Westside, could actually offer that student the opportunity, otherwise the student loses out and could end up with three or four A stars at A-Level and yet is missing GCSE mathematics and is unable to follow a teacher training programme.

2170 So perhaps I have now been able to explain the wider scope for my question. I was not just seeking information on the repeat year.

Hon. G H Licudi: Mr Speaker, I understand what the hon. Member is saying. This has clearly been interpreted as meaning the repeat programme which is available in Bayside and Westside. I do not know whether there are any other students, other than those engaged in the repeat programmes who are actually repeating any subjects at all, but I will find out the information and let the hon. Member know.

Hon. E J Reyes: Thank you very much, Mr Speaker.

2180 Just to help complete my whole picture, may I on a happy note say here Mr Speaker, looking at... because it has come through a schedule I know viewers and listeners through the media may not have been able to grasp some of the details.

Mr Speaker, the girls seem to be doing far better than the boys, because there is a greater number of them proceeding onto post- GCSE education, so that could be a reflection in the future that perhaps instead of only having two female Members of this House of Parliament, we will have far greater female (**A Member:** Hear, hear.) (*Banging on desk*) representation in this House if the trends of the good work carried out by the educationalists continue.

A Member: Hear, hear.

Procedural

Mr Speaker: The House will now recess until 3.00 p.m. this afternoon.

2190 **Hon. D A Feetham:** Mr Speaker, there is only one question for three o’clock. Is it not possible to take this question today?

Mr Speaker: There are two Bills as well.

2195 **Hon. D A Feetham:** But can we not do the Bills...? Mr Speaker, if the issue is going to be one question at three o’clock, I am prepared to withdraw the question and ask it again in January. We can do the two Bills which are quite short *now*, can’t we? They are Bills that are likely to be supported by the Opposition.

2200 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Leader of the House wanted to take his questions at three o’clock and also the Bills at three o’clock on the basis that there was a question on the Order Paper.

If there is not going to be a question on the Order Paper, we could take the Bills now because my colleague Mr Licudi is responsible for those two Bills.

2205 **Hon. D A Feetham:** Mr Speaker, to come back at three o’clock for one question, I will withdraw the question and if necessary ask it again in January. I do not think it really makes sense for us to come back –

2210 **Mr Speaker:** I can understand the point that the Hon. the Leader of the Opposition is making. My own personal preference would be to stay on and conclude the business of the House. But it could well be that the Chief Minister, who I understand is not within the precincts of Parliament at the moment, may have something that he might wish to add this afternoon.

2215 If we conclude our business now before lunch, we are effectively precluding the Chief Minister from taking part in the rest of the business of the House. I would not... I think in his absence it might not be the right thing to do. Let me put it that way.

Hon. Dr J J Garcia: Mr Speaker, may I suggest a five-minute recess?

2220 **Mr Speaker:** We will recess for five minutes.

The House recessed at 12.25 p.m. and resumed its sitting at 12.31 p.m.

Procedural

Mr Speaker: I am informed that the Leader of the House would wish the House to recess until this afternoon at three o'clock as he really would like to be here before the House is adjourned *sine die*.

So the House will recess until three o'clock this afternoon.

2225

The House recessed at 12.37 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.20 p.m.

Gibraltar, Thursday, 18th December 2014

Business transacted

Procedural – Q775/2014 withdrawn	2
Questions for Written Answer.....	2
Written Questions W285/2014 to W286/2014 tabled	2
Order of the Day.....	3
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First and Second Reading	3
Crimes (Amendment) Bill 2014 – First Reading approved.....	3
Crimes (Amendment) Bill 2014 – Second Reading approved	3
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Companies (Amendment) Bill 2014 – First Reading approved	4
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Companies (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting .	5
Committee Stage and Third Reading	5
<i>In Committee of the whole Parliament.....</i>	<i>5</i>
Crimes (Amendment) Bill 2014 – Clauses considered and approved.....	5
Companies (Amendment) Bill 2014 – Clauses considered and approved	6
Crimes (Amendment) Bill 2014 and Companies (Amendment) Bill 2014 – Third Readings approved: Bills passed	6
Adjournment.....	6
Season’s good wishes.....	6
<i>The House adjourned at 3.20 p.m.</i>	<i>7</i>

The Gibraltar Parliament

The Parliament resumed at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Procedural – Q775/2014 withdrawn

Mr Speaker: Following the Leader of the Opposition's indication this morning that he was withdrawing Question 775, I will therefore call upon the Chief Minister to table the answers to Written Questions.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the indication that the Leader of the Opposition gave this morning was that if it prevented us from coming back this afternoon, he would withdraw his question, but we are back this afternoon and I am happy to deal with the question.

10 **Hon. D A Feetham:** Mr Speaker, I am afraid that the Chief Minister was not here, I indicated to the Speaker that I was withdrawing the question and that is the end of the matter. It is a matter for me, it is not a matter for the Chief Minister and therefore we continue with the tabling of Written Questions.

15 **Mr Speaker:** Yes, I confirm that he did say that he was withdrawing the question and therefore the next business is for the Chief Minister to table the answers to Written Questions.

Hon. Chief Minister: Well, Mr Speaker, I do not think that is what he said. I actually watched that part of the debate from my office, where I was holding an important meeting which is the reason I was not here.

But I am very happy for the hon. Member to withdraw the question. In fact I think it is very wise that he should withdraw the question and I am very happy to proceed to the next item on the Order Paper.

20 But as *Hansard* will show, what he said this morning was not that he was withdrawing the question, just that he would withdraw it if it prevented him from coming back this afternoon.

Questions for Written Answer

Written Questions W285/2014 to W286/2014 tabled

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answer to Written Questions numbered W285/2014 to W286/2014 inclusive.

Order of the Day

BILLS FIRST AND SECOND READING

Crimes (Amendment) Bill 2014 – First Reading approved

25

Clerk: (ix) Order of the Day. Bills – First and Second Reading.
(1) A Bill for an Act to amend the Crimes Act. The Hon. the Minister for Education and Justice.

30 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):**
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Crimes Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

35 **Clerk:** The Crimes (Amendment) Act 2014.

Crimes (Amendment) Bill 2014 – Second Reading approved

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, I have the honour to move that the Bill be now read a second time

40 Mr Speaker, the sole purpose of this Bill is to repeal section 555(1)(b) of the Crimes Act 2011. That is because the equivalent provisions of section 555(1)(b) are now contained in the new Marine Protection Regulations 2014.

45 Members will be aware that those Regulations provide a comprehensive set of rules including governing spear fishing. This particular rule relates to spear fishing and that is an activity which is now subject to those Regulations and in respect of which a person must obtain a permit. So the equivalent provision of what we are repealing is now contained in the Marine Protection Regulations.

I wish to give notice, Mr Speaker, that there is a slight amendment to be made to the Bill at Committee. The Bill currently provides, in title and commencement in clause 1, that it comes into operation on the day of publication. As hon. Members will be aware, the Marine Protection Regulations come into effect on 1st January 2015 and what we cannot do is repeal this whilst the other one has not come into effect. Therefore I will be moving an amendment by replacing the day of publication by 1st January 2015.

50 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?

55 I now put the question, which is that the Bill for an Act to amend the Crimes Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Crimes (Amendment) Act 2014.

Crimes (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting

60 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):**
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

65 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Companies (Amendment) Bill 2014 –
First Reading approved**

Clerk: (2) A Bill for an Act to amend the Companies Act.
The Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
70 Mr Speaker, I have the honour to move that a Bill for an Act to amend the Companies Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Companies Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.
75

Clerk: The Companies (Amendment) Act 2014.

**Companies (Amendment) Bill 2014 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
80 Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the primary purpose of this Bill is to tidy up a number of editorial errors and omissions in the Companies Act 2014. The Bill also introduces three changes that the Government has agreed to make because of representations by the financial services and company management industries, which were not made during the consultation process or command paper stage leading up to the enactment of the legislation. There is also a further change that the Government has made out of its own initiative.

85 Mr Speaker, except for clause 2(44) and clause 3, which are inter-related, the editorial errors and omissions are self-evident in the Bill.

Clause 2(44) introduces a provision to cater for the power to acquire shares of shareholders dissenting from a scheme or contract approved by a majority. This provision, which replicates in its entirety the equivalent provision – that is, section 208 of the former Companies Act – was inadvertently omitted from the current Act. Section 208 of the former Companies Act which has been kept in force in the interim period, can therefore now be repealed, which is exactly what clause 3 provides.

90 Mr Speaker, the additional changes agreed to by Government subsequent to industry representations are as follows.

In clause 2(36) the Government has agreed that schedule 9 on the definition of small and medium sized companies be amended to correspond to the qualification of a small or medium company in section 293 of the Act.

At present, schedule 9 proactively anticipates the accounting and audit threshold figures in Directive 2013/34/EU which comes into force in 2016. However, the Gibraltar Society of Accountants has recommended that the additional obligations on businesses entailed by that Directive should not be brought into force before its transposition deadline in 2016. So what we are in fact doing is reverting to the old provisions, pending the need to transpose that EU Directive in 2016.

100 Clause 2(41) introduces a filing fee of £100 for both (a) the annual filing and (b) any voluntary filings of Statements of Allotments, Redemptions or Purchase of Owned Shares for private schemes under section 189 of the Act. These new fees were agreed between the Government and the Gibraltar Funds and Investments Association.

105 Mr Speaker, the third suggestion made by industry subsequent to commencement of the Act is to repeal section 12. This is an amendment to the Bill which is not currently there, but which I will be moving at Committee and therefore I am giving notice now that I will be making this or proposing this amendment at Committee.

110 Section 12 relates to the requirements of a statement of proposed officers that would accompany the filing of an application to register a company. The Association of Trust and Company Managers (ATCOM) has very recently made representations to the Government that it prefers the procedure under the former Act, in which there was no such requirement for a statement to be filed with an application for registration, particularly as it was and is mandatory to disclose the identity of officers subsequently, including in the Annual Return.

115 Mr Speaker, after careful consideration the Government has agreed to retain the former simpler system. The repeal as I have said of section 12 will be an amendment which will be made at Committee.

120 Finally, Mr Speaker, there is a change that the Government has made at its own initiative, namely by the addition of clause 2(27). This amendment provides for the Minister to prescribe or amend by regulation fees that are payable to the Registrar.

Left as it is, it would be necessary to pass an amending Act whenever a fee is changed or a new fee needs to be introduced and it makes much more sense in the Government's view, Mr Speaker, in terms of flexibility and responsiveness to industry needs, for fees to be dealt with by Government through secondary legislation and that is in fact the practice in other areas of legislation.

125 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?

130 I now put the question, which is that a Bill for an Act to amend the Companies Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Companies (Amendment) Act 2014.

**Companies (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

135 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

140

**Crimes (Amendment) Bill 2014;
Companies (Amendment) Bill 2014.**

145 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Crimes (Amendment) Bill 2014; and the Companies (Amendment) Bill 2014.

In Committee of the whole Parliament

**Crimes (Amendment) Bill 2014 –
Clauses considered and approved**

150

Clerk: A Bill for an Act to amend the Crimes Act.
Clause 1.

155 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Chairman, in clause 1, I would propose the replacement of the words 'day of publication' by '1st January 2015'.

Mr Chairman: I now put the question in the terms moved by the Hon. the Minister for Justice. Those in favour? (**Members:** Aye.) Those against? Clause 1 as amended stands part of the Bill.

160

Clerk: Clause 2.

Mr Chairman: Stands part of the Bill.

165 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Companies (Amendment) Bill 2014 –
Clauses considered and approved**

170 **Clerk:** A Bill for an Act to amend the Companies Act.
Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3. Those in favour? (**Members:** Aye.) Those against. Stand part of the Bill.

175 **Minister for Education, Justice and International Exchange of Information (Hon. G H Licudi):**
Mr Chairman, before moving to the long title, I would propose a new clause 4, headed 'Repeal of Section 12'. Clause 4 would say:

'Section 12 of the Companies Act 2014 is repealed.'

Mr Chairman: I now put the question in the terms moved by the Hon. the Minister for Justice.
Those in favour? (**Members:** Aye.) Those against? Carried.

180 Clause 3 as amended stands part of the Bill. Clause 4, I am sorry... well, it is not as amended. New clause 4 stands part of the Bill.

Clerk: The long title.

185 **Mr Chairman:** Stands part of the Bill.

**Crimes (Amendment) Bill 2014 and Companies (Amendment) Bill 2014 –
Third Readings approved: Bills passed**

Mr Speaker: The Hon. the Chief Minister to report.

190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Crimes (Amendment) Bill 2014 and the Companies (Amendment) Bill 2014 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

Mr Speaker: I now put the question which is that the Crimes (Amendment) Bill 2014 and the Companies (Amendment) Bill 2014 be read a third time and passed.

195 Those in favour of the Crimes (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

Those in favour of the Companies (Amendment) Bill 2014? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

Season's good wishes

200 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I have the honour to move that the House do now adjourn *sine die* and in doing so; I take the opportunity to wish every Member of the House a very merry Christmas and a happy New Year.

We will be back no doubt again in January. I think given an indication that Hon. Mr Speaker has given, probably on the fourth Thursday of January, because the first day of January is a Thursday and therefore it would be very early on after the holiday that we would be back. To give hon. Members on both sides an

205 opportunity to get into the run of things and for there to be more to debate, it makes sense to come back on the fourth Thursday of the month. .

Other than that, to all those here and to all those watching and listening, merry Christmas.

210 **Hon. D A Feetham:** Mr Speaker, on behalf of the Opposition, merry Christmas to everybody and a happy New Year – not only everybody outside this House but also in particular to members of staff that work so very hard to make sure that this Parliament runs efficiently every single month.

Mr Speaker: May I associate myself with the remarks of the Chief Minister and the Leader of the Opposition and extend to everyone a very happy Christmas and a peaceful New Year to members in the Public Gallery and those at home.

215 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 3.20 p.m.