



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

**Gibraltar, Friday, 24th January 2014**

## **Business transacted**

Government Motions.....	3
Standing Orders suspended to proceed with Government motion – Motion carried.....	3
Vote of confidence in Mr Speaker – Motion carried unanimously .....	3
Chief Minister.....	13
Q104/2014 Relocation of GBC – Current stage in process.....	13
Q105/2014 Spanish fishermen – Changes to legislation .....	13
Q106/2014 Private companies with links to Government – Directorship details .....	17
Q107/2014 Government-owned companies – Directorship details.....	18
Q108/2014 Government-owned companies – Written rules for directors.....	23
Q109-120/2014 Gibraltar Savings Bank and Credit Finance Company Limited – Investment, loans and employees .....	23
Q107/2014 continued Government-owned companies – Directorship details .....	31
Financial Services and Gaming .....	32
Q75/2014 continued Gibraltar International Bank – Plans for establishment and running .....	32
Q76/2014 Tax blacklists– Position with France and Italy.....	33
Enterprise, Training, Employment and Health & Safety .....	34
Q92/2014 GDC– Grade 1 position vacancies .....	34
Q76/2014 continued Tax blacklists– Position with France and Italy .....	35
Q93/2014 Registered unemployed– Figure for final quarter 2013.....	36
Q94/2014 Labour Inspectorate– Employment details .....	37
Q95/2014 Promotions within Civil Service– Government’s policy .....	38
Q96/2014 Civil Service and GDC– Current vacancies .....	40
<i>The House recessed at 5.55 p.m. and resumed its sitting at 7.00 p.m.</i> .....	41
Q96/2014 continued Civil Service and GDC– Current vacancies .....	41
Q97/2014 Public sector– Training details.....	42
Q98/2014 Leisure Construction and Maintenance Company Limited– Details of employees .....	42

Q99/2014 Employment Office in New Harbours– Fire evacuation drills .....	43
Q100/2014 Factory inspectors– Increase in monitoring activities .....	44
Q101/2014 Government debentures and other debt securities– Value as at 31st December 2013 .....	44
Q102/2014 Gibraltar Savings Bank debentures/other debt security – Value as at 31st December 2013 .....	45
Education, Telecommunications and Justice .....	45
Q77/2014 Prison inmates– Rehabilitation programme .....	45
Q78/2014 Prison inmates– Rehabilitation assistance offered .....	45
Q79/2014 Potential child victims of sexual abuse/exploitation – Education programmes to combat...47	
Q80/2014 Bayside School – Sixth Form Common Room refurbishment .....	47
Q81/2014 St Joseph’s School – New annex; snagging issues.....	48
Q82/2014 National Institute for Adult Continuing Education – Establishment of an institute .....	48
Q83/2014 Transport to schools – Increase in fleet of vehicles and drivers.....	49
Q84/2014 Bus driver vacancy– Update.....	49
Q85/2014 ‘Homework Support Group’ policy – Update .....	49
Q86/2014 TLR review – Update.....	50
Q87/2014 Supply teachers from outside Gibraltar – Recruitment and costs incurred .....	50
Q88/2014 Safeguarding Children Policy for Schools and the Gibraltar College – Final version .....	51
Q89/2014 Gibraltar College of Further Education – Plans to relocate.....	51
Q90/2014 University of Gibraltar – Plans for establishment .....	51
Q91/2014 Autism Spectrum Disorder – Types of therapies given to children.....	52
Deputy Chief Minister .....	53
Q103/2014 Provision of flights to Marrakesh – Financial/other assistance from Government.....	53
Questions for Written Answer .....	53
Adjournment.....	53
<i>The House adjourned at 7.45 p.m.</i> .....	54

## 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.

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.

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.

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.

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.

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.'

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.

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.

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.

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,

'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.

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.

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.

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.

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.

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*)

**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.

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.

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.

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?

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.

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 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...

**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...

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.

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)*

**Mr Speaker:** Before I ask the mover to reply, does any other Member wish to speak on the motion? The Hon. Joseph Bossano.

**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)*

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)*

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,

‘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.

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.

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)*

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.

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.

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.

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.

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.

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?

**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?'

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’

– all of them –

‘we, do not believe is fair...’

And he goes on and says:

‘Mr Speaker has chosen to intervene, as he has chosen to intervene the last time, and indeed in previous months as well’

– systemically.

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 –’

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 –’

He said:

‘...we do not believe is fair –’

You say, Mr Speaker:

‘... the Opposition is accusing me of treating them unfairly –

He says:

‘No, I am not saying that...’

*(Laughter)*

‘and I do not want the public’

– 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.’

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:

‘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 –

‘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.’

‘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

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)

'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.'

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.

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.

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.

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.

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.

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.

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.

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.

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 (*Laughter*) – 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.

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*)

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.

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.

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*)

**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.

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.

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.

**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.

## Questions for Oral Answer (continued)

570

### 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 Línea 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?

**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.

**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?

**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.

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.

**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.

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.

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.

**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.

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*)

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.

**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. 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* 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 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'.

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 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, 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, 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.

**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*)

**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.

**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, for all his talk about the rule of law.

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.

**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.

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.

**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.

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.

**Hon. D A Feetham:** That is not the question I asked.

**Hon. Chief Minister:** That is patently nonsense because –

**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.

**Mr Speaker:** Yes.

**Hon. D A Feetham:** Mr Speaker, a Point of Order.

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.

**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.

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.

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**

<b>Company name</b>	<b>Directors</b>
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**

**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?

**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.

**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?

**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.

**Acting Clerk:** Question 109 –

**Mr Speaker:** Just a moment.

Does the Hon. Leader of the Opposition have any questions arising from the schedule?

**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**

**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?

**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.

**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?

**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.

**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?

975 **Acting Clerk:** Question 120, the Hon. D A Feetham.

980 **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.



**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.

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.

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.

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.

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.

**Hon. D A Feetham:** Could the hon. Gentleman repeat the last figure?

**Hon. Chief Minister:** £45,431,016.

**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?

**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.

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.

**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.

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.

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.

**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.

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.

Is the Government going to bankroll the projects? Those issues are not being considered. The Government is not going to bankroll these projects.

**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)* 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.

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.

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.

**Hon. D J Bossino:** Or indeed that there has been?

**Hon. Chief Minister:** Or indeed that there has been.

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.

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?

**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.

**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?

**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  
1115 knows we are doing out of Credit Finance. We have given him the figure up to date. He knows exactly what it is.

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  
1120 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.

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  
1125 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  
1140 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.

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.  
1150

**Hon. Chief Minister:** Mr Speaker I am afraid he – (*Interjection*)

**Hon. D A Feetham:** Well, of course –  
1155

**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.

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.  
1160

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.  
1165

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.  
1170

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

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.

**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.

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.

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.

**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?

**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?

**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.

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?

**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.

**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?

**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.

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.

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.

**Hon. D A Feetham:** I understand all that.

**Hon. J J Bossano:** That is good.

**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?

**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.

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.

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.

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.

**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;'

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.

**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?

**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)*

**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.

**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)*

**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

**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.

**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.

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?

**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.

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.

**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.



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?

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.

1530 **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.

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.

1540 **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.

1545 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.

## 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.

1560 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, no such vacancies have been opened.

**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.

1565 Just one supplementary in relation to that question, can he advise whether any FJS trainees have been employed without a vacancy being opened?

**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.

**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**

**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?

**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 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.

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 –

**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 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.

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 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.

**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

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.

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.

**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.

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.

**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.

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**

**Mr Speaker:** Question 93.

**Acting Clerk:** Question 93, the Hon. D J Bossino.

**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.

**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.

**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.

1685 **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.

1705 **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.

1710 **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?

1715 **Hon. J J Bossano:** I do not think the hon. Member understands what I am telling him Mr Speaker.  
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.

1720 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.

1725 **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?

**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.

1765 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.

**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?

1780 **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, 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.

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.

**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?

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?

**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.

**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.

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?

**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.

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.

**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?

**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.

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 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 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 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.

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 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.

1890 **Hon. D J Bossino:** Mr Speaker, in relation to the last bit of his answer where he says that there is no 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.

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?



**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.

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.

**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?

**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.

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.

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.

**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?

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**

**Acting Clerk:** Question 97 –

**Hon. D J Bossino:** No, I have a supplementary on...

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.  
1970

**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

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?

**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.

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.

**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.

**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker.

**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?

**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.

**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.

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?

**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.

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.

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.

**Q100/2014**

**Factory inspectors–  
Increase in monitoring activities**

**Acting Clerk:** Question 100, the Hon. J J Netto.

**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.

**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.

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.

**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.

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.

**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.

**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?

**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.

2110

**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.

**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.

**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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 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.

2490

**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.

2495

**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.

**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?

2500

**Deputy Chief Minister:** Mr Speaker, these issues are handled through Tourism, and my colleague is responsible for the discussions with the airlines.

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.*