



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.25 a.m. – 1.04 p.m.**

**Gibraltar, Thursday, 20th February 2014**

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# The Gibraltar Parliament

*The Parliament met at 9.25 am.*

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

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

**PRAAYER**  
*Mr Speaker*

## Order Of The Day

5

**Clerk:** Meeting of Parliament Thursday, 20th February, 2014. (i) Oath of Allegiance.

## CONFIRMATION OF MINUTES

10

**Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 23rd and 24th January, 2014.

15

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

*Mr Speaker signed the Minutes.*

20

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

## Questions for Oral Answer

25

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

**Q121/2014**  
**London Boat Show –**  
**Attendance and cost**

30

**Clerk:** Question 121/2014, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism confirm whether the Government has attended the London Boat Show this year and, if so, what the cost was?

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

35

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government has not attended the London Boat Show this year and therefore there has been no cost.

**Hon. D J Bossino:** I am grateful for the reply, Mr Speaker.

40 Can I ask the Minister why the Government has decided not to attend the Boat Show this year? I am sure there is a perfectly valid reason for that, but I would like to know what it is.

**Hon. N F Costa:** Mr Speaker, the hon. Gentleman may remember that in February 2012 he in fact asked me about the Government's attendance at the London Boat Show and whether the Government's  
45 policy was to attend. He will recall that at that stage I had received advice that perhaps the popularity of the road show and the positive results that one could expect from them were declining, and in fact the numbers of participants at the London Boat Show have decreased quite significantly since I answered the question.

So in conjunction with the Gibraltar Tourist Board and the Gibraltar Maritime Administration, the consensus view was that it was no longer value for money and that perhaps the money that could have been  
50 spent on attending the Boat Show was better targeted elsewhere.

**Hon. D J Bossino:** Mr Speaker, I am grateful for that and for reminding the House of what he said last year in relation to this particular issue. I know that he had said in the past, whether in budget speeches or in  
55 answers to questions that I have posed, that he was going to take – certainly at the beginning when he took office – a view in relation to the shows that the previous GSD Administration had attended as to whether they were indeed value for money.

Clearly, he has taken a view in relation to this particular event. Does he have a decision in relation to the other events or is this the only event in respect of which he has decided not to attend?

60 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman... as he rightly says, I have pointed out in the past that the question of road shows and trade fairs is something that the Government would continually keep under review to see whether they continued to be value for money or not. As he rightly points out, it has now become the consensus view that this particular show is not value for money.

Whether we continue to go to other trade fairs, like, for instance, FITUR or World Travel Market, will  
65 be decided periodically – that is to say it will be kept continually under review. If we have attended in the past it is because it is still the view that there is still value for money in those trade fairs and something to be gained from it. In fact, we will be attending additional trade fairs this year in respect of conferencing, but I intend to be making an announcement in respect of that in due course.

70

**Q122/2014**  
**Gibraltar Airport –**  
**Sale of advertising space**

**Clerk:** Question 122, the Hon. D J Bossino.

75 **Hon. D J Bossino:** Can the Minister with responsibility for aviation advise which entity or person has been contracted to sell advertising space at Gibraltar Airport?

I have directed the question to the Hon. Dr Joseph Garcia, but I understand that the Hon. Mr Neil Costa will be answering.

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Mr James Ellul has been contracted to sell advertising space at Gibraltar International Airport.

85 **Hon. D J Bossino:** Mr Speaker, can he confirm, if I may ask him to do so, that it is Mr Ellul personally who has been contracted and not a corporate entity of which Mr Ellul is a director or indeed a shareholder? Can he confirm that firstly?

And, if I can butt in also with a second question, can he tell us whether the granting of that particular contract was the subject of a tender process or not?  
90

**Hon. N F Costa:** Mr Speaker, the contract is personally with Mr James Ellul, to answer the first supplementary.

To answer the second supplementary, it was a process of negotiation and discussion and not a tender process.  
95

**Hon. D J Bossino:** Was that process of negotiation and discussion conducted by him and his Ministry; and, if so, can he tell me why it is that Mr Ellul was chosen, as opposed to other potential entities? Can he provide us with that information?

100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no, it was not conducted by the office of the Hon. Mr Costa; it was conducted by my office.

This issue related to the fact that Mr Ellul was the only person that the previous Administration had decided not to accommodate in the new arrangements that they entered into in respect of the running of the new air terminal. Essentially they contracted with everybody who had been involved under the previous  
105 arrangements for the running of Gibraltar Airport to continue with the running of the new Gibraltar Airport, but not Mr Ellul. Therefore, we considered it was appropriate that this part of the administration of the new airport, which in our view was not adequately already provided for when we were elected, should be negotiated with Mr Ellul.

110 **Hon. D J Bossino:** But, Mr Speaker, are there not other considerations which should have been at the [inaudible] of play here, like, for example, expertise, whether the individual had the ability to do so, and issues of cost as well? Should the Government not have considered other entities, rather than...

As I understand, from what the Hon. the Chief Minister has just said, what informed the decision of the Government has been in fact that Mr Ellul was out of the picture in relation to decisions taken by the GSD  
115 Government and that is something that the GSLP Government wanted to put right. Surely that is not a sound basis on which to have conducted this, Mr Speaker.

**Hon. Chief Minister:** Well, Mr Speaker, I put it to him it was an extra-ordinarily sound basis on which to make this appointment because, you see, what the Hon. Mr Bossino is not reflecting is that for the 16  
120 years that they were in Administration, Mr Ellul obviously had – and I am going to go through the list of issues that he referred to – the expertise and the ability to do this job because they maintained him in post for 16 years doing that job under the previous arrangements in respect of Gibraltar Airport. They then transferred *everybody*, who had been involved in the running of the Gibraltar Airport, except Mr Ellul, to the running of the new airport.

125 So unless they singularly failed in 16 years to replace somebody who was doing a job and did not have the necessary expertise or ability, they must have determined that he did. Therefore it was absolutely right that the new incoming Government should look to Mr Ellul, as they had to absolutely everybody else except Mr Ellul, in respect of the running of the old terminal, for the running of the new terminal, that we should in respect of the area of expertise that he was involved in previously, look to him to do the job going  
130 forward.

**Hon. D J Bossino:** Mr Speaker, it is very obvious to me what has happened here, and the Hon. the Chief Minister has an incredible – (*Laughter and interjections*)

135 The Hon. the Chief Minister, Mr Speaker, has an incredible ability to use the English language to worm his way out of what is clearly a very difficult situation for him. He talks about his ability, Mr Speaker, and it is nothing to do with Mr Ellul. I am talking and concentrating on what the Governments decision has been and –

140 **Mr Speaker:** Please, will you please ask the question?

**Hon. D J Bossino:** Yes, Mr Speaker.

145 **Mr Speaker:** Try, if you are going to make a statement before a supplementary, to make it very, very brief because I am not going to allow you to make statements beforehand. I want you to ask short and sharp questions and to the point.

We are not going to debate what happened right at the beginning of this session. We are not going to debate what happened or what did not happen 16 years ago or during the previous 16 years; that is not the purpose of Question Time.

150 **Hon. D J Bossino:** Which job was Mr Ellul undertaking under the previous Administration, which he says gives him the ability to do, as he says, this job?

This job, Mr Speaker, is to carry out advertising at Gibraltar Airport. So which skills did Mr Ellul have previously, which the Chief Minister thinks enables Mr Ellul to carry out the jobs which he has been contracted for by this Government? A simple question, Mr Speaker.  
155

160 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman really does himself no favours by suggesting that I am trying to use the English language to do anything other than explain to him the things which are obvious. Perhaps he should follow that rule of advocacy in cross-examination of never asking a question unless you know the answer because he has obviously found himself now tied up in knots. I am going to give him the answer to the questions he has just asked, which will make him perhaps reflect on everything he has said.

Mr Ellul was doing exactly the same job before that he is doing now, exactly the same, in charge of advertising at Gibraltar Airport.

165 **Hon. D J Bossino:** Mr Speaker, I have no intention of cross-examining the hon. Member, I have been accused of doing that by the previous Speaker, and of course he was right. We are not here to cross examine. We are here to elicit information.

Can he tell me what costs the Government is incurring as a result of giving this contract to Mr Ellul?

170 **Hon. Chief Minister:** Mr Speaker, the remuneration is £80,000. The total revenue collected in his first year to date is £169,400 – (*Banging on desks*) So already more than exceeding the amount of remuneration.

175 **Hon. D J Bossino:** Mr Speaker, can I ask the Hon. the Chief Minister to clarify? Is the contract for Mr Ellul £80,000 on an annual basis? Is that correct?

**Hon. Chief Minister:** That is correct, Mr Speaker. It is £80,000 a year, and in the first year he has already collected £170,000.

180 **Mr Speaker:** Next question.

**Q123/2014**  
**Hospitality industry –**  
**Training and education**

185 **Clerk:** Question 123, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism advise this House whether he has made any progress in relation to training and education in the hospitality industry?

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

195 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have made progress and I am currently evaluating a proposal to run a pilot course in this respect later this year. The process is in its final stages of evaluation, so I am not at liberty yet to provide more details. Once I am, then I shall only be too pleased to let the hon. Gentleman and this House, know more.

**Hon. D J Bossino:** Mr Speaker, I am sure he has provided this information during the course of reply, but I would ask him to confirm because I did not quite catch it.

200 When does he expect the pilot course to be ready and therefore allow him to make a public statement in relation to that?

**Hon. N F Costa:** Mr Speaker, in my original answer I said later this year, but looking at my supplementary information it should be approximately in September of this year.

205 **Hon. D J Bossino:** Mr Speaker, is he able to provide any information in relation to the pilot course – for example, one of the points that immediately comes to mind is which stakeholders he is thinking of?

I am assuming the Government is going to be spearheading this, but in conjunction with stakeholders in the private sector – aka the hotels and restaurants. How is that part of the organisation going to be handled? Which stakeholders does he think he is going to be enlisting the support in relation to this particular scheme? Can he provide answers in relation to the points I have just raised?

210

**Hon. N F Costa:** Mr Speaker, the proposal that I have before me proposes different skill sets and describes them as from Level 1 to Level 3, so of course the skill set will depend at which tier you would enter.

215 But it is precisely because I am considering a proposal that has been sent to me with the Gibraltar Tourist Board and some private sector operators, I would rather make a statement, an announcement, once we do agree a finalised plan that I am able to then answer questions to the hon. Gentleman in this House.

220

**Q124/2014**  
**Indication of Prices and Invoicing Rules 2012 –**  
**Enforcement**

**Clerk:** Question 124, the Hon. D J Bossino.

225 **Hon. D J Bossino:** Can the Minister for Commercial Affairs state whether he is satisfied that the Indication of Prices and Invoicing Rules 2012 are being adequately enforced?

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

230 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government in consultation with the Department of Consumer Affairs, the Attorney General's Chambers and the Royal Gibraltar Police is currently studying an enforcement plan that has been drawn up to ensure maximum compliance with all pricing display legislation by traders. The Indication of Prices and Invoicing Rules 2012 transposes EU Directive 98/6/EC and deals principally with the display of unit prices.

235 The hon. Member will be aware that the Directive should have been transposed on 18th March 2000, but it was in fact transposed in 2012 and commenced in the early part of last year by this Government in its drive to be compliant with EU Legislation and as a reflection of its commitments to consumer protection.

The hon. Member will also be aware that the rules are part of a broader legislative framework on clear and accurate pricing, including the Exhibition of Prices Order (1969) and it makes good sense for the Government to develop an integrated and effective enforcement plan.

240

**Hon. D J Bossino:** Yes, Mr Speaker, I am grateful for that full reply.

245 Rule 12 refers to a particular feature of statute, I suppose it is a consumer officer who is going to be particularly charged with enforcement of those rules. Can he tell me whether that position has been filled and whether somebody has been identified to discharge the duties of consumer officer?

**Hon. N F Costa:** Mr Speaker, as I have hinted to the hon. Gentleman in the original answer, in addition to the Indication of Prices and Invoicing Rules there are also other legislative instruments that need to be accounted for in order to be able to successfully enforce those provisions. There is the Department of Consumer Affairs, and the Department of Consumer Affairs and Legal Counsel and also the RGP and Attorney General's Chambers are considering the entire legislative architecture to see how best such provisions are enforced uniformly and consistently.

250 So they have provided to me a plan, which in fact I have as part of my supplementary information, and they have put to me their recommendations on how best to do this. But because this is an inter-agency approach and I need to confirm my ideal way forward with different parts of the Government, I would rather that he would ask me questions in this House once I make a full and detailed announcement of what the enforcement plan would consist of, and then I would be more than happy to supply him with that information.

255 But, at this point, if I were to tell him what my own thinking is without first discussing it with Crown Counsel, with Legal Counsel, the Department of Consumer Affairs and the RGP, I may be jumping the gun and I would rather not do that.

260

**Hon. D J Bossino:** In fact, whilst the Hon. Minister has been giving me the reply, I do on a more careful reading of the particular rule it says:

265 '...a Consumer Officer or such other person as the Government may, from time to time, appoint by notice in *The Gazette*'

So presumably it is that possible power which you will discharge in order to appoint some other person other than a consumer officer.

270 Can he give me, Mr Speaker, an indication as to when he thinks he will be able to provide me with that further information as to the enforcement plan?

**Hon. N F Costa:** Well, as circumstances would have it, I probably would have had the meeting this week had it not been for the Parliamentary Session. So I very much expect that we will be in a position to make a detailed announcement within the next two to three months.

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**Q125/2014**  
**Bus fleet –**  
**Replacement vehicles**

**Clerk:** Question 125, the Hon. S M Figueras.

280

**Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say whether the Government has now adjudicated in respect of the tender for the replacement of the bus fleet and provide details of the intended replacement vehicles?

285

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

290

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as the hon. Gentleman will remember, a pre-condition of the tender was that vendors had to submit a bus for testing on our roads. Four tenders were received and out of those four tenders only two were found to fully comply with all procurement specifications; however, after testing these two vehicles, the Tender Board found that none of the buses tested were suitable for Gibraltar.

295

As a result the Tender Board began a direct negotiation procedure. All of the vendors were then re-invited to re-submit tenders. Subsequently, three tenders were received. After testing each of the three vehicles, the Tender Board found that only two of these buses were suitable for Gibraltar.

300

In the light of the above, the Government is now awaiting the Board to make a recommendation to the Treasury Tender Board.

305

**Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for the detailed reply.

He referred to some changes that were made to the criteria, in light of the fact that the first batch of vehicles that were tested were found to be unsuitable. Could he, in the first place, explain the reasons why they were found to be unsuitable; and then secondly, what changes were effected – I suspect one will follow from the other – to the requirements of the tender?

310

**Hon. N F Costa:** Mr Speaker, the bus submitted for the original tender was in one case unable to negotiate the bend leading from Main Street to Governor's Lane – it is that infamous corner by the Gibraltar Book Store, opposite the Gibraltar Supreme Court – and unfortunately the hybrid bus, which I very much hoped had been able to negotiate the steep hills in Gibraltar, were unable to do so when fully laden, and so they were found to be unsuitable.

315

As a result of that, the Tender Board decided to proceed to the direct negotiation procedure. How the Tender Board proceeds is a matter entirely for them and we do not get involved in that process, Mr Speaker. *(Interjection)* I certainly do not. *(Interjection)* I do not know whether they did.

320

**Hon. S M Figueras:** Mr Speaker, is the Minister able to confirm, or say indeed, whether of the two buses that have been found suitable and are currently effectively the only two runners left in this particular contest, whether they are alternative... rather they are fuelled, they are hybrid or electric or anything of that description at all?

325

**Hon. N F Costa:** No, Mr Speaker.

As the hon. Gentleman will expect, given that the hybrid could not cope with the steep hills, then the electric would certainly not even make the first leg of the steep hill, so we are talking about Euro 6 engines.

330

**Hon. S M Figueras:** Could the Minister just confirm then, and it flows from the information that he has provided to us, that the replacement bus fleet will unfortunately, given the circumstances, not have environmentally friendly engines, in the sense of having alternative energy engines in terms of being hybrid or other sources, but in fact will be the latest technology diesel buses?

335



**Hon. N F Costa:** Mr Speaker, I cannot accept the premise of the supplementary in that the latest technology diesel buses are environmentally friendly and I have certainly read – (*Interjection*) Sorry? (*Interjection*) They are, and I have certainly read information that suggests to me that they are as such.

330 As I said, my own particular personal hope was that the hybrid would have been able to have negotiated the very steep hills in Gibraltar. The peculiarities of Gibraltar topography has meant that it has been impossible to be able to service all of the routes. As a result, the Tender Board has advised us that there are only two buses which are suitable for Gibraltar and we are now awaiting their recommendations.

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

Just one final supplementary, is the Hon. Minister able to say when he is expecting this final recommendation to be made and therefore – and I will be asking him to speculate, I suppose – say when we can expect to see the start, at least, of the arrival of these buses in Gibraltar?

340 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman can rightly assume, I press, if not daily, very frequently for the recommendation to be put to the Treasury Board; but, as I have said, I am not in charge of the process. All I can do is press for a recommendation to be put as quickly as possible. No one wants the new fleet in Gibraltar more than I do.

**Q126/2014**  
**Urban bicycle rental scheme –**  
**Update**

345 **Clerk:** Question 126, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker, will the Minister for Transport reconsider the Government's position in respect of an urban bicycle rental scheme as stated in this House as being subject to the findings of the Sustainable Traffic and Transport Plan, and commit to replacing the now, effectively, defunct Gibibikes scheme with a new facility as soon as practicable?

350

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, with respect I do not accept the premise of the question. I have never said that the Government's view of an urban bicycle rental scheme is subject to the findings and recommendations of the STTPP as the questions suggests.

355

The hon. Gentleman will recall that in answer to his Question 551/2013, I explained to the House that the Government had been left with no option but to commence legal proceedings in the Supreme Court of Gibraltar. As a result, I noted that it would not be appropriate for me to be drawn into a debate across the floor of the House as to the Governments plans.

360

It was in answer to the hon. Gentleman's supplementary question that I added that in any case the Government would imminently receive the recommendations of the STTPP and so would consider an urban bicycle rental scheme in that context.

365

Further, the hon. Gentleman will recall that it was his own Leader, the Hon. Daniel Feetham, who interjected in the House, to note that I should limit myself to saying that the Government is looking for alternatives, should this prove necessary, given that there are currently legal proceedings in the Supreme Court and any debate may prejudice that litigation.

370

As a result, following on from my own answer to his question and the Hon. the Leader of the Opposition's contribution, I can assure the hon. Gentleman that I will make a public announcement in due course on the conclusion of the legal proceedings, including any appeals by either parties on any point.

**Hon. S M Figueras:** Mr Speaker, can the Hon. Minister explain at what stage these legal proceedings currently are?

375

**Hon. N F Costa:** Mr Speaker, I really have no issue meeting with the hon. Gentleman and once again briefing him in confidence as to the status of the proceedings. I really do not want to be drawn across the floor of the House as to any aspect of a matter that is *sub judice* because we may then lead into other matters which, as the Hon. Leader of the Opposition noted, may prejudice the litigation, and I tend to agree

380 with him. I think it is best not to progress this matter any further in public, but I am more than happy to meet with him, as I have on previous occasions in the past, to brief him confidentially.

**Hon. D A Feetham:** Mr Speaker, I think that – and he recognises that certainly from this side of the House – we have been fair with the Government and attempted to deal with this in a way that does not prejudice any potential litigation. Having said that, I have to say I do not think that an answer to the  
385 supplementary that my hon. Friend has asked, would do that or impact on the litigation. All he is asking is has it got to the disclosure stage, exchange of witness statements, so that he can then make his assessment as to how long this litigation is likely to take. We are lawyers. By providing us with that information we will know, more or less, how long this litigation will take, which is I think, the purpose of the question by my hon. Friend.

390  
**Hon. N F Costa:** Yes, Mr Speaker, and I do accept that point. The point that I am making though is that if I start to answer supplementary questions on the Court process, we may end up being drawn into matters. But given that the concern is that the hon. Gentleman should have the information so that he may make his own assessment on where the process is at, I am more than happy to provide him with that information, but  
395 in private.

**Hon. D A Feetham:** Yes, Mr Speaker, but there is a matter of principle here.  
There are matters upon which we will accept to be briefed in confidence where we can see that there is a legitimate concern by the Government of not providing the information publicly, but at the end of the day  
400 this is a Parliament and if the information that is sought is proper information and there is no proper reason why there ought to be a briefing in confidence... well, the information ought to be provided across the floor of this House.

Really, the question is very simple: where has the litigation got to? Is it disclosure, for example, because  
405 if it is disclosure then we will know? Or has he, for example, been told how long this litigation is likely to last? Is it going to be towards the end of this year? Does he expect... We all know that it is very difficult and that is why, I presume, he has not asked how long will this litigation take. He has asked where has it got to... to what stage has it got?

**Hon. N F Costa:** Mr Speaker, once again, I am happy to provide the information to the hon. Gentleman  
410 in confidence. The hon. Gentleman tells me that we will not be drawn into any further supplementaries as to the process, but the very first supplementary has already prompted a little debate across the floor of the House.

I can think of many reasons why I would not want to, across the floor of the House, disclose at what  
415 stage the proceedings are at, and the hon. Gentleman, being a lawyer, may also wish to reflect on the reasons why he would not want to even detail at what stage of litigation other proceedings may have arrived. As a result, Mr Speaker, given that the matter is very much live before the Supreme Court of Gibraltar, I will not be drawn into discussing the process of the litigation.

**Hon. S M Figueras:** Mr Speaker, I am grateful for the Minister's intervention in this discussion and I  
420 do appreciate the points that he raises – clearly, I think all the lawyers in this room certainly do. However the issue here, Mr Speaker, is that the issue of an urban bike rental scheme is one that many in the community are calling for some certainty on, for some information in terms of where it is going to go, because many have come to depend upon it for the short time that it was a viable service available to them.

425 In that vein then, and not pushing the point in relation to the current state of affairs in the legal proceedings, is the Minister able to say whether at any time before the end of this term of office, there is any likelihood whatsoever that Gibraltar will have an effective urban bike rental scheme available to the community?

**Hon. N F Costa:** Mr Speaker, does it not occur to the hon. Gentleman that had the Gibibike scheme  
430 been a reliable scheme, we would have an urban bike scheme today and we would not be involved in suing the company that provided a scheme that clearly was not fit for purpose? Let him reflect on that before asking me any more questions on why we do not have an urban bike scheme.

**Hon. S M Figueras:** Mr Speaker, with respect to the Minister, I do not need to reflect any more on this  
435 because I reflect on it a lot. The fact that the scheme, as provided to the previous GSD Administration, may have proved for one reason or another to be unsuitable is something that is no longer within control of the Party on this side of the House (**A Member:** Hear, hear.) and is the responsibility of the Members on the opposite side. (*Interjection*)

440 Yes. However, what I am seeking from the Minister, Mr Speaker, is a commitment, because he did say in the – and he has confirmed it this morning in the original answer to the question – that it would be contemplated in the context of the findings of the STTPP. I am asking the Minister to confirm whether or not it can be expected by the community that there will be an urban bike rental scheme in Gibraltar before the end of this term of office. A simple question.

445 **Hon. N F Costa:** And the simple answer, Mr Speaker, is that the people of Gibraltar can expect me to pursue diligently the company that has let Gibraltar down.

**Q127/2014**  
**Black cabs –**  
**Environmentally friendly engines**

**Clerk:** Question 127, the Hon. S M Figueras.

450 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say when Gibraltar can expect to see black cabs with environmentally friendly engines in Gibraltar?

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

455 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government is not yet in a position to make a statement on this matter.

**Clerk:** Question 128 –

460 **Hon. S M Figueras:** Mr Speaker, is the Minister able to say whether it is planning to deliver this particular commitment in their manifesto?

**Hon. N F Costa:** All of them, Mr Speaker. *(Laughter)*

**Q128/2014**  
**Transport Inspectors –**  
**Activities performed**

**Clerk:** Question 128, the Hon. S M Figueras.

465 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide details in this House of the activities of the recently appointed Transport Inspectors?

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

470 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, at present the activities that are being carried out by the Transport Inspectors are as follows: controlling the Taxi service at the Gibraltar Airport and at Taxi Ranks; regularly checking the GPS system to monitor and ensure an improved City Service in line with the legislative amendments introduced by H M Government of Gibraltar; checking the conduct of drivers, for example, enforcing the drivers dress code;  
475 keeping track of all public service vehicles and their drivers to ensure that all vehicles are roadworthy and that all drivers renew their relevant licences; dealing with all complaints from members of the public and taxi drivers; submitting regular reports and recommendations to the Chief Examiner and to the Transport Commission; maintenance and monitoring of bus and taxi shelters; monitoring guide and tour licences; monitoring cruise shuttle service.

**Q130/2014**  
**Leisure Construction and Maintenance Company Limited –**  
**Details of trade licences**

480 **Clerk:** Question 130, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of any trade licences currently held by Leisure Construction and Maintenance Company Limited?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I think this is the first time that I answer a question to the Hon. Mr Reyes, so I apologise to him that my answer will be so brief.

490 The above company has no trade licence.

**Hon. E J Reyes:** Mr Speaker, I ask this question because not long ago I raised – and the Hon. Steven Linares was one that answered – my question, does this company, which was incorporated in February of last year, have an address of premises within Gibraltar Sports and Leisure Authority and there being an application for a trade licence, which the Minister and I then exchanged some views and there had to be some modifications.

The Minister for Employment has previously answered that there were no employees as such in the company yet because they were pending to see whether the licence came through and then the need for it.

495 So can the Minister then say,

500 is he aware whether the application has already gone through the Trade Licensing Committee process and was it granted or not? Is he aware of that?

**Hon. N F Costa:** Yes, Mr Speaker, the Secretary to the Trade Licensing Authority has informed me that the matter is closed. So there is no licence.

505

**Hon. D J Bossino:** Can the Hon. Minister clarify what he means by the matter being closed? Does he know whether an application prospered, was made and was rejected? Was the application withdrawn? Can he give us further and better particulars as to what he means by the matter being closed?

510 **Hon. N F Costa:** Yes, Mr Speaker, that there is no application pending.

The question was whether a particular company has a trade licence. I asked the Secretary, and she said no. I said, 'Is the application pending?', and she said no.

515 **Hon. D A Feetham:** Yes, Mr Speaker, but as I understand, my hon. Friend, Mr Reyes, he has been given information in the past about an application having been made. What we are now asking is what has happened to that application? Has that application been withdrawn? How do you get to the stage of no application pending? Is it that the application has been withdrawn or... that is the question.

520 **Hon. N F Costa:** Mr Speaker, I think, again, like with the *sub judice* question, I have made... and I know that he laughed when I said that I do not interfere in the tendering process, and I can assure him that I never have, nor will I ever, and similarly with the trade licensing. All that I do insofar as trade licensing is concerned is to make sure the Trade Licensing Authority is properly resourced, has the proper software etc and I do not in any way become involved in the processing of applications.

525 So all I can tell the hon. Gentleman is that given that there exists a veritable and independent arm's length relationship between my Ministry and the Trade Licensing Authority, that is the detail that I have in that there is no application pending before it and that the company, as in answer to the original question, does not have a trade licence.

530 **Hon. D A Feetham:** But, Mr Speaker, I quite understand that the hon. Gentleman is not going to get involved in who is... granted well, I would hope that he is not going to get involved in who is granted a trade licence and who is not granted a trade licence. But at the end of the day, this is part of the business for which the Government is responsible. It is a Government-owned company and we are perfectly entitled to ask the question.

535 Having in the past been provided the information that an application was made, all we are asking now is what has happened to that application. Has it been withdrawn? If he requires further notice of the question (*Interjections*) then we can leave it until next month, but what he cannot say is, 'Well, I do not interfere in

the trade licensing process and therefore I am not going to give you the information', because as a matter of principle that is wrong.

540 **Hon. N F Costa:** Mr Speaker, I am afraid that we are going to disagree once again. The original question was a very clear, concise question. Does a particular company have a trade licence? The answer, Mr Speaker, is no, it does not. If they want to ask any particular questions relating to the process, then given that I do not interfere in that particular process, notice should have been given to me and I would have asked.

545 **Hon. D J Bossino:** Mr Speaker, can the Hon. Minister confirm whether this company is in fact a Government-owned company or not or is it one of these companies that is benefitting from the supposed business nurture scheme. Because the information that we have from a search that we conducted at Companies House suggests that the registered office of the company is 31 Town Range and the original subscribers of the shares are individuals, whose names I will not mention, but I think that they are employees of a Government-owned company or indeed of the Government. So can he confirm what the status of this company's ownership is?

555 **Hon. N F Costa:** Mr Speaker, it is quite clear that the original question really bore no bearings on what they really wanted to ask. If that is what they wanted to ask, that is what should have appeared on the face of the question. I am not the Company Registrar. I am the Minister responsible for commercial affairs, which includes the trade licensing section. You asked me a question as to whether a particular company has a licence, and I have already said no.

560 If he wanted to know the directorship, the shareholding, whether there are nominal shares or a trust or whatever, he should have asked those questions on the face of the original question. I do not have that information because it did not occur to me to think that I would be asked about the particular structure of a particular company when the question is so far removed – the supplementary – from the original that it beggars belief, certainly in our view, that I should be asked now about the structure of ownership of a company when all I am being asked is whether a particular company has a trade licence.

565 The answer for the fourth time, I believe, is no, it does not.

**Hon. D J Bossino:** Mr Speaker, this question is a highly relevant question.

570 He is a Minister of the Crown, Mr Speaker. He ought to know, and he can ask in collegiate fashion his other fellow Ministers around him, whether this company... he can ask the Hon. the Minister for Employment I am sure he knows –

**Hon. N F Costa:** Why do you not ask that question then?

575 **Hon. D J Bossino:** Well, Mr Speaker, he needs to know now whether this company is a Government-owned company or not, and it is relevant to the question posed –

**Hon. N F Costa:** No it is not.

580 **Hon. D J Bossino:** – because he is saying, Mr Speaker, that he does not go behind the Trade Licensing Authority –

**Hon. N F Costa:** No, I do not.

585 **Hon. D J Bossino:** So he does not know whether the Trade Licence Authority accepted or rejected the application. But if it is a Government-owned company, right, he ought to know whether the Government decided to withdraw the trade licence application or simply decided not to proceed with it for any other reason. That is why I am asking – and it is a highly pertinent and relevant question and the Minister ought to know it – whether this company is a Government-owned company. Does he know or does he not?

590 **Hon. N F Costa:** Mr Speaker, I do not know, because I have just explained to him in plain English and perhaps he is going to accuse me now of using the English language as a travesty to worm myself out of a supplementary (*Laughter*) that given the original question which is simply, does this company have a trade licence? Because he is right, I am the Minister of the Crown responsible for the Trade Licensing Authority, so it is perfectly proper that I should be asked the original question of whether a particular company has a trade licence. Being the appropriate authority, it is only right that I should then go to the Secretary and ask if the company does have a licence.

600 But having answered the question with a simple no, if the purport behind the question was clearly not anything to do with whether or not the company had a licence, but rather in their mind whether there is something else that has to be answered pertaining to ownership and ownership structure and directorship and shares, if that is what he was asking, he should have asked the Registrar for Companies to reveal that information in a simple company search. I am not the Registrar for Companies, I am the Minister for Trade Licensing, and they have asked a question. I have answered.

605 He knows full well that the supplementary that he has asked bears no resemblance and no connection whatsoever to whether the Trade Licensing Authority, which is a Statutory Board, independent from the Minister's office, and rightly so, that determines whether or not a company should be granted a licence, has nothing to do with the ownership of that company, and he knows that. If he has appeared before the Trade Licensing Authority, as I have on many occasions, he would know that that is the case. So to ask me the ownership structure of any particular company is mischievous politically and he knows it. (*Interjection*)

610 **Hon. D A Feetham:** Mr Speaker, I am not going to get involved in the questions of ownership of this company. I have assumed that it is a Government-owned company, because in answer to previous questions in January, I was told that there were no more of these, No. 6, or Town Range companies that were not Government-owned companies. So I leave that to one side.

615 But does he not accept that when you come to this House you have got to be prepared to deal with supplementaries, and this question is a question in the light of –

620 **Mr Speaker:** Yes, with all due respect, of course Ministers – and this is something that I have said previously – come to this House. The Hon. the Leader of the Opposition has been a Minister. I have been a Minister for 16 years. Of course you come with material anticipating a line of questioning in supplementaries, but you cannot cover all contingencies, that is impossible, and on certain matters a Minister is very much in the hands of the public servants, the civil servants who provide him with material.

The original question here is:

625 'Can Government provide details in respect of any trade licences currently held...'

630 If the answer had been yes, the Government can provide details, we might have heard that the company was dealing, let us say, in watches, pens, cameras, what have you. Those would have been the details that might have been given, but the answer is no, there is no trade licence currently held by this company and therefore that main question has been answered by the hon. Member and there is a limit to what you can determine beforehand... you can know beforehand what is the line of supplementary questioning that is likely to take place and it is impossible, and this will have happened to hon. Members on that side of the House and on this side of the House who may have been Ministers previously. That is the difficulty at Question Time.

635 **Hon. D A Feetham:** Mr Speaker, of course I understand what the difficulty is, having been a Government Minister. Had Mr Speaker allowed me to ask the question, Mr Speaker would have seen the point and the question that I was asking, which was that we all come here to this House, and the Government Ministers do, having done their homework as to potential supplementaries. But you see, the problem here is that the hon. Gentleman has asked about whether this particular company has a trade licence because the Hon. the Minister for Employment has said that an application for a trade licence was made in previous answers to questions. In the light of that it is a perfectly reasonable supplementary (*Interjection*) to ask whether that was withdrawn or not.

645 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I have not said ever that there –

**Hon. D A Feetham:** He has.

650 **Hon. J J Bossano:** So he is attributing something to me that I have not said.

**Hon. D A Feetham:** I apologise to the Hon. the Minister for Employment. It is Minister Linares that had made the point in the past, I apologise.

655 But the point is the same, that having in the past said an application has been made, he obviously asked the question, 'Well, does he have a licence?' The answer is no, and the supplementary is what has happened to that application? (*Interjection*)

660 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, as a Point of Order, I never said that either. So I do not know where he is getting that. I never said that they made an application. The hon. Member asked me questions about this company and he asked me about the address and the directors, but never on the trade licence.

665 **Hon. E J Reyes:** Mr Speaker, yes, as a result of my question, the Minister then, instead of waiting for the next session of Parliament, wrote to me directly and enclosed a copy of the trade licence application. I consider that as a follow-up of what had happened in Parliament.

665 So the Minister is correct in saying he did not answer it as such. (*Interjection*) Yes, the Minister is correct in saying that he did not answer that part here in Parliament in front of Mr Speaker, but he did, as Mr Speaker well knows is the practice, then write to me and forwarded to me the information in respect of the application for the trade licence.

670 My question is can Government, having honed it down to any particular Minister, because I do not know who was handling that issue. The question was very simple and I accept the answer is no, it does not have a trade licence. I think a logical supplementary, and if he has the answer now or if not he can provide me with the answer either later on during this session or like previously by correspondence saying is it because the application has been withdrawn or is it because it was not approved. That is, I think, basically what we are trying to get at Mr Speaker.

675 **Mr Speaker:** May I ask the Minister, during the recess before this afternoon, to go back to the civil servants who provided him with certain information and to check whether there is more information available and then inform Parliament?

680 **Hon. N F Costa:** Yes, Mr Speaker, I was in fact going to suggest that I would do exactly that, but I am a little struck by the latest supplementary. If the hon. Gentleman is now telling us that the Hon. Minister forwarded to him a trade licence... a copy of the application, and I am telling them that the matter has been closed and the Secretary to the Trade Licensing Authority has told me that there is no application pending, then it does not take a rocket scientist to deduce that it must have been withdrawn, but having said that –  
685 (*Interjection*) But having said that – (*Interjection*) Yes, of course –

**Mr Speaker:** Let's... May I –

690 **Hon. N F Costa:** If the matter is closed there is no application pending. [*Inaudible*]

**Mr Speaker:** Will the Minister –

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

695 **Mr Speaker:** Please do what I have asked you to do and come back this afternoon. Thank you. We can proceed.

**Q131/2014**  
**Underwater hull cleaning of ships –**  
**Use of toxic cocktails**

**Clerk:** Question 131, the Hon. J J Netto.

700 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port state if there is any diving company operating in British Gibraltar Territorial Waters which undertakes underwater hull cleaning of ships, using toxic cocktails that threaten sensitive marine life?

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

705 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in answer to the Hon. J J Netto, I can confirm that there is no diving company that carries out underwater hull cleaning within British Gibraltar Territorial Waters that uses toxic cocktails.

710 The underwater hull cleaning conducted in Gibraltar Waters are of a mechanical nature, by means of compressed air which drives wire brushes.

**Hon. J J Netto:** I am grateful, Mr Speaker, for the Hon. Minister's reply, but this mechanical process which the Minister alludes to, is that done inside the dry docks or outside at sea?

715 **Hon. N F Costa:** Yes, Mr Speaker, that is a question that I asked of the various officials that I spoke to and it is a process that is conducted in water... in the sea.

**Hon. J J Netto:** Can the Minister inform Parliament what chemicals are used in that particular process?

720 **Hon. N F Costa:** Mr Speaker, again that is a question I also asked and there are no chemicals used for the underwater hull cleaning of ships. I am assured that no chemicals are used to clean the hull of ships.

As I explained to him, it is a mechanical process which uses compressed air which drives the wire brushes. I am assured that there are no chemicals used in the cleaning.

725 **Hon. J J Netto:** So I take it that the Minister has asked the question to officials and he can confirm to Parliament that there are no toxic chemicals used in that process.

730 **Hon. N F Costa:** Yes, Mr Speaker, I can confirm to the hon. Gentleman that after having spoken over the phone to the relevant official in the Ministry for the Environment, she confirmed to me that she is not aware – and obviously the Environment Department would be – that they are not aware of any process in Gibraltar that conducts underwater hull cleaning of ships that uses chemical cocktails. As I have said, it is a mechanical process that uses compressed air. It does not use chemical cocktails.

735 **Hon. J J Netto:** Mr Speaker, obviously I am grateful for that information. I just would probably write to him so that he can actually go back to the officials and give me the sort of guarantee that I am seeking at a later date.

**Hon. N F Costa:** Mr Speaker, I am more than happy to write to the hon. Member opposite –

740 **Chief Minister (Hon. F R Picardo):** Enclosing a copy of the *Hansard*.

**Hon. N F Costa:** Yes, I was about to say, enclosing a copy of the *Hansard*. I can assure him that I would not make a statement in this House unless I recalled correctly a conversation I have had with the relevant environmental official. She was adamant that there is no use of chemical... toxic cocktails for underwater hull cleaning.

**Q132/2014**  
**Proposed new small boats marina –**  
**Waiting list for berths**

745 **Mr Speaker:** Next question.

**Clerk:** Question 132, the Hon. D A Feetham.

750 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many people are on the waiting list for berths at the proposed new small boats marina?

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

755 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, as of 17th February of this year there are 895 individuals currently registered on the waiting list for berths at the new proposed small boats marina.

760 **Hon. D A Feetham:** Yes, well, first of all congratulations on your promotion.  
In relation to the supplementary, 855 on the waiting list, how many of those does the Hon. Minister envisage will actually get berths at the end of the day?

**Hon. N F Costa:** Mr Speaker, that was a very mean spirited comment. Given that I am the Minister for the Port and the Dock Controller compiles a list, it made perfect sense to us anyway that I should answer.  
Secondly –



765 **Chief Minister (Hon F R Picardo):** You certainly have a better chance of ever taking the job than he [inaudible] – (Laughter)

**Hon. N F Costa:** Secondly, as the hon. Gentleman knows, due to our press announcements, the small boats marina will have 700 berths, so 700.

**Q133/2014**

**Proposed new small boats marina berths –  
Provision of free water and electricity**

770 **Clerk:** Question 133, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister state whether the Government has received representations for water and electricity to be provided free of charge to the owners of boats that will berth in the proposed new small boats marina and what is Government policy in this respect?

775

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, this lowly mortal rises humbly to say no. There have been no such representations and in line with the position at Cormorant Camber, the other small boat marina in Gibraltar, where water and electricity are available, the policy of the Government is that any such usage must be paid for by the individual users of such. The new small boats marina has in fact incorporated into the design measures to control such usage. Allowing the free usage of commodities, such as water and electricity, can lead to unnecessary wastage.

780

**SPORTS, CULTURE, HERITAGE AND YOUTH**

**Q134/2014**

**Sports injury clinic –  
Setting up and running**

**Clerk:** Question 134, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Sport state when the sports injury clinic outlined in the Government's manifesto will be set up and how it will be run?

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

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**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the sports injury clinic is being discussed with health professionals of the GHA, who will be recommending the best way forward on how it should be set up and run. I can assure the hon. Lady that the sports injury clinic, which is a manifesto commitment, will be up and running before the next General Election.

795

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister considering for the GHA to refer patients to private practice professionals as an alternative option?

**Hon. S E Linares:** Mr Speaker, as stated in the answer to the question originally, we are just in discussions with the GHA professionals as to the way forward, and therefore we have still not had that advice.

800

**Hon. Mrs I M Ellul-Hammond:** But could the Minister confirm if that is one of the options? Would a GHA-run separate sports injury clinic be set that is run by GHA professionals or will the services be contracted out to private service providers within the community?

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**Hon. S E Linares:** Mr Speaker we are looking at all options.

**Q135/2014**  
**John Mackintosh Hall –**  
**Vacancy for caretaker**

**Clerk:** Question 135, the Hon. E J Reyes.

810 **Hon. E J Reyes:** Mr Speaker, further to Question 19/2014, is the Minister for Culture now able to say when the position of caretaker at John Mackintosh Hall will be advertised and by when it is expected that this position will be filled?

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

815 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 136.

**Q136/2014**  
**John Mackintosh Hall –**  
**Vacancy for night receptionist**

**Clerk:** Question 136.

820 **Hon. E J Reyes:** Mr Speaker, further to Question 20/2014, is the Minister for Culture now able to say when the vacancy for night receptionist at John Mackintosh Hall will be advertised, and by when it is expected this position will be filled?

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

825 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to these questions remain as that of January's Parliament, Question 19/2014 and 20/2014.

830 **Hon. E J Reyes:** Mr Speaker, if I recall from the previous answers we have had to these questions, which I know dates back to the summer of last year, the Minister has been saying all along that it is a matter that had to be included in the Agenda of the Board and so on. In fact even the Speaker prompted to the Minister that as Chairman of the Board he would have to ensure that the matter was there.

Therefore, is the Minister able to enlighten us as to when this matter will be discussed with the Board and by when we will be able to at least estimate when the positions will be filled?

835 **Hon. S E Linares:** Mr Speaker, I understand that the next Board meeting is sometime in late March to early April.

840

**Q137/2014**  
**Facilities for cricket and rugby –**  
**Update**

**Clerk:** Question 137, the Hon. E J Reyes.

845 **Hon. E J Reyes:** Mr Speaker, further to Question 21/2014, can the Minister for Sports and Leisure inform this House if he has now identified and agreed upon with the respective Sports Governing Associations any alternative facilities to Europa Sports Grounds for the playing, teaching and development of either cricket or rugby?

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

850 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no, sir.

855 **Hon. E J Reyes:** Mr Speaker, does the Minister have in his schedule already at least some date for when he expects to meet with these Associations so that they can discuss the matter, given that cricket, for example, is a game that is played in the summer season and the summer period is fast approaching us?

**Hon. S E Linares:** Mr Speaker, there is a question in the Order Paper, which is the next one, or at least there is a question on that specifically.

860 But just to say that I do meet them regularly anyway and we are discussing, like the answer to the previous question, all options, and therefore I do meet up with them. He was in the GBC Awards talking to Mr Ross Brooks from the cricket, who came after to talk to me. I meet them regularly in my office, so that is not an issue. The issue which is subject to this question... the answer is simply no, sir.

**Q138/2014**  
**Heritage sites –**  
**Details of works carried out**

**Clerk:** Question 138, the Hon. E J Reyes.

865 **Hon. E J Reyes:** Can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage-related site since the answer to Question 22/2014, stating by whom these works were carried out?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to answer to Question 22/2014, I now hand over to the hon. Member opposite, the information requested.

**Schedule to Question No. 138/2014**

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

a) **Site:** Charles V Wall

**Works:** Conservation and restoration works.

**Contractor:** Knightsfield Holdings Ltd.

**Total Amount:** £ 13,038.27

875 **Hon. E J Reyes:** Mr Speaker, perhaps the Minister does have a bit more information, in respect of the answer provided, that the site is Charles V Wall. Given the rather extensive length of Charles V Wall, can the Minister guide me a little bit as to which part of the Charles V Wall we are talking about?

880 **Hon. S E Linares:** Mr Speaker, I cannot specifically say which part of it, but I can say that all these works are for the removal of vegetation on the wall. Because this is a historic wall, the works are done with extreme care and the knowledge of what and how to remove this vegetation. It is the removal of loose material and modern accretions. In many cases modern materials, such as cement or rust metal, cause significant damage to the ancient walls. Once again, this work is done with extreme care and knowledge.

885 Close-up conservation surveying of the wall with use of scaffolding is another part which they are doing. This was all in the preparation for the conservation and consolidation process on that sector of the wall, which is currently undergoing and if the hon. Member just passes by, he will see that by Prince Edward's Gate and around that area, where the Housing Department have put some scaffolding, we have taken the opportunity of using that scaffolding or at least the company of using the scaffolding in order to lower the costs so that they can look at the wall.

So on the back of other works, this company is using the materials of the other company in order to again, like I say, lower costs to look at the damage that the vegetation might be doing to the wall.

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**Hon. E J Reyes:** One further little thing, Mr Speaker. The Minister mentioned that in the removal of vegetation and loose materials and so on, they were also taking advantage to perhaps put right... and he mentioned I think that it was rusted iron and cement and so on. Is that something that as a result of inadequate repairs having been carried out in the past, we are now having to modify that? Does he have any information that could enlighten me as to how metal and cement has ended up in walls that obviously at the time of construction originally were not available?

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**Hon. S E Linares:** Mr Speaker, if I can give him an example of what has been happening with many of our heritage sites, is the indiscriminate use of the wall at the later stage and people actually putting them there and therefore not having the proper regulation of, for example, putting up a box or putting up a washing line or things like that, which people have been doing for many, many years, and therefore not realising where exactly they are putting it. These are the sort of things that the wall itself now has and it has damaged the wall. Therefore, the conservation that is going on now is to remove these things and to properly cement it so that the wall is safeguarded.

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

Can I reassure the Minister that given the explanations he has carried out, he will always find our support from this side of the House because we are as concerned as he is in maintaining these listed buildings, which is what they are, properly. Perhaps jointly run and divided we can appeal to the general public at large to look after Gibraltar so that we, all Gibraltarians, can be rightly proud of our own heritage.

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**Q139/2014**  
**Europa Sports Ground –**  
**Availability for Gibraltar Cricket Association**

**Clerk:** Question 139, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure confirm if Europa Sports Ground will continue to be made available to the Gibraltar Cricket Association as in the past, for the summer season of 2014?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, sir, I can confirm that the Europa Sports Ground will continue to be available, as it has been for many years, to the Gibraltar Cricket Association for the summer of 2014.

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**Hon. E J Reyes:** That is very good news indeed, Mr Speaker.

May I ask the Minister – perhaps he does have the information at hand, if not it is a matter we can discuss next month – I know that he answered last year, in preparation for the 2013 season, his Ministry or the Sports Authority made some investments in helping to ensure that the playing surface was as adequate as possible and so on, given that now we know that in 2014 there will luckily be some cricket being played there again, does the Minister have any plans for any modifications or minor repairs in respect so that the pitch is in a good playable condition as possible?

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**Hon. S E Linares:** Mr Speaker, I can assure the hon. Member that the pitch... I have not had any representation either from the Cricket or anybody using that pitch as to the quality of the pitch. The pitch is already in an adequate position in an adequate state. So therefore there is no need at this moment in time to make any investment there.

935

What the hon. Member has asked... and I am happy to say that I have already had conversations with the Gibraltar Cricket Association in order for them to be able to use, like the question states, the Europa Point all the summer. So I am happy to say and I am glad that the hon. Member is happy as well, that cricketers can play cricket in the Europa Sports Ground this year.

**HEALTH AND THE ENVIRONMENT**

**Q140-142/2014**

**Coach park; No. 6 Convent Place –  
Works carried out on trees**

**Clerk:** Question 140, the Hon. J J Netto.

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**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if some trees in the former coach park have been cut down or uprooted, specify what type of trees these were? If cut down, could the Hon. Minister state why, and if uprooted, where will such trees be replanted?

945 Also, can the Minister state if this issue has been discussed at the DPC, and if so, state the date and reference number on the Agenda of the DPC meeting?

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

950 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 141 and 142.

**Clerk:** Question 141.

955 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if any palm trees in the vicinity of No. 6 Convent Place have been removed, and if so, state how many, why they have been removed, and where will they be replanted, if at all, and state when was this issue discussed at a meeting of the DPC, and state the reference number on the Agenda?

**Clerk:** Question 142.

960

**Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if any of the pepper trees in the back courtyard of No. 6 Convent Place have been removed, and if so state why? Also, if it is intended that they will be replanted, and when was this issue discussed at a meeting of the DPC, and what was the reference number on agenda of the meeting?

965

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

970 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, arising from a request from the Housing Projects Contractor, the Department of the Environment carried out an assessment of the existing trees in the coach park and advised which could be felled, taking into account their position within the footprint of the development and also the state of the tree.

975 The trees removed were Yuccas and Pepper trees, which were in a very poor state and could not be replanted. A *Ficus Elastica*, otherwise known as a rubber plant, was also removed as this is notorious for growing very large. In addition, a row of small cypresses was also removed. The removal of trees was tabled at the DPC meeting held on 30th January 2014, Item 17 on the Agenda.

The hon. Member should note that the new housing development will include landscaped areas with new trees, many of which will be of better quality and form than the ones removed.

980 Two Phoenix Palms in planters west of No. 6 perished after being infected by the red palm weevil. These were subsequently removed by the MOD who used to maintain these planters adjacent to the Old Guard House. Applications are not usually made to DPC for the removal of dead or badly diseased trees.

985 The Pepper trees in the rear courtyard of No. 6 Convent Place have been removed. These trees were in a poor state for a number of years and had been continually pollarded as there was a concern that they could not bear the weight of the branches. Replanting was not an option due to the state of the trees. The matter was tabled at the subcommittee meeting of the DPC held on 20th January 2014 where it was approved. The subcommittee's decision was reported to the DPC for information purposes at the meeting held on 30th January 2014, Item 22 on the Agenda.

990 It may interest the Member opposite that the request for removal of the Pepper trees had been made in 2011 and the trees had been assessed on 21st September 2011, when the recommendation was made to replace them. If I may add, Mr Speaker, clearly this was requested during the previous Government's time. I was still Director of the Botanic Gardens, but I had broken my ankle four days before, so I was not personally involved in that assessment which recommended the removal.

**Hon. J J Netto:** Mr Speaker, I am grateful to the Minister for the information given to Parliament.

995 In relation to the Pepper trees, I think he has partly answered the question, the issue is that the item to  
remove the Pepper trees was discussed; I believe he said on 30th January, but was dealt with by the  
subcommittee.

1000 I also understand, and perhaps he could correct me if I am wrong, that the deliberation of the  
subcommittee is not something which is minuted; therefore members of the public, who may wish to see  
the minutes of that particular meeting... I understand the minutes of the whole meeting of the 30th is  
simply not on the Government website simply because it has to be approved at the next meeting, which is  
next week, on Tuesday.

1005 But given that the discussion was with the subcommittee for information purposes only, members of the  
public have not got access as to the reasons why this decision was taken. Obviously we have the answer  
now, thanks to the Minister in Parliament, but for members of the public, is it not the case that they have  
not got information, if they wanted to know, why the decisions to remove certain trees in different parts of  
Gibraltar are taken by the DPC?

1010 **Hon. Dr J E Cortes:** Mr Speaker, the procedure by which certain matters are taken to a subcommittee  
of the DPC is in order to speed up the process. They are then reported to the open meeting and they can be  
picked up and discussed. I believe they are on the Agenda, but I need to confirm that.

I seem to recall that there was a brief discussion at the open meeting, the meeting in public, which  
referred to the trees. I seem to recall that, and certainly, which may not have been clear from my answer,  
the intention within the project is that there will be trees placed in those locations. But the subcommittee's  
meetings are reported too, and there is an opportunity at the public meeting for discussion.

1015 But, as I say, if all the items that go to the subcommittee, which are normally fairly straightforward... I  
mean a rotten tree is a rotten tree. I do not know whether the hon. Member is asking for evidence that they  
were rotten, because I have photographs here which I can produce, so much so that on removal of one of  
the railings by the contractors one of the trees started to fall. So they were in fact dangerous.

**Q143/2014**  
**Aerial Farm Housing Project –**  
**Soil testing for contaminated waste material**

1020 **Clerk:** Question 143, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister state if the soil at the Aerial Farm Housing Project has  
been tested for any contaminated waste material and if so, provide Parliament with the relevant report?

1025 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, there has been  
testing for contaminated waste material. A copy of the report will be made available electronically.

1030 Let me point out, Mr Speaker, that I believe we were having some difficulty in e-mailing it because of  
its size. If the hon. Member does not receive it today by e-mail, an electronic copy will be provided, either  
on disk or pen drive tomorrow. If that fails, then we will print a copy, but it will be made available to him.

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

1035

**Q144/2014**  
**New ambulances –**  
**Manual handling of patients**

**Clerk:** Question 144, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say what Health and Safety  
measures are in place on board the new ambulances to avoid the manual handling of patients?

1040

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Health and Safety measures to avoid the manual handling of patients on board the new ambulances are the following.

1045 For the Patient Transport Unit: Hi-tech manual handling equipment that has been purchased with the new PTS unit includes Compact 2 Track Chair with track to descend down stairways without lifting the patient making it safer for the patient and crew; the EZ Glide powered chair, which can be a conventional transit chair one moment and then power the patient upstairs or downstairs without any requirement for them to be transferred to another chair; the Ferno EZ Glide powered chair is designed to climb or descend  
1050 stairs at the push of a button, a motorised track system carries the load greatly reducing any operator fatigue, with a maximum load of 35 stones or 227 kg.

For the High Dependency Ambulance : High tech manual handling equipment purchased for the new High Dependency Ambulance includes a harrier LT LBS stretcher; powered ambulance trolley with horizontal lift; polyurethane moulded cot sides to provide protection for the patient; directional wheel lock for ease of manoeuvrability; twin ram stability control; soft stop and start; reduction in manual handling injuries —lightweight, easy to design, incorporating ergonomic push/pull handle options, smooth powered lifting action — lift up to 350 kg with a soft start/stop vertical movement; and easy to manoeuvre lightweight trolley using optimum performance low resistance wheels and various operator push/pull handles and push-pole options; simplified high-performance battery management with removable and rechargeable 28 volt battery with up to 77 lifts from one charge, visible battery level indicator and just one hour recharge; for excellent hygiene and infection control, which is IPC compliant, incorporating anti-microbial paint finish, use of Silver Biosafe harness restraints and easy to clean pressure relief mattress for loading and unloading of patients onto the ambulance is carried out by a tail lift, so there is no need for ambulance crew to lift or hold the weight.  
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**Hon. N F Costa:** The starship *Enterprise*. (*Banging on Desks*)

**Hon. D J Bossino:** Mr Speaker, I am wondering whether there is any need for human beings in all of that. (*Laughter*)

**Q145 and Q152-153/2014  
Physiotherapy Department –  
Staffing; waiting list increase**

1070 **Clerk:** Question 145, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 168/2013, can the Minister for Health say if the vacant physiotherapy position has been filled?

1075 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Hon. Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 152 and 153.

1080 **Clerk:** Question 152.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 5/2014, can the Minister for Health say what the reason or reasons for the long waiting list and long waiting times are for physiotherapy treatment?  
1085

**Clerk:** Question 153.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 5/2014 can the Minister for Health say how he will be addressing the growing trend and three-fold increase in the last two years of those on the physiotherapy waiting list and the length of time to wait before physiotherapy treatment?  
1090

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the reason for the increase in the waiting list has been an unfortunate series of events in relation to staffing. The increase has been in the waiting list for adult chronic muscular related conditions. This is because as these are  
1095

considered by the professionals to be the least vulnerable of patient groups, any shortfall in other physiotherapy disciplines tend to be filled by redeployment of staff from this area.

1100 During 2013 we lost our three experienced assistants for a variety of reasons within a space of six months, resulting in a build-up of caseload as this work needed to be absorbed by the physiotherapists. In addition, much of their time – the latter’s time – was taken in training up the new staff.

There were also during this period three episodes of significant injury among the staff, varying from three to 16 weeks. A locum was contracted in order to tackle the waiting list and reduce the impact, but a member of staff left so that the locum ended up covering that post instead.

1105 Recruitment has proved difficult despite the best attempts. The post was finally filled on 6th January, 2014. In order to clear the backlog, further locum will be brought in as soon as possible. Fortunately though, through hard work by the Department, the waiting list is now finally reducing, dropping from 384 in October 2013 to 155 on 7th February 2014 – that is two and a half times lower in four months.

1110 I am hopeful that this unfortunate series of events will not be repeated and that the waiting list will soon become stabilised at a much lower level.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister mentioned the loss of three experienced physiotherapists and various loss of expertise due to injury. Can the hon. Minister say when these vacancies will be filled? When recruitment will finally take place?

**Hon. Dr J E Cortes:** Mr Speaker, the three posts referred to were for physiotherapy assistants and they have already been filled.

**Q146/2014  
New Mental Health Act –  
Progress on Bill**

**Clerk:** Question 146, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health give this House a progress report on the drafting of the new Mental Health Act and when it will be ready?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, a preliminary draft Bill for a new Mental Health Act is ready and is being scrutinised by the Mental Health Working Group, which consists of mental health professionals and practitioners to ensure that it reflects the Government’s priorities – that is to say that it puts patients first, that it reflects best practice in the field of mental health treatment and that it is feasible to implement.

1130

Given the importance we attach to the process of scrutiny and analysis in this sensitive area, I would not want to rush it; however, I am reasonably confident that a Bill can be introduced into this Parliament by the end of this year.

**Q147/2014  
GHA neurology services –  
Progress report**

**Clerk:** Question 147, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per his Budget Speech, can the Minister for Health give this House a progress report on the review of GHA neurology services and what additional services will be offered under the umbrella of neurological conditions?

1140

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, discussions are at an advanced stage with a major UK hospital and details will be published as soon as these are completed.



1145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give an indication of the kind of services increase or improvement in services that the GHA is looking at?

1150 **Hon. Dr J E Cortes:** Mr Speaker, we are in discussions at the moment and considering a range of possibilities to improve what we currently offer and perhaps to enhance this, but I am not able to give any more details at this stage.

**Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if he is looking at increasing the visits of the neurologist, the specialist, or setting up a clinic here, or recruiting a neurology nurse to run a clinic here or occupational therapy? I mean, any sort of indication.

1155 **Hon. Dr J E Cortes:** Mr Speaker, I do not think it would be correct or fair to give details now. We are very advanced in discussions with a major UK hospital. A number of these issues are still due to be confirmed and I do not want to commit myself at this point in time.

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**Q148/2014**  
**Long-term mental illness –**  
**Extra accommodation for patients**

**Clerk:** Question 148, the Hon. Mrs I M Ellul-Hammond.

1165 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as per the Government's manifesto, can the Minister for Health say when Government will be developing, 'extra buildings to serve as sheltered accommodation for patients with long-term mental illness' and if those buildings will be on-site by the new mental health facility?

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

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no decision has been taken on this matter.

1175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister suggesting that this manifesto commitment will not be fulfilled?

**Hon. Dr J E Cortes:** Mr Speaker, no, he is not. The Minister is saying that no decision has been taken on the matter.

1180

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does that mean a decision has not been taken that the buildings will be on site? Are they looking at somewhere else to place this sheltered supervised accommodation?

1185 **Hon. Dr J E Cortes:** Perhaps I should have said no decision has been taken on *these* matters and then it would have not required this supplementary.

**Q149/2014**  
**GHA GPs –**  
**Issuing of prescriptions**

**Clerk:** Question 149, the Hon. Mrs I M Ellul-Hammond.

1190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if GHA GPs are able to issue prescriptions for more than six months; and, if so, what is the longest period of time they can do this for?

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

1195 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no limit laid upon the GHA GP's ability to issue prescriptions for any length of time, provided this is done in units of 28 days per prescription. However, as a matter of practice, doctors rarely issue more than six months prescriptions at a time in order to be able to reassess their patients periodically. When longer term prescriptions are issued, these are usually for chronic diseases that require very little monitoring.

**Q150-151/2014**  
**Colorectal cancer –**  
**Screening**

1200 **Clerk:** Question 150, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why the colorectal cancer screening is only for those aged 60 – 74?

1205 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 151.

1210 **Clerk:** Question 151.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who the local consultant surgeon with specialist experience in colorectal cancer is, who will be picking up on the negative tests from the colorectal cancer screening programme?

1215 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the incidents of colorectal cancer in unscreened populations rises sharply from the late fifties and begins to fall after the late seventies. This is observed in the local community as well as in large countries like the UK.

1220 The UK set up its colorectal cancer screening programme in 2006, initially screening people between the ages of 60 and 69, and then from 2009 extended the upper limit to 74 to improve programme effectiveness.

1225 The University of Sheffield reappraised the UK colorectal cancer screening programme in 2011 and found that this is the optimal screening range, yielding a reduction of cancer mortality by 28.5%. Extending the range on either side would not save more lives. However, it should be noted that the GHA also provides regular diagnostic services through which any cancer producing symptoms at other ages, or during the interval between screening dates, can be picked up.

1230 Negative tests will clearly not be followed up by the surgeon. I am assuming the Member opposite means a positive test. In these cases, the consultant surgeon with specialist experience in colorectal cancer is Mr Ezzat Tadros.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am grateful for that information. The Minister is alluding to the fact we are reflecting what is being offered in the UK.

1235 My understanding is that other European countries and the USA offer screening for those aged 50 and over, claiming that is when increased risks start. Was the epidemiology of those countries and as to why they offer it from the age of 50 looked at, because when the breast screening programme was introduced in the Gibraltar it was actually offered from the age of 40 – 10 years more than in the UK where it is often from 50? I just wondered whether that perhaps could also have been offered in Gibraltar, in terms of this colorectal screening.

1240 **Hon. Dr J E Cortes:** Yes, Mr Speaker, indeed, as the Member opposite will know, we have in fact improved on the breast screening programme by reacting to the dynamic nature of this and reacting to more recent research.

1245 My professionals have advised me that this is the proper limit. They will have studied all the different options. They are clearly very, very confident in this sort of thing and we are satisfied that certainly this is the correct way to start. However, we will of course respond to research in what, I repeat, is a dynamic world, the world of medicine, and we will tailor it as necessary if the evidence so suggests in the future.

1250 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, will a separate colorectal cancer screening clinic be set up, such as the separate breast cancer clinic and the prostate cancer clinic which will hopefully be set up shortly?

1255 **Hon. Dr J E Cortes:** This is a different sort of programme to the breast cancer screening, in that the patient does not actually have to attend at the hospital. As the publicity has already described quite graphically, the sample bottles will be sent to people's homes and then they will send it into the lab; therefore there is no need for separate premises.

However, those who have a positive test will be followed up within the medical investigation unit and there has been some restructuring in the layout of that particular floor in order to allow more space to take in the number of suspected cases that may have to be investigated.

**Q154-156/2014**  
**GHA management structure –**  
**Update**

1260 **Clerk:** Question 154, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who have been the three successful applicants for the three new Unit General Manager posts, and who the successful new Medical Director and Director of Nursing are?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 155 and 156.

1270 **Clerk:** Question 155.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain on what role the individuals, who were Executive Directors and whose positions have now been made redundant by the new GHA Management Structure will now be, within the GHA?

1275 **Clerk:** Question 156.

1280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how the following remaining GHA services will fit under the new GHA Management Structure and how they will operate – these are Human Resources, Engineering & Estates, Corporate and IT Services, and Finance and Procurement?

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

1285 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, in keeping with your ruling at the recent meeting of the House, I will not be giving the names.

Those filling former executive posts no longer required, have either left the organisation or been redeployed or reverted to former roles.

1290 The services referred to will continue as at present, except for corporate services, which now forms part of hospital services.

**Mr Speaker:** May I say to the hon. Lady that the fact that names will not be provided, does not preclude her from asking relevant supplementary questions in respect of the successful applicants.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when the Minister says, 'would revert to former roles', does this mean medical health related roles?

**Hon. Dr J E Cortes:** It depends on what the person was doing beforehand.

1300 If the person who has been redeployed was in a clinical role, then that person will be redeployed to a clinical role. If the person was in an administrative role, then that would have been an administrative role that they would be reverting to.

**EQUALITY, SOCIAL SERVICES AND THE ELDERLY**

**Q157-161/2014**

**Waterport Terraces Day Centre for the Elderly –  
Details of services offered**

**Clerk:** Question 157, the Hon. Mrs I M Ellul-Hammond.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the Elderly Day Centre at Waterport Terraces opened and what are its opening hours?

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

1310 **Minister for Equality, Social Services and the Elderly (Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 158 to 161.

**Clerk:** Question 158.

1315 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many elderly people the Elderly Day Centre at Waterport Terraces caters for and whether there is a waiting list to join, and if so, of how many?

**Clerk:** Question 159.

1320

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what is the admissions criteria for elderly to the Elderly Day Centre at Waterport Terraces, how they are assessed and how those elderly, who are not mobile, are transported to and from the centre and by whom?

1325 **Clerk:** Question 160.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say what services are offered to the service users at the Elderly Day Centre at Waterport Terraces and what recreational activities do the service users participate in?

1330

**Clerk:** Question 161.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say which therapists visit the Elderly Day Centre at Waterport Terraces and how often?

1335

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

**Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Waterport Terraces Day Centre for the Elderly opened on 2nd December 2013.

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The Centre is currently open from 9.00 a.m. to 3.00 p.m.

The Waterport Terraces Day Centre can cater for a maximum of 25 people a day. Since the beginning of this year we have already been able to extend the service to an additional 18 people.

There is a current waiting list of 28 people. These have already received an initial assessment of their needs and these people are being gradually integrated into the existing groups.

1345

The services are available for people over the age of 60 years, resident in Gibraltar who are eligible to receive Social Care services. The eligibility criteria for the Day Centre is that people must have critical, substantial or moderate care needs.

An initial assessment is carried out by a social worker, who is trained to identify a range of needs to ensure that the applicant meets the criteria to be in receipt of social care services. The Day Centre co-ordinator then carries out an assessment to ascertain the persons specific support and health and safety needs. The person is then offered an introductory day, where further observations and risk assessments are carried out to ensure the person's needs can be met taking into consideration the levels of support required by other clients.

1350

The service users are provided with a venue in which to provide social interaction and stimulation. Breakfast and lunch are provided and transport to the Day Centre is provided if they have mobility issues that prevent them making their own way. People who cannot make their own way to the Centre will be transported by the Care Agency in a Care Agency vehicle.

1355

1360 Because the Day Centre is relatively large and spacious purpose built and for this exclusive use, we are able to provide a wide variety of services, including new services that promote socialising and interaction between the elderly users.

1365 Recreational activities carried out include a range of arts and crafts activities; exercise sessions; reminiscence workshops; discussion groups and newspapers; music, dancing and singing; cooking session; board games; outings in the community; knitting and crochet sessions; bingo. Outside speakers will also give talks on different subjects. This purpose built Day Centre even has a hair salon, which will be available to those who may wish to use it for a nominal fee in the same way as it is in Mount Alvernia.

The Care Agency is in discussions with the GHA as to what additional therapy can be provided. No therapy was previously available in the old Day Centre and these are new services which are being developed on an inter-agency basis.

1370

**Continuation of Q130/2014  
Leisure Construction and Maintenance Company Limited –  
Details of trade licences**

**Clerk:** Question –

1375 **Mr Speaker:** Before we proceed with the next question, I understand that the Hon. Mr Neil Costa, the Minister for Tourism and Transport has got the answers that I requested that he should try to see whether he could obtain.

1380 **Hon. N F Costa:** Yes, Mr Speaker, the Secretary to the Trade Licensing Authority has confirmed that the applicant withdrew the application – withdrew.

**Hon. Chief Minister:** Mr Speaker, can I invite you to recess the House for 10 minutes?

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

*The House recessed at 11.10 a.m. and resumed its sitting at 11.23 a.m.*

**TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**Q162/2014  
Parking for bicycles –  
Facilities available**

1385 **Clerk:** Mr Speaker.  
We continue with answers to Oral Questions.  
Question 162, the Hon. S M Figueras.

1390 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic provide details to this House of all bicycle parking facilities installed in Gibraltar since December 2011?

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

1395 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the answer is none.

**Hon. S M Figueras:** Mr Speaker, can the Minister say whether there are any plans for installation at any point in the near future?

1400 **Hon. P J Balban:** Yes, Mr Speaker.

**Hon. S M Figueras:** I am grateful, Mr Speaker.  
Could the Minister perhaps provide any further details about where these facilities are expected to be installed?

1405 **Hon. P J Balban:** Mr Speaker, the provision of bicycle facilities is something which has been addressed as part of the Traffic Plan. One of the sites that has already been earmarked for such provision is the Commonwealth Park.

1410 **Hon. S M Figueras:** And the provision of facilities anywhere else in Gibraltar, that is all subject to the STTP?

**Hon. P J Balban:** Yes.

**Q163-164/2014**  
**Alternative forms of transport –**  
**Government's policy**

**Clerk:** Question 163, the Hon. S M Figueras.

1415 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say what measures this Government has taken since it took office to encourage the use of bicycles as an alternative form of transport?

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

1420 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 164/2014.

**Clerk:** Question 164.

1425 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say what measures this Government has taken since it took office, to encourage the decreased use of cars?

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

1430 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, it is the Government's policy to encourage a move towards alternative and sustainable forms of transport and the new Sustainable Traffic, Transport and Parking Plan will look at ways of achieving this.

Walking and cycling are recognised forms of alternative transport and the provision of cycle lanes is something the Government is committed to. To this end, various options are being considered.

1435 There have already been improvements to the public bus network, including new bus routes and an increase in frequency, both of which provide greater options and flexibility to users.

**Hon. S M Figueras:** So, Mr Speaker, just in summary, the answer to Question 163 is none, and the answer to Question 164 is effectively a couple of bus routes?

1440 **Hon. P J Balban:** Mr Speaker, as I said, everything to do with bicycles is being looked at within the Traffic Plan, inclusive of bicycle lanes, inclusive of provision of bicycle racks. Also, we are looking at ways of removing bicycles being strapped to certain areas, which become unsightly, like wrapped around trees, posts etc. So we will also be looking at that within the Traffic Plan.

1445 As the hon. Member said, at the moment a lot of work has been done to encourage people to use the bus routes, which is one way of actually encouraging people not to use their private modes of transport and use the public service which has improved tremendously in the past months.

1450 **Hon. S M Figueras:** Would he say, Mr Speaker, that building another multi-storey car park in the vicinity of the city centre, as he announced in reply to my statement earlier this week, is not really encouraging the decreased use of cars in Gibraltar?

1455 **Hon. Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the issue of the car park is an issue which relates to a wider manifesto commitment and was a response issued in respect of a statement issued by hon. Members complaining that apparently there were not enough parking spaces provided in the centre of town. So they cannot have it both ways, Mr Speaker. Either they are complaining that there are not enough or they are complaining that perhaps there are too many.

**Hon. S M Figueras:** Mr Speaker, we are raising the concerns of some about the limited number of parking spaces available and that was the response that was received.

1460 I am referring to the Government's environmental filter and the many occasions on which in this House, it has been said by Members opposite, that they are working to decrease the use of cars in Gibraltar. I am saying, Mr Speaker, that so far they have done none of that and much, much more of encouraging it by making as much parking as possible, not least because they have to recover all the parking lost as a result of the works on the Commonwealth Park. (A Member: Exactly.) That is the point I am making, Mr Speaker.

1465 But I have my answer to the questions and I need ask no further supplementaries.

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman having clarified the position as he has, because he has made stark the fact that they want to run with the hare that wants more parking, and hunt with the hounds that wants less parking so that there is less car use available. Fair enough, they are in Opposition and they decide how to discharge their functions.

#### Q165/2014

#### Provision of new road south through New Harbours– Update on progress

1470 **Clerk:** Question 165, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic say what progress, if any, the Government has made in providing a new road to the south through New Harbours?

1475 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the Government is looking at options in respect of providing a proposed new road to the south. This is being considered as part of the development of the Sustainable Traffic, Transport and Parking Plan.

1480

**Hon. S M Figueras:** Mr Speaker, is the construction of the multi-storey car park that they announced as a reply to my statement earlier this week also something that was tied to the STTP, but was conveniently announced in reply to the statement?

1485 **Mr Speaker:** That question has got nothing to do with the – (*Laughter*)

**Clerk:** Question –

1490 **Hon. D J Bossino:** Mr Speaker, will the Minister not accept that in relation to the new road to the south, he does not necessarily need to wait for what the conclusions of the plan are, because it is in fact a manifesto commitment, as set out on page 79 of the Government's manifesto. So does he not accept what I have just said?

1495 **Hon. P J Balban:** Mr Speaker, but it does not necessarily follow that it needs to be that road to the south. There are many options that could be considered as to roads to the south and this is what is being considered.

1500 **Hon. S M Figueras:** But, Mr Speaker, the commitment was a new road through New Harbours to the south district. Is this another similar case to that of the Commonwealth Park and the parking beneath it?

**Hon. Chief Minister (Hon. F R Picardo):** No, Mr Speaker, it is that hon. Members need to read the manifesto and understand what it says and how it interplays with what they seem to take great enjoyment and laughing about, which is to wholesale plan that will deal with traffic in Gibraltar, which is something we were commending to them when they were in Government, and they never undertook.

1505 The way in which that road through New Harbours is going to be structured and how it is going to best integrate with the other traffic needs of Gibraltar is something that we are waiting for advice on.

We on this side of the House do not pretend to know everything about everything and when we are taking advice and we are paying for it, we are going to wait to get the advice before we make decisions which are consequent on it.

1510

**Q166/2014**  
**Official cars –**  
**Current mileage**

**Clerk:** Question 166, the Hon. S M Figueras.

1515 **Hon. S M Figueras:** Can the Minister for Traffic confirm the level of Government revenue generated thus far by the sale of the recently added person –

**Mr Speaker:** Question 166.

1520 **Hon. S M Figueras:** Ah, of course. I am grateful Mr Speaker.  
Can the Minister for Traffic provide details to this House of the current mileage of all the recently acquired official cars including, but not limited to, the Chief Minister's official car, the G1, the recently acquired fleet of Mercedes E-Class Hybrids and Toyota Prius vehicles, broken down by vehicle?

1525 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in a schedule, which I now hand over to him.

**Answer to Question 166 of 2014**

Mileage of the recently acquired fleet of Mercedes E-Class Hybrids and Toyota Prius vehicles (inc. Tesla G1):

G1	Tesla	1,911km
G5001	Mercedes-Benz E Class	4,464km
G5002	Mercedes-Benz E Class	1,638km
G5003	Mercedes-Benz E Class	11,540km
G5004	Toyota Prius	1,249km
G5005	Toyota Prius	1,949km
G5006	Mercedes-Benz E Class	1,789km

**Q167/2014**  
**Personalised registration numbers –**  
**Revenue generated**

1530 **Clerk:** Question 167, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic confirm the level of Government revenue generated thus far by the sale of the recently added personalised registration numbers for vehicles in Gibraltar?

1535 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1540 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the level of Government revenue generated by the sale of the recently added personalised numbers for vehicles in Gibraltar is £9,250 when the question was asked.

**Hon. S M Figueras:** I know it is not particularised in the question, but is the Minister able to say how many number plates within the new range established recently that consists of?

1545 I note that he said about £9,000 and he may not have the information. I understand that. I am happy to ask at a later session.

**Hon. P J Balban:** Mr Speaker, yes, there have been 32 numbers sold.



**Q168/2014**  
**Directive transposition –**  
**Compliance with European law**

**Clerk:** Question 168, the Hon. S M Figueras.

1550 **Hon. S M Figueras:** Mr Speaker, further to his answer to Written Question W13/2014, can the Minister for Traffic say whether he considers the effect of the application of Article 4(6)(c) of Directive 2006/126 EC is to render the Government's transposition of the Directive incompatible with European law, and if not, why not?

1555 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, this question calls for an opinion, but I will answer to confirm that the policy of this Government in transposing the Directive has been to consider that the likelihood of significant personal harm increases the lower the age of the rider, and therefore where permitted by the Directive, we maintained the status quo.

1560 The resulting effect is that the stages through which a rider needs to progress are different in Gibraltar to that of other Member States, where they may have opted for different ages based on their own policy or traditions. For example, in Spain, children aged 14 have for many years been allowed to take charge of a moped. However, in the UK children must be 16 to take charge of a moped. In Gibraltar, even before the  
1565 Directive, this has historically not been permitted.

Therefore, in light of the above and due to the fact that Article 4(6)(c) as read within the context of the rest of the Article allows Member States to raise or lower the minimum age for issuing a driving licence to drivers of category A1, Government is therefore advised that there is no incompatibility with European law and is satisfied that Gibraltar is fully compliant with the provision of all relevant directives.

1570

**Hon. S M Figueras:** Mr Speaker, I start by urging the Minister to obtain that opinion. I would certainly, and Members on this side of the House would certainly be interested to read that opinion, if obtained.

Would the Minister agree that although there are... the Minister himself has mentioned that it would require an opinion – (*Interjections*) Has he not said that? Then I have misheard.

1575

**Hon. F R Picardo (Chief Minister):** The Question asked for an opinion.

**Hon. S M Figueras:** Oh, I see. Sorry, I have misheard. I take that back and I am grateful for the clarification.

1580 Mr Speaker, I note what the Minister says in relation to how the Directive effectively allows for riders in other European countries to ride motorcycles at the tender age of 14, but is it not the case however though that by virtue of our implementation of that Directive, we effectively have – and I will be corrected if I am wrong, no doubt by the Minister – we are effectively in a situation where 17-year-olds can obtain a learner's licence and then at 18 a full licence at A2, which are motorcycles in some cases up to 500cc.

1585

**Hon. Chief Minister:** Mr Speaker, I think that the question that we have answered, which as we said called for an opinion in our view, but we felt that we would give it in this instance, whilst reserving the right, of course, to rely on the rules that does not require us to give an opinion.

1590 **Mr Speaker:** Yes, but, with respect, it becomes ultimately a legal advice that is given and therefore it is a different kind of opinion to being asked whether you agree with what somebody else is saying. That is a different matter altogether.

Here, we are dealing with an Article of a Directive. The Minister is not expressing a *personal* opinion. He will have been given legal advice on the matter.

1595

**Hon. Chief Minister:** Exactly, Mr Speaker. It is compliance with the obligation to transpose, and that is what the question is about. We are not going to really become involved in a legal debate about this Directive; it is one of many Directives that is transposed into Gibraltar law. We are advised that we are in compliance with the obligation to transpose in keeping with the transpositional leeway given to the Member States and I think that that is as far as we can take it.

1600

If the hon. Gentleman wants to take us to a debate about a particular aspect of a particular part of the Directive, well, look, he can either give us notice in a motion or if he has a serious particular concern he can write to us and we can look at it. But I do not think it is going to be in anybody's interest that we have an

1605 esoteric debate at the moment without notice of particular issues like that, other than to say that we are very confident that the transposition complies with the requirements of EU law.

**Hon. S M Figueras:** Mr Speaker, yes, I will deal with the Hon. the Chief Minister's various points.

1610 The first is that I have dealt with this matter previously to raising this oral question in the House. In fact there was a written question at the last session, which formed the basis of my oral question, and there has been correspondence between myself and the Hon. Minister with the relevant responsibility in this respect because this line of questioning, and indeed my pursuit of this issue, arises from concerns that have been raised with me in relation to the effect of the transposition.

1615 The Hon. the Chief Minister says that I should give notice of the question and the question really quite clearly sets out the basis of the issue that I am alluding to and that is that in answer to the written question. In relation to the written question, the Minister said that the Directive, at Article 4... I think it was 4(6)(c) (A Member: Yes.) Article 4(6)(c) allowed the Member State to increase the minimum age for any of the categories for reasons of road safety. I will happily concede that that is very valid and indeed, at first glance, raising it to the age of 18 for A1 is very good indeed; but what it does do, as almost a side effect, is do away with the staged access to motorcycles. That is a key part of the Directive itself.

1620 During discussions for the creation of this Directive, the British participation in it was dissatisfied with staged access because it had been a source of discussion in the UK that staged access did not actually benefit road safety. But despite that, when the Directive was in fact created and the British Government had abstained from it by virtue of its resistance to the staged access, the implementation in the UK does indeed have staged access.

1625 I know, Mr Speaker, that it is a long preamble, but I think it is very relevant to the supplementary that I will ask, which is that in the UK you can get on an A1 motorcycle at the age of 16 and then at the age of 18 on an A2. The point being that the Directive requires a two-year gap and an additional test in order to progress from one category to the other, because it is growing in terms of the power output too.

1630 The whole purpose in my view, Mr Speaker, of the Directive is the staged access, and you see the difficulty I suspect the Government has run into in relation to the implementation of this Directive, was that they were faced with one of two choices, and that was Mr Speaker –

**Mr Speaker:** Ask the question –

1635 **Hon. S M Figueras:** I will ask the question, Mr Speaker.

Is it the case that the Government was faced with the difficult decision between lowering the age of access to the first category of A1 to the age of 16 in order to then have the two-year gap to the age of 18 to allow riders onto A2 category motorcycles?

1640 **Hon. Chief Minister:** Mr Speaker, I think the position is very clear, but if the hon. Gentleman wants to labour it, let us do so.

1645 First of all, his question, to which this is a supplementary, simply asks whether our Directive transposition is in compliance with European law – yes or no. That is the question. Now this supplementary is a detailed analysis of parts of how the Directive has been transposed into law. I do not think it is something that we can be expected to deal with on the hoof like this.

1650 But there is an aspect of what the hon. Gentleman is saying which is obvious and which we are happy to deal with, and it is that you have got to have the gap. Now, you either have the gap by allowing people to start even earlier at 16 and then you have a gap of two years, or at 18 they can take any type of licence – that is the advice that we have. It is advice that puts us in compliance with EU law, which is the first question that he is asking.

1655 If he has a serious concern, Mr Speaker, about road safety, he can be assured that the Government would have the same concerns and if we thought that there was a way of dealing with it, we would. If he wants to make a proposal in writing – which I certainly have not seen in any of the exchanges – which he thinks is in keeping with European law and in keeping with the leeway that we are given under European law and he wants to write to the Minister for Justice and the Minister for Traffic on it, that will always be received in a welcoming way, as long as we are able to agree the parameters and we are able to get the legal advice confirmed. But his question was really one just of compatibility with European law.

**Hon. S M Figueras:** Mr Speaker, to deal –

1660 **Mr Speaker:** The hon. Member asked a written question some time ago. I have got a copy of the question and it was a very, very detailed answer and in a way it is a pity that it was not an oral question (*Interjection*) because then today I think the proceedings now, the exchanges, would be more clear cut if all

1665 hon. Members had the very detailed answer given, which the Minister gave in writing at the time. In a way it is a pity... it complicates matters.

**Hon. S M Figueras:** Mr Speaker, it is indeed a pity and it was a written question for a reason, the reason being that I simply could not be in the House to address it as an oral question and the Speaker was aware of the fact that I was unable to be here.

1670 However, for the question for this session, I have put the Government on notice that I was referring specifically to the very detailed answer, and in that question I have made specific reference to specific provisions that they themselves raised as justification for their answer. So they were on notice of the direction in which I was taking this, more so because I have tried to elicit this kind of information and made these suggestions behind the Speaker's Chair to the Hon. Minister on a couple of occasions too.

1675 You see, Mr Speaker, dealing with the Chief Minister's point on compatibility, the answer to the written question last month said that Article 6 allowed them to increase the minimum age of A1 to 17 or 18 years of age, and that is correct, Mr Speaker, because I have the provision right here. Article 6 states that Member States may raise or lower the minimum age for issuing a driving licence (c) for category A1 up to 17 or 18 years if there is a two-year difference between the minimum age for Category A1 and the minimum age for Category A2. There is not. That is, Mr Speaker, the basis of my question today and supplementary line of questioning: why do we not have that two-year gap?

1680 **Hon. Chief Minister:** Mr Speaker, because we are advised that we do not have to and that what we have done is in compliance with EU law.

**Q169/2014**  
**Government rental homes –**  
**Rent arrears**

1685 **Mr Speaker:** Next question.

**Clerk:** Question 169, the Hon. E J Reyes.

1690 **Hon. D J Reyes:** Mr Speaker, sir, can the Minister for Housing provide updated details of arrears in respect of unpaid rents pertaining to Government rental homes since the answer provided to Question 1/2014?

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

1695 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the total amount of arrears in respect of unpaid rents as at end of January 2014 was £4,829,405.71.

**Hon. E J Reyes:** Mr Speaker, sir, I am glad to note that, albeit small, there has now been a decrease from the figure that was owed as at the end of December 2013.

1700 Can the Minister inform this House if this is as a result of a particular exercise that they have been carrying out in order to better get back the arrears owed, some of which I believe are rather long term?

1705 **Hon. F R Picardo (Chief Minister):** Mr Speaker, I am afraid I am going to have to rise to deal with this issue, because it is an issue that concerns principally the Ministry for Finance and not the Ministry for Housing.

1710 But I have to tell the hon. Gentleman that I think... I fear actually that that figure will be reduced quite considerably by many millions of pounds as a result of an exercise that the Government is going to have to engage in, which will involve the fact that the limitation ordinance is engaged in respect of these arrears, and that many of these arrears are older than six years and that no action has been taken, dramatically in our view, in the past 16 years in a very large measure to deal with any of these arrears. A huge amount, many, many millions of pounds are likely to have to be written off in respect of that amount outstanding as a result of the failure to pursue those arrears in the past 16 years before our election. The hon. Gentleman knows, and I think we have highlighted that we are going to start a process of taking action in respect of arrears, which is only right and proper, so that those who do pay their rent are entitled to see others who do not pay their rents pursued in respect of that.

1715 It will be something that we will have to publicly ensure is made clear as to what amounts actually are recoverable, because there is no point keeping amounts on the register as recoverable if they are not

1720 recoverable given the application of the Limitation Act and they have to in fact be written off. So the hon. Gentleman will see the fruits of that exercise when the Government makes a public statement having done a detailed analysis of those amounts outstanding, given the lack of activity in the time of their Administration in recovering any of those debts.

**Hon. E J Reyes:** I am grateful, Mr Speaker, but the Chief Minister explained to us what he says is going to happen in the future.

1725 My supplementary homed in now, sort of saying, well, from the figures given as owed at the end of December to the end of January there has already been a small decrease. Has a particular exercise in order to recoup rents, has it already commenced? Is that the result of that? I was asking not what is going to happen, which the Government is going to announce, but what has happened since the last session and his relevant answer.

1730 **Hon. Chief Minister:** Mr Speaker, it is a combination of factors. Some people will have paid, and the process of writing off has commenced. The writing off process has commenced because it is by operation of law. It is not that we are saying that we want to write off amounts outstanding; it is that by operation of law they are not amounts recoverable, and as the process of recovery starts, we have to understand what is or is not recoverable. That is why I would ask the hon. Gentleman to wait to see what the actual amount recoverable is and how much is going to have to be written off as a result of the failure to seek recovery earlier.

1740 **Hon. D A Feetham:** Mr Speaker, I beg to differ. I am not going to have an exchange across the floor in relation to what is the law and what is not the law. It is not that it is operation, that it is not recoverable by operation of the law. The reality is that it is a defence to a claim made for recovery.

I know that in relation to some of the arrears appertaining, for example, to tenants that moved into New Harbours, because I happen to have looked into this recently, in relation to some of those tenants –

1745 **A Member:** Mid Harbours.

**Hon. D A Feetham:** Mid Harbours, I beg your pardon. Yes, in relation to those tenants, as part of some of those that owed arrears being given flats in that particular estate, they had to enter into an agreement with the Government to repay part of what they owed in instalments.

1750 Even if that money is owed for more than six years, the fact there is an agreement and an acknowledgement that the debt is owing would have then operated to actually make the money recoverable; indeed, it would have operated for another six years from the date of the agreement.

1755 Has an exercise actually been done, and at what point was the exercise done, in relation to all of them outstanding to – for example, prevent the limitation outstanding at the time that they got into Government – to prevent the limitation period from kicking in whilst they were in Government, because of course he says, ‘Well, this is all due to the last 16 years of GSD Government’? But hang on a minute, the hon. Member has been Chief Minister of Gibraltar for over two years now and is he satisfied that none of these have been statute barred during the time that he was Chief Minister? Has he undertaken that kind of exercise?

1760 **Hon. Chief Minister:** Mr Speaker, I have been Chief Minister of Gibraltar for 25 months. They were in Administration for 192 months.

1765 In 25 months, we have given effect to many of the manifesto commitments that we entered into. We have found issues to deal with, which are not in our manifesto, and we have not dealt with all of them yet. One of them is the huge amount of arrears which were allowed to be built up in the time of the previous Administration in their 192 months.

1770 The Hon. Gentleman is absolutely right, and I am not going to have a legal debate with him, that the Limitation Act provides a shield not a sword, and therefore it is a defence available to people who have claims made against them. But the Government is not going to go around making claims which it knows there are absolute defences to – namely that the debt is not recoverable under the application of the Limitation Act.

He is right to say that in respect of the Mid Harbour Estate, those who were to move who had arrears outstanding were in some instances required to enter into agreements in respect of those arrears, many of which they have failed to honour; but the fact of the new agreement gives a new deadline term to start running which will require another six years to expire before the amounts are not recoverable.

1775 Of the amounts that we are talking about, the total amount due in respect of Mid Harbours today, both in respect of historic arrears renewed under agreements and current arrears is £371,000 – that is a very small part of the numbers that we are talking about. Of the millions that are going to have to be written off, because of *their* failure to take action in the 192 months that they were in Office.

1780 Have some amounts had to be written off... because we have been in Office for 25 months and on the first month the first thing we did was not to go to the list of arrears and check what they were and take action. Yes, 25 months have passed and in some of those 25 months, the six-year period will have expired, but not 192 months, which was the time that expired under them and these arrears built up into the incredible figures that we see today.

1785 **Hon. D A Feetham:** Mr Speaker, I have to say that I am astonished by some of what the hon. Gentleman has said.

1790 When he became Chief Minister of Gibraltar, the arrears stood at just over £4 million. The arrears in October 2013 stood at £4.8 million – it has increased by nearly £800,000 in the time that he was Chief Minister of Gibraltar. That is not prudent management; that is a very high percentage increase. I do not know how he can stand there with a straight face and make some of the points that the hon. Gentleman makes.

1795 But at the very least, rather than just simply writing off amounts outstanding, has the Government not tried to come to an agreement with some of these individuals for the repayment of these arrears in instalments, which would have then led to the limitation period actually running for a further six years, as he has quite rightly conceded in his previous answer?

**Hon. Chief Minister:** Mr Speaker, I do enjoy the hon. Gentleman bowling me such easy ones. Does he not realise what he has just exposed himself to?

1800 In the 25 months that I have been in office the arrears have grown by £800,000 he says. Yes, all of it recoverable, because I have only been in office 25 months. Does he not realise that that £800,000, which has to be dealt with, which has to be the subject of an attempt to reach an agreement, which has to be the subject of attempted litigation, is all arrears accruing still recoverable under the Limitation Act? (A Member: Yes.)

1805 Does he not realise that a very large part of the £4 million is what is going to have to be written off because of their lack of diligence in pursuit of these arrears when they were in Office in the Administration of the affairs of this nation? That their lack of diligence, their negligence, is what is going to have to result in millions of pounds being written off for the Exchequer and a *huge* shame in respect of those people who pay their rents diligently, who pay their electricity diligently, who pay all their dues diligently, although many of them are workers and it hurts their pockets to have to do so. We, Mr Speaker, are on their side and we will ensure that everybody who does not pay their dues is pursued. In our time in Office, no arrears have been accrued which will have to be written off because they are outside the limitation period.

1810 But what a pity, Mr Speaker, that the hon. Gentleman does not realise that when he gets up to speak he has to carry with him the history of the time that they were in Office. Thirteen cases they started in sixteen years for recovery of debt – 13 cases. Of the total amount of agreements they did, there is no more than £371,000 been carried over with a new renewal of liability. That Mr Speaker, speaks volume for the *a mi me pertenece* culture, which they allowed to ride roughshod and which enabled people not to pay their liabilities whilst they were in Office – not something that will happen whilst we are. (*Banging on desks*)

1820 **Mr Speaker:** May I say that I am not allowing any more exchanges as to the history of this matter as to the reasons why the arrears have accumulated. The question is a very specific one, it deals with the amount. That question has been answered. Why the arrears stand at the figure and why they have grown is a matter for debate and it can be debated if hon. Members so wish.

1825 Whilst I am on the matter, I want to give the Hon. Mr Reyes notice that if at the next meeting of the House he asks exactly the same question with a view to updating the information, which he is entitled to do, I will allow him at the next meeting of the House to ask a similar question if he wants the arrears as at the end of February. I will allow him that question, but I will not allow any exchanges as to the reasons why. He will get that information and that will be the end of the matter, because these are questions that are coming up again, and again, and again. It is exactly the same question and it is not going to result in a debate in the exchanges that we are having here this morning.

1830 If hon. Members want to debate the reasons for the arrears, let them bring a motion to the House and the matter can in any case, I am sure it will, come up in the debate on the Budget when the whole thing is under consideration once again.

1835 **Hon. Chief Minister:** Mr Speaker, may I make an offer to the House generally, which –

**Mr Speaker:** I noticed that the Hon. the Leader of the Opposition wanted to intervene before, and then I will allow him to come back.

**Hon. Chief Minister:** Fair enough.

1840 **Hon. D A Feetham:** Mr Speaker, in fairness to the Opposition, we have not sought to debate the reasons for the arrears, all we have asked is very straightforward questions about the arrears, and it is the Hon. the Chief Minister that has introduced and politicised the answer and introduced debate by basically saying that this is all because of the Government.

1845 **Mr Speaker:** But you have not been stopped from expressing your own point of view, have you? (**Hon. D A Feetham:** No, no!) You have been allowed to do so as well. (**Hon. D A Feetham:** No.) It is just that I think the matter has gone far enough.

1850 **Hon. D A Feetham:** Yes, now, Mr Speaker, if I may ask the Hon. the Chief Minister, I note that he feels proud of his record as Chief Minister that arrears have increased by my calculation, I could be wrong, to nearly 20% from what they were in 2011. I have to say that I do not think that that is a record to crow about or to feel proud about.

1855 But let me bowl him a gentle one, perhaps he might change his practice of the past and at the very least provide me with a straight answer to a straight question. Out of the £4 million, how much is non-recoverable because of the limitation period?

**Hon. Chief Minister:** Mr Speaker, may I start by reflecting simply the offer I was going to make. Well, it is not an offer, I think it is a statement that I think will be welcomed, I hope, by both sides of the House.

1860 This is obviously an issue of public importance and the fact that Mr Reyes has asked the question on a number of occasions suggests that the Opposition want the information, and the Government has absolutely no compunction in ensuring that the information is provided.

1865 What I am going to ask that the Ministry for Housing do is that they add a head to the statistics that are published on line before the end of each month, which gives the updated figure every month, and in that way Mr Reyes will be able to access the information, as will members of the public. Then, if necessary, questions can be asked, based on the figures published, and we can have different types of questions.

1870 Mr Speaker, I want to deal with the issue raised by the hon. Gentleman giving him the information that I have available at the moment. I am grateful for the opportunity that he offers me to provide that information. The exercise has not been done as to what amount is actually recoverable and not as an exercise as I said in the answer of my first supplementary is ongoing, but I am going to try and give him the information that may enable him to work it out.

1875 In 1996 the amount outstanding in respect of rent was £655,000. Does he have that figure, £655,000 in 1996? He knows it is £4 million by the time we reach 2011. It had risen to £872,000 by March 1997. It was £1,105,000 by March 1998 – just in case he has difficulty working it out, Mr Speaker, that meant it doubled almost in the first two years of GSD Administration. An increase of 33.1% in the same 25-month period more or less that he is talking about when I should not be proud of my record. So it reached £2 million by March 2002. It reached £3 million by March 2005. It was £4 million by 2011 and we are now doing the process of working out where the six-month guillotine lies.

1880 I will have the information hopefully, as I told the hon. Gentleman, very soon and it will form the subject of a public statement, one which they will not be happy to read.

1885 **Hon. D A Feetham:** Mr Speaker, that does not provide me with the answer to the question that I am seeking, nor does it justify at all the statements that the hon. Gentleman has made, because I would have expected...the hon. Gentleman comes to this House and makes a song dance saying, because there was so much owing under the GSD Administration, which is not recoverable, *not recoverable* because it is owing for over six years.

1890 None of what he has told me actually allows me to make any kind of assessment or anybody any kind of assessment as to what proportion of the £4 million is statute barred. I would have thought that for a Government that makes itself responsible, as it must, for the answers, and a Chief Minister that makes himself responsible for the answers that he gives to this House, and the song and dance he has made about arrears been owing and the mismanagement by the GSD of all this money that is not recoverable, that at least he could have said, 'Well, we estimate that it is going to be £2 million or £1 million', but he has not. He does not even have that information.

1895 Is it because he does not have that information or is it because he does not want to provide it to this House today because he wants to make a public statement later. It does not provide an answer to the question. The very fact that there is £655,000 outstanding in 1996 and £4 million in 2011 does not give me the answer as to how much of that £4 million is recoverable because you are perhaps talking about different people, or you may be talking about people in respect of which agreements have been entered into, so the limitation period continues to run. So it does not provide me with the answer at all. Is he going to provide me with a straight answer to that gentle bowl that I bowled him earlier on?

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**Mr Speaker:** If the Hon. Chief Minister is not able to provide the answer just now, I suggest that he just leaves it and provides the answer in due course when the exercise has progressed sufficiently.

**Hon. Chief Minister:** I am very grateful, Mr Speaker, that is exactly the position.

1905 As I said in my first answer, the exercise in detail has not been done and because I am responsible for my answers in this House, I have told him I cannot give him chapter and verse. But he needs to understand Mr Speaker, and I know that he thought that he had got us on this one and I could see his *animus* when he was coming out with the press release, 'Ah, I have got him. This is the *a mi me pertenece* culture, which I am really going to go for'.

1910 The exercise which relates to these figures, Mr Speaker, shows that it is cumulative and it will show, Mr Speaker, in my view, when the exercise is done, that over £3 million will have to be written off because of their negligence.

**Q170-171/2014**  
**Mid-Harbour Estate –**  
**Works to counteract anti-social behaviour**

**Mr Speaker:** Next question.

1915 **Clerk:** Question 170, the Hon E J Reyes.

**Hon. E J Reyes:** Mr Speaker, further to Question 2/2014, can the Minister for Housing provide updated details, together with estimated completion dates, in respect of works still to be completed at Mid-Harbour Estate?

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

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 171.

1925

**Clerk:** Question 171.

**Hon. E J Reyes:** Further to the answer to Question 3/2014, can the Minister for Housing provide details of any further actions which are being considered in order to curtail non-compliance of house rules at Mid-Harbour Estate?

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

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, in answer to Question 170, the following works have been completed: survey of infrastructure and installation of fibre from Fish Market Lane to Mid-Harbour Estate; installation of cameras on the car park level; connection to the main fibre ring; procuring and installation of CCTV signs within the car park level; integration of cameras installed within the car park level to the existing public CCTV system and RGP Control Room at New Mole House; part installation of cameras on the podium level – two cameras fitted on the roof canopy of the social club. These cameras will view the central area of the podium including the children's play area.

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Ongoing works: testing and commissioning of cameras already installed; infrastructure works to allow installation of the remaining cameras on the podium and promenade levels; integration of podium and promenade level cameras to the existing public CCTV system and RGP Control Room at New Mole House.

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In answer to Question 171, it is expected that with the measures being taken the incidents relating to anti-social behaviour will minimise.

We continue liaising closely with the RGP as we take incidents of anti-social behaviour very seriously.

**Hon. E J Reyes:** Mr Speaker, the Minister needs to reply to the question specifically on 171. He said that it is expected that, given all the things that are almost complete now in the part what had been previously announced and answered in Question 170, that the non-compliance with house rules will minimise and so on, but has the Minister met recently with the Committee in order to pursue other matters, because the issues that we have been discussing about in the past or which the Government has given detailed explanations of how they are handling that, at no stage does he refer to, for example, the house

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1955 rules do not allow for the hanging of washing outside the front doors and so on and that is why the homes have been provided with drying rooms and so on? How is that going to be tackled or solved given the new measures he hopes will eradicate this?

1960 **Hon. P J Balban:** Mr Speaker, the Committee has been engaged on many occasions. In fact it was this week that the Tenants Association was seen at No. 6 in the presence of the Chief Minister and myself. So we are very aware of the issues being brought up by members of the Committee and this is one of the things that was brought up some time back, anti-social behaviour, which is something in fact that comes across very often and the Government is taking very seriously indeed. This is why, not only Mid Harbour is it in, but throughout the whole of Gibraltar, because this is not a problem which is specific to Mid-Harbour Estate, this is a problem that occurs throughout Gibraltar. So there is nothing particularly special about Mid-Harbour Estate. It is throughout. So this is the reason why the Government has engaged in commencing with the CCTV campaign, or coverage within this Estate.

1970 **Hon. E J Reyes:** Yes, Mr Speaker, I have understood that the CCTV camera is something that the Government and even we are quite hopeful will help to minimise this problem. But I gave him a specific example, the house rules do not allow tenants to put tables and chairs outside in communal areas or to hang the washing and so on. So other than the CCTV cameras, what else is going to be done in order to...? You do not need a camera to stop that from happening.

1975 **Hon. P J Balban:** Mr Speaker, we are very aware through numerous meetings with the Tenants Association that they have other issues apart from anti-social behaviour. They want, as you say, the removal of clothes lines and they want removal of cupboards in the landings. The Government is looking at all these things and we will address these things in due course.

1980 **Hon. E J Reyes:** Yes, Mr Speaker, but if I may remind the Minister that is what he told me in the January meeting. In respect of the answer provided to Question 3, he said that further actions were going to be considered. Has he had the chance to consider these and provide any more realistic measure of how this is going to be tackled?

1985 **Hon. P J Balban:** Mr Speaker, this is the same question that was brought up last month. January was only four weeks ago, so the Government is still working on these things.

#### Q172/2014

#### Reallocation of empty homes – Details of contracted services and costs

**Clerk:** Question 172, the Hon. E J Reyes.

1990 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide updated details in respect of all expenditure incurred, since the answer to Question 4/2014, in respect of contracts awarded for making empty homes suitable for reallocation; stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services contracted were for either repair works or cleaning services?

1995 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

2000 As for other months that the same question is asked, all services contracted were for repairs and none were for cleaning.



**Answer to Question 172**

Contractors	No. of Properties	Cost
CEPRANO LTD	1	£7,890.00
CIAP CONSTRUCTION	1	£8,860.00
RIBEIRO	1	£3,565.00
CIAP CONSTRUCTION	1	£3,512.00
SA CONSTRUCTION	1	£9,514.16
BASE MAINTENANCE SERVICES	1	£5,516.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS  
NONE WERE FOR CLEANING

2005 **Hon. E J Reyes:** Mr Speaker, if I may just for clarification, because we have had to do this in the past, there are six companies listed here and each one of them having tackled a property. Am I correct in deducting that this is therefore in respect of six separate properties, six separate homes, or is it a question that more than one company tackled the same home and therefore the number of flats that were repaired may not necessarily be six, it could be less?

**Hon. P J Balban:** Mr Speaker, each of these is a separate property.

**Q173/2014**  
**Assignment of Government rental homes –**  
**Update**

**Clerk:** Question 173, the Hon. E J Reyes.

2010 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 5/2014 indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

2015 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 5/2014, seven flats have been assigned.

The repairs are to be undertaken by the following: the Housing Works Agency – 0; Subcontractors – 5; the assigned tenants themselves – 2.

**Q174/2014**  
**Government rental homes –**  
**Urgent decanting of tenants**

2020 **Clerk:** Question 174, the Hon. E J Reyes.

2025 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question 6/2014, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question 6/2014, no further tenants have required urgent decanting from their homes.

**Q175/2014**  
**Government rental homes –**  
**Allocations and assignments**

2030 **Clerk:** Question 175, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing say how many residential homes have, since the answer to Question 7/2014 been (a) allocated and (b) assigned, showing the room composition of the respective homes?

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

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question 7/2014, 18 flats have been allocated and assigned as follows.

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Allocated: 1 RKB – 1; 2 RKB – 3; 3 RKB – 7; 4 RKB, 5 RKB, 6 RKB – none. It is a total of 11.

Assigned: 1 RKB – none; 2 RKB – 4; 3 RKB – 2; 4 RKB – none; 5 RKB – 1; and 6 RKB – none. A total of 7.

**Q176/2014**  
**Housing Works Agency employees –**  
**Numbers retired transferred and seconded**

**Clerk:** Question 176, the Hon. E J Reyes.

2045

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been (a) retired; b) transferred; and c) seconded, either from or into the Housing Works Agency, since the answer to Question 8/2014?

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

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 8/2014, two employees have retired, one employee has been transferred and three employees have been seconded as follows.

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The two retired: where one was the project manager, on 31st November 2013; one was Chief Operating Officer, on 31st January 2014.

Transferred out: one was a craftsman, on 31st January 2014.

Seconded, there were three: one works supervisor, on 5th February 2014; and two craftsmen, on 5th February 2014.

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**Hon. E J Reyes:** Mr Speaker, if I may ask, in respect of the craftsman who was transferred and the three who were seconded, do we have any information as to where they have been transferred or seconded to, which Departments and to carry out which tasks?

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**Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the policy that is followed is that staff members are seconded within the financial year and then if they are going to be staying for a long time in one place, we do the transfers at the time of the estimates so they disappear from the budget of one Department and appear in the budget of another. Normally there is a footnote in the estimates, which has always been there every year, saying previously shown under some other head.

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So when people are seconded they continue to be paid out of their home Department, as it were, even though they may be working in a different Department. In these cases, people are still involved in the allocation and the supervision and the approval of Housing Repairs.

2075 **Hon. E J Reyes:** Yes, Mr Speaker, the Minister for Employment has explained that, and that is what I thought was the case.

If I may take first of all, but in a previous... long time ago written answer that I was given that was in respect of Written Question 146/2013, there was actually a secondment that was carried out in October 2012 and then the following financial year, when 2013/14 started, he still remained as seconded. So that transfer that would have happened at the end of the financial year never actually happened and so that put in doubt my thing.

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2085 But coming back to the specific question, yes, I take it that in this case these four craftsmen, the one who has been transferred I deduce will have been seconded in a previous financial year and now at the tail end of this financial year is when they are getting the exercise right. Surely the estimates must have catered for this gentleman as from the 1st April 2013, and yet it has not happened until possibly January 2014 – I do not know. Perhaps the Minister for Employment can shed some light on that one.

**Hon. J J Bossano:** Well, I have given the hon. Member opposite the general rule that we apply. It does not mean that there are never any exceptions to that.

2090 As a general rule, during the year there may be within the service several hundred people who are moving from one Department to another and as a general rule what we do is take a decision in March if they are likely to stay where they are in March in the following financial year, in which case, if that is likely to be the case, then the Department from which they came loses the body and loses the pay, and the Department where they are gains the body and gains the pay. But it does not mean that that is 100% something that has to be done, it is just that it is the most sensible and convenient way to do it.

2095 In theory we could keep everybody back in their home Departments, as it were, although it would not be a very accurate reflection when Members get the estimates of where people are or how the money is being spent, but rather than try and do the changes during the year which would create additional administrative problems for the Treasury and for the payment of salaries and so forth.

2100 If there 100 people move, then I would say 99 would be moved on 1st April, but it does not mean that there may not be a case where once somebody has moved earlier, maybe because from the moment he is moved it is clear that he is not going to go back or because he is transferred to something completely different or he may have transferred to fill a vacancy somewhere else. For example, I can tell the hon. Member that although it is not a question that is in this paper because he is asking only about the Housing, but there is currently somebody who was working in the Sewers Section and the Sewers Section felt they no longer had any need for him and now that person is working in the Construction Training Centre. Well, the fact is that he is not going to go back to the sewer. They know that because they have restructured the sewer. So that is an example of somebody who would probably appear as a transfer even at this stage, because it is not a position which, as it were, includes the possibility of him going back where he came from. This is a case of one that I am giving to illustrate, the kind of factors that influence the decision.

2110 In this case the move was because the Department in a restructuring exercise finished up with one body more than they needed and clearly if the Department informs my Department, ‘We have got a spare body here. Can you use him somewhere else?’, then we will move him.

2115 In some cases people have been moved simply because they were on light duties, for example, and if the Member will remember, looking back, there was something like four or five people in the Housing Department in the Ministry that were moved to the Employment Service and those were people on light duties where there was really no useful tasks to give them where they were, but something else could be found for them somewhere else. So the bottom line is that it is putting people where they can be most usefully employed.

2120 **Hon. E J Reyes:** Yes, Mr Speaker, but further to the explanation, the Minister for Housing has said that one craftsman has been transferred. Does he have any information where he has been transferred to and what task is he carrying out there?

2125 **Hon. J J Bossano:** I think this is probably a case of one which he identified at the beginning. That is to say somebody that was transferred initially... or rather seconded initially and then should have been transferred earlier than this date but has been transferred later, but it is not the only kind of situation.

2130 I am telling the hon. Member that in some cases the transfer will be because the decision of the move involves a no return ticket, as it were. So if somebody says this guy is surplus, then there is no point in saying we are going to have him seconded just in case he goes back during the year or he moves somewhere. The transfer is normally when there is a home that is likely to be permanent in the new place and in this particular place, having seen the name of the individual, is somebody that is working in the unit in Town Range. (*Interjection*)

2135 **Hon. E J Reyes:** Yes, Mr Speaker, so we now know that it could have been from a previous secondment, but as the exercise has been completed now... He was a craftsman, to complete the exercise, who has been transferred. Do we know where he has been transferred to and what he is actually doing?

2140 **Hon. J J Bossano:** Yes, all the people that are ex-Housing and are in Town Range are involved, as I have already explained previously, in the small works that are being subcontracted to the construction firms where they are involved in visiting the tenants premises, identifying the scope of the work, passing the information to the estimator and then going back. We are using craftsmen to do that, because clearly they are in a position to do an important part of the skills that they have to identify the work that is required to be done.

2145 We have got a craftsman going to... because we have got a complaint that somebody has got something wrong with the bathroom, then the craftsman who goes there can come back and make a report as if he had to do the work himself, except that because he is not doing the work, he is actually doing the scoping of the work, he can deal with many more complaints than if he actually went there and did the repairs. But they are still of the same grade and pay and so on that they were before.

2150 **Hon. E J Reyes:** Yes, Mr Speaker, so if I applied that as well to the three gentlemen, who have been seconded, two of which were craftsmen, but one was a works supervisor, so what is the difference between being in the Housing Agency or being somewhere else if he is supervising the small works being contracted out? I do not quite see the difference why he is now being seconded to another Department.

2155 **Hon. J J Bossano:** No, Mr Speaker, the title is not an indication of the work that he is doing. It is an indication of the grade in which he is employed.

2160 So the man who is a works supervisor is employed as a works supervisor in the grade of a work supervisor. It does not mean that he is actually now doing supervising of people who are doing work. What he is now doing is being involved in the giving out of contracts and supervising the work that has been done in the completion of those contracts? The effect of that is, I would imagine one which the hon. Member welcomes, many more repairs are being done now than it was possible to do before, and at no higher cost.

2165 **Hon. E J Reyes:** Yes, I think I am getting a better picture now, Mr Speaker, and therefore he is doing a sort of estimating and [*inaudible*] small works. This is works that have been allocated to subcontractor companies. He is not really supervising works that have been done by the craftsmen who still remain within the Housing Works Agency. Am I correct in that deduction?

2170 **Hon. J J Bossano:** Yes, the position is that... the first thing I think that needs to be clearly understood is that none of these individuals are being forced to move – that is to say they have got the contractual right not to be moved out of the Works Agency and somewhere else if they want to stay where they are. They are people who have volunteered to contribute to the exercise that is being done, which is having the effect of reducing the waiting list for repairs, which is the purpose of the exercise and the reason why this Parliament votes the money. The purpose of the exercise, and the voting of the money, is to get the repairs done and that is what is happening. Right?

2175 I am grateful for the co-operation that the Government is getting, and for the fact that these people have volunteered to help in getting more work done by coming over and being involved in identifying the work, estimating the cost and then once three quotes are taken, as I have explained before, and the work is given out to somebody, going back and certifying that the work has been done properly.

2180 The fact that they are people who are familiar with the housing stock and have been working for years in the old Building and Works, means that they are very well placed to do a very valuable job for the Government and for the tenants, and that is what they are doing. It is working well and we are getting value for money.

2185 **Hon. E J Reyes:** Yes, thank you Mr Speaker –

**Mr Speaker:** May I point out that we have now been 20 minutes –

2190 **Hon. E J Reyes:** Yes, I was going to say –

**Mr Speaker:** Twenty minutes on one question.

2195 **Hon. E J Reyes:** I was going to say that, Mr Speaker. I said I am not going to push any of the two Ministers further because the next question on the Order Paper might well provide the sort of information that I may further wish to draw out.

**Hon. D J Bossino:** Mr Speaker, I just have one question, and I am very grateful for the Hon. Minister's lecture and it gives an insight as to how Government works from the inside.

2200 He says that these four individuals are working from Town Range, presumably that is his offices at 31 Town Range. So that we can identify those posts and those positions once we get the estimates book, and I think it is in April, can he tell us which Departments they are going to be transferred to? Is it going to be the Employment Department? Can he clarify where they are actually going to be transferred to? He has explained where the venue is, but not who the employer will be.

2205 **Hon. J J Bossano:** Well, they have not been moved anywhere yet in the estimates, because the estimates have not yet been prepared. The hon. Member has to understand that in February we are at the stage of looking at the outturn for the year that has not yet finished.

2210 But the company that issues the work is Gibraltar General Construction Company, which is a wholly-owned Government company, which was created by the previous Administration and which employed the workers that were made redundant by OEM and eventually when the work that they were doing was completed, their employment was terminated. So it is a company that has no employees and is used for dishing out the work so that the work goes out from Gibraltar General Construction Company to the sub-contractors, not from the Employment Service to the subcontractors. Right? These individuals are doing the actual physical work, but I cannot tell him at this point in time exactly where they will feature, but when it is put in the book he will see it.

#### Q177/2014

#### Housing Works Agency and Ministry for Housing – Comprehensive review; update

2215 **Clerk:** Question 177, the Hon E J Reyes.

2220 **Hon E J Reyes:** Mr Speaker, further to Question 10/2014, is the Minister for Housing now in a position to furnish this House with any details of the comprehensive review pertaining to the Housing Works Agency and the Ministry for Housing which he has previously answered on several occasions was being considered by Cabinet?

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

2225 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to Questions 886/2012, 331/2013, 616/2013, W147/2013, 782/2013 and 10/2014, the reply still remains the same.

2230 **Hon. E J Reyes:** Yes, Mr Speaker, but, may I ask, although the Minister has said he is not in a position to furnish this House –

**Mr Speaker:** May I say at this stage that the answer to this question is an indication of the fact of the extent to which the Speaker is really allowing the hon. Member to ask the same question one meeting after the other. (*Interjection*)

2235 I am being liberal to that extent. All that is changing is that instead of saying, 'Further to Question 10', it is, 'Further to Question 177, further to Question...', but it is the same question exactly. I allow that. I have given the hon. Member the benefit of the doubt because sometimes the answer will be different; that is how I justify that. Another Speaker might not justify it that way.

2240 But when the question is about urgent decanting and there has not been any, or the question is, as in this one, the position remains the same, then the question is the same, the answer is the same, and I am allowing it meeting after meeting after meeting, when the Rules say it should be every six months.

Go on.

2245 **Hon. E J Reyes:** Yes, Mr Speaker, but perhaps I need a bit of guidance from you. You see, when I ask the question and the Government says, 'No, we are still not in a position to deliver this', surely the next month I am entitled to ask, 'Well, are you now in a position to deliver?' I cannot wait six... I do not have to wait six months –

**Mr Speaker:** Yes, yes, that is what the Rules say. You should wait six months and then you update your information then. Yes, that is what the Rules say.

2250 But, as I say, I do not want the hon. Member to be redundant. I understand he has a job to do and therefore I am making the point that I am being liberal, and not everybody would take that view because the opposite can be substantiated.

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

2255 What I have normally done, and *Hansard* will show that, is when I have asked in the past is he in a position to furnish the House with any further details, and when I have got the answer no, I obviously have not raised any supplementaries as they are not ready to provide the information. I have always been invited by the Government, who say, 'But, look, I do not know when I am going to be in a position...', because sometimes we ask if he has any idea, and if the answer is, 'Well, we hope to by the end of June'. Then I  
2260 make a note and that says ask this question in July. But when they have no idea, I feel, as a carry on, I have got to ask the following month, 'Have you made any progress?'

But, anyway, if need be, Mr Speaker, I can always discuss this with you in your office prior to the next Question Time for a bit of guidance –

2265 **Mr Speaker:** I have told the hon. Member publicly that I have allowed it and I will continue to allow him. I am giving him the benefit of the doubt, in all cases, but I want the fact that I am doing so to be taken on board.

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

2270 Now, may I, if you consider it in order to say, Mr Speaker...is it in order for me to ask that although the Government is not in a position to furnish this House with details of the comprehensive review, am I right in deducing that part of what the Minister for Employment and part of what the Minister for Housing have been answering in respect of Question 176/2014 is connected and in some way or another does form part of  
2275 this review? Or is the review something completely totally separate from any of the secondments or transfers and so on that I have been guided in response to Question 176/2014?

**Hon. P J Balban:** It is not connected, Mr Speaker.

2280 The fact that there are people coming over and helping in the work that we are subcontracting out simply means that because we have got more bodies we are able to do more, but whatever the review decides is not connected. This is a very small part of the total workforce of that Department.

Of course, I think maybe with reference to your point on the six months, when the hon. Member was in office of course there was no need to wait six months because we only met once every six months.  
(*Laughter*)

**Q178/2014**  
**Glacis Estate –**  
**Lift repairs at George Jeger House**

2285 **Clerk:** Question 178, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details and explanation's in respect of the rather lengthy delay in carrying out repairs to the lift servicing George Jeger House at Glacis Estate earlier this month?

2290 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the lift at George Jeger House was reported out of service to the Ministry for Housing Duty Officer on Saturday 8th February 2014 at midday.

2295 The lift contractor was called out on the same day and a faulty electrical panel was found to be the problem. This is not a common fault. The replacement electrical panel takes three to four days to arrive after ordering and around two hours for it to be fitted.

**Q179/2014**  
**Repulse House and Victoria House –**  
**Lift repairs**

**Clerk:** Question 179, the Hon. E J Reyes.

2300 **Hon E J Reyes:** Further to the answer to Question W16/2014, can the Minister for Housing explain why it took so long to repair the lifts at the following residential blocks: (a) Repulse House at Varyl Begg Estate, from 25th December to 31st December 2013; and (b) Victoria House at Alameda Estate, from 26th December to 31st December 2013?

2305 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, due to the Christmas break the electrical spare parts required could not be imported into Gibraltar as per the norm, hence the delay.

**Q180/2014**  
**Laguna Estate –**  
**Water ingress through windows**

2310 **Clerk:** Question 180, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of recent reports by tenants of water ingress through windows at Laguna Estate, together with details of how many flats have been affected, what actions are being undertaken to solve this problem, estimated cost and completion date?

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

**Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there have been 19 recent reports by tenants of Laguna Estate relating to water ingress through windows.

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Nine reports relate to the replacement programme of the major external refurbishment of the walls.

The application of the external waterproofing render will resolve this problem; therefore there are no cost implications.

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Ten other reports are unrelated to the above. The estimated cost to repair these is £1,130 and estimated completion date is 11th April, 2014.

**Hon. E J Reyes:** Yes, Mr Speaker, the Minister has answered that nine of them are as a result of the replacement programme and is absorbed within that cost, and in many ways it is just unfortunate that it should happen that the tenants should experience these problems.

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But the other 10, which he said are unrelated to this programme, does he have any information in what caused it then and why all of a sudden this water penetration came in, if it is not related to the replacement programme like the other nine?

**Hon. P J Balban:** Mr Speaker, I am not 100% sure, but if I can assume or take the opinion that these windows would be extremely old, hence why all these windows are being replaced as part of the refurbishment programme in Laguna Estate. So why these windows decided to leak then, I do not know. I presume it was because of age, but again, I am not entirely sure.

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**Hon. E J Reyes:** So, Mr Speaker, if they are old windows and so on. Is the Minister aware if these are due to be replaced at the next part or next phase or whatever the replacement programme is, or is this something that was not programmed to have a replacement anyway?

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**Hon. P J Balban:** I am not sure which buildings were affected and which windows were affected, and hence I do not know whether it will be the next phase or the last phase of the refurbishment programme. One thing which is sure, the Government will try its best to try to repair windows because it would not be cost effective to change windows and then having to change it as part of the refurbishment of the Estate. So every effort is made to try to repair the windows as may be, but I do not know which buildings these

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windows were and which were the buildings affected, so I do know whether they will form part of the latter stage or part of this stage or whether they will come in in the other two stages that follow.

2350 **Hon. E J Reyes:** It is fair enough, Mr Speaker, that the Minister does not know at this particular stage if they were part of this replacement programme or not.

Would the Minister like some time and perhaps be able to search that information and let me know whenever it does come to his notice?

2355 **Hon. P J Balban:** Mr Speaker, so what you want to know is exactly which were the windows affected and whether they form part of the latter part of this phase, or phase two or phase three? You want to know exactly which were the windows affected? Addresses of the persons affected or just a map or picture pointing to the windows, or –

2360 **Hon. E J Reyes:** Yes, Mr Speaker, a general guidance saying the 10 windows happened to be in such a block – I do not need the particular address, just an indication of the area – and they are part of a phase of replacement that has still not taken place and therefore it can be phase two, phase three, or phase four of the works, so that those tenants affected in those blocks know that eventually their windows are due to be replaced. Or if it was something that was not programmed and therefore other neighbours will say, ‘Well, I  
2365 had better start to make alternative arrangements now with the Housing Works Agency’.

**Hon. P J Balban:** Mr Speaker, I can assure that these windows will not remain leaking, but if the hon. Member thinks it is of use to him to know exactly which were the windows, I will furnish him with the names of the blocks and the windows affected.

2370 **Mr Speaker:** Next question.

**Hon. J J Netto:** Mr Speaker, if I may could I ask a supplementary question?

2375 **Mr Speaker:** On this issue?

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

2380 **Mr Speaker:** Right.

**Hon. J J Netto:** I think I understood the Hon. Minister for Housing in his answer, in relation to the water penetration in the windows was done by the cladding of the buildings. I think he mentioned something about nine of them as a result of the cladding. I think he also said that that would be put good, in a sense that they will be rendered and avoid the water penetration going through the windows.

2385 Can I ask the Minister, in supplementary, whether this is derived as a result of a design fault of the cladding itself or as a result of the material of the cladding which has brought about the water penetration to go through the windows?

2390 **Hon. P J Balban:** Mr Speaker, I asked this question and I understand that the reply was that it was an unfortunate... it was just the time of the rains. They installed the windows and then later on comes, shortly after comes the cladding. The rain came in between those two events and that is why the windows leaked – that is my understanding; hence this is why the cladding will correct it, plus the expansion material they use to seal the windows. So I think if I recall correctly that unfortunately it rained in between those two processes that occurred.

2395 **Hon. J J Netto:** But, for those of us, Mr Speaker, who do believe in climate change, could I ask the Minister if there is a recurrence of this kind of climate of rain or the particular rain we had, I think it was in December, which was quite a lot actually and quite strong, is there likely to be a recurrence of this in the future once the whole cladding is done?

2400 **Hon P J Balban:** Mr Speaker, that is hypothetical. If it does not rain from now until the end of the phase, then we will have no more leaks. (*Laughter*) If the bath upstairs leaks and it comes through the window downstairs, again, I do not know. I think this is a purely hypothetical question which I cannot answer.



EDUCATION, TELECOMMUNICATIONS AND JUSTICE

**Q181/2014**  
**US internship programme –**  
**Details**

2405 **Mr Speaker:** Next question please.

**Clerk:** Question 181, the Hon. D J Bossino.

2410 **Hon. D J Bossino:** Mr Speaker, this question is directed at the Chief Minister. He is not here, so I suppose it is going to be answered by another Hon. Minister.

**Mr Speaker:** It is going to be answered by the Minister for Education.

2415 **Hon. D J Bossino:** I am grateful. The only reason why I say it, Mr Speaker, is because I will be phrasing the question in the terms that it has been posed.

Can the Chief Minister provide full details of how the US internship programme works, to include who can apply and what the cost to the Government, if any, is?

2420 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2425 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, students apply directly to the Washington Centre. Only graduate students may apply and they are expected to have achieved at least the equivalent of a good second class honours degree. Students normally have a window of 18 months from the date of graduation to apply. Those wishing to apply for an internship next September are expected to apply in May. The Department of Education will shortly be sending out the relevant information to all students graduating this academic year.

Students are afforded the opportunity of interning at different private and public sector organisations for 15 weeks. The students also attend classes and lectures on sustainable development, entrepreneurship, innovation, global trade, e-commerce, commercial trade, water management and green technologies.

2430 With regard to costs, Mr Speaker, details were provided to this Parliament in answer to Question 493/2013 by the Hon. Edwin Reyes. The hon. Member therefore already has the information he seeks on costs.

**Q182/2014**  
**Legal Aid/assistance qualifying limits –**  
**Changes to system**

**Clerk:** Question 182, the Hon. S M Figueras.

2435 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice say when the Government will be proceeding with changes to Legal Aid and assistance qualifying limits in accordance with the Government's manifesto commitment?

2440 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

2445 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as the hon. Member knows, the Government has already started the reform of the Legal Aid system by increasing the limits in relation to trials involving complex fraud. The reform will be completed within this term of office.

**Hon. S M Figueras:** Mr Speaker, in the context of the Minister's own admission in the House that there are exceptionally difficult cases which do not involve fraud, and my suggestion that it is not a quantum leap to extend limits into those cases, is this something that can be expected to happen anytime soon?

2450 **Hon. G H Licudi:** Mr Speaker, as the manifesto commitment actually confirms this is being done in consultation with the Bar Council. We are having discussions with the Bar Council. They are at an

advanced stage. I will not give myself a commitment now as to the time, but those discussions have not yet finalised but this is something that we are certainly progressing.

2455 **Hon. S M Figueras:** Can the Minister say whether the Bill that he referred to in February of 2012 when a similar matter was raised in this House, whether the Bill that he had before him then for consideration is substantially the same, or whether the consultation has had a significant impact on that Bill?

2460 **Hon. G H Licudi:** Mr Speaker, the hon. Member refers to something which I said in 2012. Unless the hon. Member gives me more details, I cannot remember offhand whether he is referring to a Bill or a draft which we had inherited from the previous Administration.

**Hon. S M Figueras:** Inherited.

2465 **Hon. G H Licudi:** That is not a Bill. That was a draft piece of legislation. (*Interjection*) It was not a Bill. A Bill is something that is published. That is something that we inherited from the previous Administration. It is something that we have been considering throughout the process.

2470 **Hon. S M Figueras:** Yes, indeed, Mr Speaker, I am grateful for the point that he makes. I was referring to the draft Bill, rather than the Bill, as opposed to a Bill published by their Administration. Is he able to say whether that draft Bill has been substantially affected by this consultation process?

2475 **Hon. G H Licudi:** The matters set out in that draft are certainly matters that are being taken into consideration during this process, yes.

**Hon. D A Feetham:** Yes, Mr Speaker, my recollection of this is that we conducted quite an extensive consultation exercise. I published a white paper for wide consultation, both within the profession and also amongst the community at large. So there was very extensive consultation before the production of the Bill, which was subject as well to discussion with the Bar Council.

2480 Unless the hon. Gentleman is really saying that he is starting all over again, I would have thought that those three years that were spent doing quite a lot of the leg work that resulted in a draft Bill would also be taken into account, and it would help and assist the Government in producing its own reforms.

2485 In the light of that, is this something... and I understand that, of course, you have the entirety of this term, but is this something that is likely to come to fruition, for example, this year, bearing in mind that the only reform of the Legal Aid system at the moment is in relation to serious fraud, which as far as I can tell at the moment from a practical point of view only affects one case, despite of course the point that my hon. and learned Friend makes, quite rightly, that of course, there are serious and complicated cases which are not fraud cases?

2490 **Hon. G H Licudi:** Mr Speaker, the hon. Member raises two issues.

2495 Firstly, in relation to the draft that they had prepared, that is a draft which simply informs us of what the previous Administration's intention was. It is not necessarily something which will be replicated whenever the Government makes the reforms that it has said it will make, but it is certainly something that has been taken into account because, as the hon. Member has said, some work has been done and there was something there for us to look at and consider.

As to when it is going to happen, I have said that we are at an advanced stage of discussions, but those discussions are not yet finalised and I am not going to fix a timescale now.

**Q183/2014**  
**St Joseph's School Annex–**  
**Update regarding new facilities**

**Mr Speaker:** Next question.

2500 **Clerk:** Question 183, the Hon. E J Reyes.

2505 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 81/2014, can the Minister for Education confirm if the new facilities at the Annex to St Joseph's School are now fully functional, as well as stating for what educational purposes these are presently being used?

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

2510 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the rooms allocated to the First School are now in full use. They are used for teaching, SEN, Movement, Library and Art.

The rooms allocated to the Middle School are for Design and Technology and Library. The Design and Technology room will be available for use as soon as the fitting of a set of worktops is completed. This is expected to occur by the end of this week. The Library is in the process of being moved from its present room to the new facility.

2515 Mr Speaker, as I said in reply to Question 81/2014 last month, how these facilities are actually used is determined by the head teacher of the respective schools.

#### Q184/2014

#### Schools, College of Further Education and Bleak House – Fire exit doors Health and Safety compliant

**Clerk:** Question 184, the Hon. J J Netto.

2520 **Hon. J J Netto:** Mr Speaker, can the Minister for Education state whether all the fire exit doors in the classrooms and the entrance to buildings in primary schools, secondary schools, the College of Further Education and Bleak House comply with the relevant Health and Safety and Fire Legislation, and if not, which particular school or schools do not?

2525 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

**Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government has no reason to believe that there is any contravention of the relevant Health and Safety and Fire Regulations in schools, the College of Further Education and Bleak House in relation to fire exit doors.

2530 **Hon. J J Netto:** Mr Speaker, I take on board obviously what the Hon. Minister for Education has said, that there is no reason to believe that there is a contravention. Just simply from memory, I can tell that there might be one I can think of that may be in breach of the legislation. I say this because back in October when I sat down for an exam in Bleak House, I noticed that the entrance to the building actually opens inwards towards the building. I would have thought that under fire protection those doors have to open outside to allow people when they are actually moving out of a building very quickly to move outside. That is one particular example I can think of.

2535 Can I urge the Minister whether an audit can be carried out in relation to not just Bleak House, which is something as an example which I have said, but indeed in all the other schools to see whether they comply with the relevant legislation?

2540 **Hon. G H Licudi:** Mr Speaker, I really am quite surprised by that question. The hon. Member asked whether an audit can be carried out in respect of schools. The hon. Member knows, because he has been asking me questions about this, that a Health and Safety audit has been carried out in respect of *all* schools.

2545 The reason that we say there is no reason to believe, in respect of schools and the College, that there is any contravention is because there is nothing in the audit that suggests that there is any problem with fire exit doors in respect of schools and the College. In fact, I would have expected that the comprehensive audit, which has been carried out would have picked up.

2550 In fact two issues have been picked up in respect of the audit in respect of fire exit doors in schools, and the two issues are one in respect of St Mary's, where there is an emergency exit which leads onto a private property, rather than the public highway, and this is not new. This is not something that we have put in, but that is an issue about emergency exits that has been picked up. The recommendation is that we should find an alternative means of escape, which has been identified, and a sealed structure for a new staircase is currently being constructed. So although that is not a contravention of regulations because there is a fire exit, it is undesirable to have that fire exit into a private property. An alternative is being provided. So that is why I say there is no reason to believe that they do not comply, but there is that issue that has been raised in respect of St Mary's.

2555 The only other issue that has been raised in the audit in respect of emergency exits is one door at the College or the Annex to the College which was actually padlocked. This is something that we have found in 2012 and that door had been padlocked, as I understand it, for a very long time and therefore was

2560 unavailable to be used as an emergency exit with the key nowhere to be found. We have addressed that straight away and there is now a padlock with a key available in the case of an emergency. Those are the only two issues that have been raised in respect of the audit.

2565 There was no audit carried out in respect of Bleak House, but the doors at Bleak House now are the same doors and open in exactly the same way as they were in December 2011. So if there is any issue, I am grateful to the hon. Member for bringing that matter to my attention, because I have said we have no reason to believe because no issue has been brought to our attention.

2570 Now that the hon. Member has raised an issue of one door, which was there during the 16 years that they were in office, that that may possibly in theory contravene, I will certainly ask the Fire Brigade, through my colleague Mr Linares, to investigate that and to tell me whether there is any contravention. If there is a contravention then it will be put right straight away, not 16 years later. It will be put right now. (*Banging on desks*)

2575 **Hon. J J Netto:** Mr Speaker, the Minister refers to the Health and Safety Audit, and all I am going to say in relation to that is that when I asked the question, ‘Will he provide a copy to Parliament?’, he said, ‘No, I am not providing Parliament with a copy’. In other words, he is deliberately undermining the position of the Opposition to be able to scrutinise the executive and he should be ashamed of doing that. (**Several Members:** Hear, hear.)

2580 The second thing, Mr Speaker, I would say (*Interjections*) is we keep hearing constant remarks about the last 16 years. What the hon. Member says, particularly those who are Members of the GSLP, is that most of these things were either meant to happen in the last 16 years or in the eight years in which the GSLP was in Government or in the 40 years of the AACR before the GSLP. (*Laughter*)

**Mr Speaker:** I am not going –

2585 **Hon. J J Netto:** The point is –

**Mr Speaker:** I am not going to answer for the years that the AACR was in Government (*Laughter and banging on desks*) and therefore I would ask the hon. Member to limit himself.

2590 **Hon. J J Netto:** The point is, Mr Speaker, they are in Government. They have been two years in Government. I am asking a question pertinent to when they are in Government and they are the people who have to respond to those particular questions. They have to be accountable for that (*Interjections*) and I am glad to hear that the Minister, given that I have mentioned Bleak House, is going to take action about it. (*Interjection*)

2595 **Hon. G H Licudi:** Mr Speaker, I am not sure whether that was a speech or a question, but the hon. Member should in fact be very happy. He should be very happy because what I have said is that there were two issues raised in respect of doors, which are clearly doors pre 2011 and both issues are being corrected – one straight away and the other one which is, as I understand it, less urgent is being corrected.

2600 What I can also say is that in respect of *new* facilities since December 2011, which have been built where we have done the facilities of the Annex to St Joseph’s, Notre Dame and another facility, not only can I say that we have no reason to believe that there is no contravention, I can confidently say that there is no contravention because those facilities have been done in conjunction with all the relevant authorities, the relevant building control and the relevant people from the Fire Brigade, who have confirmed that all the relevant legislation is complied with.

2605 **Hon. J J Netto:** Mr Speaker, I am very much quite happy indeed that those two particular points have been taken up, but I put it once again to the Minister: is the Minister willing to provide the Opposition with a copy of the report – yes or no?

2610 **Mr Speaker:** That question does not arise, and this is a convenient point at which to recess the House to three o’clock this afternoon when we will be dealing with Chief Minister’s questions.

*The House recessed at 1.04 p.m. and resumed its sitting at 3.00 p.m.*