



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 7.06 p.m.

Gibraltar, Thursday, 20th March 2014

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

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

Welcome by the Chief Minister to HMS Astute and her crew

Acting Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, before we launch into this afternoon's session of Question Time –

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Mr Speaker: 'Launch' is the appropriate word.

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Hon. Chief Minister: – 'launch' being the appropriate word, given what I am about to say – may I just ask the House to join me in welcoming to the Naval Base, *HMS Astute* and her crew. As hon. Members may know, *HMS Astute* is the first of the eponymously named Astute Class Submarines of Her Majesty's Royal Navy, and she is visiting Gibraltar on what is her maiden operational deployment, and Gibraltar is her first port of call, as I understand it, outside the United Kingdom. I shall be aboard *Astute* later today, Mr Speaker, and I will extend a warm welcome on behalf of the people of Gibraltar. (*Banging on desks*)

Questions for Oral Answer

CHIEF MINISTER

Q337-338/2014

**Private consultants/independent contractors –
Numbers engaged by Government; details**

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Acting Clerk: Answers to Oral Questions continued.
Question 336, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to Question No. 706/2013, that was answered in writing – (*Interjection*) Sorry?

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Acting Clerk: My mistake, sir.
Question 337.

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Hon. J J Netto: Mr Speaker, can the Government state the number of private consultants engaged by Government during the financial year 2013/14, specifying the name of each consultant, their respective areas of work and the cost to Government for the provision of such services?

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

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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 338.

Acting Clerk: Question 338, the Hon. D A Feetham.

35 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide a schedule setting out the legal drafting work done by every independent contractor engaged by the Government, including the amounts paid to that individual, his company or firm?

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

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the cost of private consultants and legal drafting is already online. The process of preparing the additional breakdown, which has been requested, is now ongoing. Online data will change when ready to reflect the information requested by hon. Members.

In relation to legal drafting, Question 338 has been formulated with no time limit, so I have caused that it be answered as from 2008.

45 **Hon. D A Feetham:** Mr Speaker, does he have a schedule there of any of those costs? But of course, there cannot be any doubt that I am asking about the present Government's term in office, because surely they are only responsible for their own term in office in relation to legal drafting work, but it makes no difference to me. Does he have the information at all with him or does he intend to just simply post that on the website, as and when it becomes available?

50 **Hon. Chief Minister:** Mr Speaker, I have some information with me, but I cannot tell him that it is the completed information. It is being completed and will be put on the website when completed. I do not think it is going to take very long to be put up, and it will be put up in that way from now on too.

55 So in relation to his question, it is going to mean that the data already available is going to be added, going back to 2008, and going forward with this further information, and in relation to the hon. Gentleman's question for the period that he requested, it may already be online.

60 **Hon. J J Netto:** It is just that I am not quite clear, because it seems to me that the Hon. Chief Minister is concentrating his answer in relation to my hon. Friend, the Leader of the Opposition's question, but I am not quite sure as to my question. When is that information going to be given?

Hon. Chief Minister: In relation to his question, Mr Speaker, I think the information is already online.

65 **Hon. D A Feetham:** Can I, Mr Speaker, ask him to provide me with whatever information he has, that I may have it with me? Of course, if there is anything else that may arise from the information that he has posted on the website, then I will ask in two months' time when we are next here in Parliament.

70 **Hon. Chief Minister:** Mr Speaker, I am not confident that the information that I have with me is complete and that it is directly what he is requesting, so I am not going to give it to him; but the information, which is the answer to his question, is either already or will be about to be online.

I know that further work was being done on the information to ensure it was complete at the time that I was given these schedules before I finalised the text of my answers, so I do not know that this is correct and final. Therefore I would rather he obtain the information when it is certified as correct and final by those who provide me with the information.

Q339/2014

British Gibraltar Territorial Waters– Number of Spanish fishing vessels entering

75 **Acting Clerk:** Question 339, the Hon. D A Feetham.

80 **Hon. D A Feetham:** Mr Speaker, excluding innocent passage, can the Chief Minister please provide a breakdown on a monthly basis of how many Spanish vessels, fishing vessels, have entered into British Gibraltar Territorial Waters in the last six months (a) accompanied by Spanish State vessels; and (b) unaccompanied by Spanish State vessels?

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

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member a schedule with the information requested.

ANSWER TO QUESTION 339

Month	Unaccompanied	Accompanied
September 2013	58	0
October 2013	49	0
November 2013	9	0
December 2013	4	0
January 2014	7	0
February 2014	17	0
March 2014	2	0

Hon. D A Feetham: Mr Speaker, I happened to hear an interview with the Patron of the *Cofradia* of La Linea a week and a half ago on Canal Sur Radio, where he said that he was quite happy with the way that things were going. That the situation, as far as Spanish fishermen was concerned, had reached normality to the situation it was prior to 2012.

90 Indeed, I have received representations as well from members of the public here in Gibraltar, who are interested in fishing, telling me that there are Spanish fishermen that are coming into British Gibraltar Territorial Waters unchallenged and are fishing as if there were no legislation in place to actually restrain them from doing so. Are these the reports that the Hon. the Chief Minister is also receiving in relation to this?

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Hon. Chief Minister: Mr Speaker, I do not tend to listen to Canal Sur Radio and therefore I am afraid I cannot say that I have had that report. Neither have I had similar reports to the ones the hon. Gentleman is saying he has received from local people, but the schedule does not suggest that, as he will see.

100 **Hon. D A Feetham:** Mr Speaker, when does the Hon. the Chief Minister envisage that the Government will be in a position to formalise the law in relation to this area, because he made an announcement last year that he was going to be changing the law in order to allow fishing, with regulated fishing with EU-compliant nets? The law was... the principal legislation was then amended to allow for regulations to be introduced and that was, as I understand it, in November/December of last year. So we are talking about three or four months from when the principal Act was amended and it does appear to be more than enough time for the Government to have at the very least come to a policy decision in relation to this. I just wonder whether the Chief Minister is now in a position to advance the matter further, in terms of information provided to this House and to the public?

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110 **Hon. Chief Minister:** Mr Speaker, we will be ready when the Minister signs the regulations into law and there is no question of us procrastinating when that can happen. This is a complex area in order to get right. As soon as it is ready, the Minister will be signing the regulations into law and they will then be published as is the normal way.

I cannot imagine that the hon. Gentlemen would believe that we are in any way trying to delay something which the Government is working on. It is just sometimes in order to get things right you have to do them properly and that takes a bit of time.

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Hon. D A Feetham: And can he confirm that the Cabinet is united in relation to the Government's approach in this area?

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Hon. Chief Minister: Mr Speaker, the Cabinet behaves in a collegiate fashion. That means that it is entirely united in all the decisions it takes. I refer him to the Westland case and Mr Michael Heseltine's departure from the Cabinet in the United Kingdom, as to what it is that Cabinet responsibility, *joint* Cabinet responsibility means.

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So therefore, he can take it that if a piece of legislation is signed on behalf of the Government, it is signed on the basis of that which we on this side consider to be a collegiate and Cabinet style of Government. I do not know whether he had any experience of that in the four years he was in office.

130 **Hon. D A Feetham:** Well, Mr Speaker, I do not obviously need a lesson from the hon. Gentleman in relation to constitutional law. I perfectly understand that Cabinet decisions, once reached, are the decisions of the Cabinet and that therefore any dissenting voices within that Cabinet, if they feel strongly about it, they leave; and if they do not feel that that is a resignation matter, they have got to defend the policy.

What I am asking is whether the Cabinet has actually come to a decision? Is the Cabinet, before it has come to a decision, united in relation to its approach in this area?

135 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman says he does not need constitutional advice from me, and yet he asks a question which flies in the face of what is the constitutional model of Cabinet that I understand is in place. If a piece of legislation is signed and a Minister does not resign, it must be that the whole Cabinet is united on the subject. But, I do not see what it is he is trying to get at. What tittle-tattle has he heard that he is trying to turn into a question?

140 **Mr Speaker:** I think that hon. Members must be careful not to get carried away.

We have started with a question, which is a purely statistical. The answer is purely statistical regarding the number of monthly visits, shall I say, by Spanish fishing vessels into British Gibraltar Territorial Waters, and now we are going in to the deep fundamental principles of collective responsibility. I think it has got nothing to do with the original subject.

Hon. D A Feetham: Yes, Mr Speaker.

150 Mr Speaker, in relation to the decision as to whether to allow Spanish fishermen to fish in Gibraltar Waters with EU-compliant nets and whether that will involve some form of application to be licensed here in Gibraltar, can he at the very least tell me whether in principle that is what the Government has agreed to do and that is what the...? He does not have to go into much more detail than that. Can he confirm that is the decision that has been reached, either unanimously by the Cabinet or with dissenting voices?

155 **Hon. Chief Minister:** Mr Speaker, I have read a lot of the comics that he puts about to people, including the nonsense that he sends to his alleged Members every month (*Laughter*) where he suggests that he knows the answer to this question. He has said on a number of occasions, in interviews on television, in interviews elsewhere and in communications, that he understands that Spanish fishermen are not going to have to apply for licences to fish in British Gibraltar Territorial Waters.

160 Well, if that is what he understands, I do not want to contradict him – perish the thought. I will leave it to the Hon. the Minister for the Environment, who is the Minister responsible, when he signs the legislation, when it is ready, to put us all out of our misery and let us see what it is that the new rules require.

Hon. D A Feetham: Mr Speaker, I am trying to be very restrained in the way that I ask the questions and the way that I am engaging the Hon. the Chief Minister, but he really has to be consistent.

165 This morning, he decried the Punch and Judy show, but that is precisely what the Hon. the Chief Minister is now leading this House into through the answers that he has given me.

Can he at least confirm to this House that the legislation has been drafted? That all it needs is a signature from the Minister for the Environment?

170 **Hon. Chief Minister:** Mr Speaker, he does not like to be called Judy, he said this morning, and he does not like to throw a punch. So he does not like the idea of a Punch and Judy show, when having said that something was nonsense, I accused him of drawing the House down into a Punch and Judy show. He obviously thought that the word ‘nonsense’ should not relate to such Parliamentary ding-dongs, as might be described as leading to a Punch and Judy show. When I use it, he feels perfectly free to say that one is engaging in a Punch and Judy show. Well, one is getting used to the sort of political hypocrisy that we see emanating from them, even in relation to these issues.

175 I am not going to give him either a blow-by-blow account of which section has been drafted and which has not been drafted, and whether the legislation is just sitting on somebody’s desk to be signed or whether it is with a draftsman who needs to tidy up numbering. Mr Speaker, he will know that the legislation is published when he sees it in the *Gazette* and then he will know that it is finished. I am not going to give him a management account of the process of regulations.

180 **Hon. D A Feetham:** Mr Speaker, is the reason why the Government is procrastinating, in relation to this issue, because it remains deeply divided over this issue?

185 **Hon. Chief Minister:** No.

Mr Speaker: I am not going to allow that question. It does not arise from the original.

190 **Hon. Chief Minister:** I have answered it.

Mr Speaker: We move on to the next question.
I am very sorry for the Leader of the Opposition, but really he is straying a bit too far.

Q340/2014

**Government rent arrears –
Amounts to be written off**

Acting Clerk: Question 340, the Hon. D A Feetham.

195 **Hon. D A Feetham:** Mr Speaker, has the Government completed the exercise allowing it to make a decision as to how much Government arrears it is to write off, on the grounds that recovery of such amounts is statute barred?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the work of doing this analysis is still ongoing as a large number of accounts need to be analysed individually. Already it would appear that a figure in the region of £1 million is likely to be entirely unrecoverable as a result of failure to pursue debtors within the six-year limitation period, that number may increase or decrease as the analysis continues.

205 Steps are already underway to recover debt that is recoverable, something that should have been ongoing.

Hon. D A Feetham: Well, Mr Speaker, I am glad that it is £1 million. Large as £1 million is – and I have to say that it is a very large amount – the last time round he, of course, indicated that it might have been £3 million. Mr Speaker, may I perhaps invite the Hon. the Chief Minister to reverse his intended policy of writing off this amount? I will explain why and ask him whether he agrees with this or he does not.

I quite understand that if a debt is statute barred the Government will not be able to sue for that debt, but it does not prevent the Government from saying to, for example, a tenant, even if the debt is statute barred, 'Well, look, we are taking into account the fact that you owe x amount... statute barred, but it is x amount'. When that person then turns round to Government and says, 'Well, I want' for example 'an upgrade from a two bedroom to a three bedroom', then in my view it would be a perfectly reasonable decision by a public authority to say, 'Unless you enter into an agreement to pay what you owe, statute barred as that may be', and of course the legal effect of that is that the debt is acknowledged and then the limitation period would begin to run all over again. That, at the very least, it would allow some leverage, in my view, *proper* leverage in relation to the recovery of these debts in the future from people who have not paid.

Hon. Chief Minister: Well, Mr Speaker, it may still be £3 million. It may still be £3 million, but with the analysis done to date, it is up to £1 million. But I have told him that we have to analyse each account individually, because in some instances, although the figure may be high and it may go back more than six years, there may have been agreements done at different times, and therefore time may start to run again. But it does not seem that they were very proactive when in Government in pursuing this, other than in respect of the people who moved to Mid Harbour and there, there were some such agreements.

230 The Government's thinking today is much like their thinking in relation to those issues. If somebody owes an amount of money and they want something out of the Government, then there may be a price to pay and that may include amounts which are beyond the six-year period; but only when somebody wants something out of the Government.

You see, Mr Speaker, what has happened is that under them there has been an *a mi me pertenece* culture gone wild like never before. (**Hon. Miss S J Sacramento:** Yes.) They have not been pursuing people for liabilities to the Government. They have been presiding over a regime where hard-working people paid their dues and people with *cara dura* got away without paying. They started 13 claims for recovery in 16 years. They disbanded a central arrears unit that took up these issues (*Interjections*) and now they want us to wipe up after them.

240 Well, Mr Speaker, a very good job we will do too. (**Several Members:** Hear, hear.) (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, I am so very, very glad that he mentions the *a mi me pertenece* culture in such a wound-up way that he has. (*Laughter*) I now know that really I am on the right track. (*Interjections*) I am on the right track in making it a central feature of GSD policy, just simply from the hon. Member's reaction today. But, Mr Speaker, I do not want to look back. What I want to do
245 (*Interjections*) is get to a situation – (*Interjections*) yes, absolutely – get to a situation that the correct decisions are made for Gibraltar.

I am just simply alarmed that the Government is considering just simply writing off £1 million to £3 million, just like that – in other words, rewarding the people, who do not pay... rewarding them by writing off. That is wrong. It is wrong in relation to hardworking people in Gibraltar, of which there are many, and
250 that is why, in the spirit of constructiveness, I am asking the Hon. the Chief Minister to consider and reverse the policy that he announced last time round of writing off this money, which appears to me to just simply be a policy devised in order to embarrass this side of the House and keep that debt on the books. Not to write it off and to basically keep it on the books, and then say to people, 'If you want anything from Government in the future, you have got to enter into agreements to repay what you owe', that is different
255 from writing off the money on statute limitation grounds.

Hon. Chief Minister: The hon. Gentleman, Mr Speaker, does not know what he is talking about, and I am very sorry to say it, because he likes to describe himself as a senior partner of a firm that I have very close to my heart. This is not an issue of policy, Mr Speaker. This is an issue of law.

The statute of limitation... the Limitation Act provides that debts due more than six years after they accrued are not recoverable. Now, of course, Mr Speaker, one can, as a matter of policy – and he did not pick it up when I told him before – say to people, 'Although I am not legally entitled to recover this from you, you want this from me and therefore this is the price for it', and I have said that there is mileage in that and it is something that we will pursue; but not everybody wants something from the Government.

260 Or is it that the hon. Gentleman is saying that because of *his* Government's failure to recover debt when it was within the limitation period of the Limitation Act, I should tell a youngster, who goes to have an appointment with the doctor or goes to the dentist, 'Mummy and daddy did not pay rent 10 years ago. The GSD did not follow them up for it, you are not having your teeth looked at' or 'you are not having your health provided'? Surely that he cannot say is right for me to have to visit on innocents *their* negligence, *their* failure to follow up, *their* clear electoral politics. Their electoral politics was, 'I side with *el cara dura que no paga* in order not to turn him against me... I side with the hard faced individuals, who do not pay, in order not to turn them against me'.
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Well, Mr Speaker, we will do it the right way. We will pursue debt within the limitation period and we will seek to recover that which is outside the limitation period; but that which is not recoverable outside the limitation period, he should know we have no recourse to law for, and keeping that amount on our accounts is simply to create a false account of what may be recoverable to hide *their* failure and to spare *their* blushes. We will not do it, Mr Speaker.
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We will behave properly. We will behave honourably. We will clean up after them as much as we can, but there is some mess they have made that is just indelible. (*Banging on desks*)
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Hon. D A Feetham: Mr Speaker, the hon. Gentleman really has this wonderful quality, I have to say, and I have to compliment him about it, when the sky falls on his head, he takes refuge in absolute waffle, and that is what he has given us now in the answer that he has –

285 **Mr Speaker:** The hon. Members are now beginning to debate. They are beginning to throw across the floor of the House fancy sounding phrases, which really have got nothing to do with what is on the Agenda, so I am giving them notice that I shall be bringing these exchanges to a close before very long.

Hon. D A Feetham: Mr Speaker, I am very grateful for Mr Speaker's intervention, but does he not understand that there is a distinction? It is a distinction that even a junior lawyer would understand, let alone a senior lawyer, and I have never described myself as a senior partner in Hassans (*Interjection*) No, I have not.
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But it would be understandable, even by a junior lawyer, that if you write off something you cannot revive it, and that is what I am saying. If you write something off, it is zero; whereas the technical legal position in relation to debts is that you may not be able... indeed, you may be able to sue and the defence is an absolute one, which is the limitation period has expired, but it does not render the debt null and void *ab initio*. It is a defence and what I am saying is do not write it off. It would not be in the Government's interest. Keep it on the books, because in the future it may well be that within reasonable circumstances that the Government may be able to say to somebody, 'If you want something from the Government', for
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300 example, an upgrade in Government housing, ‘you are going to have to enter into an agreement with the Government to repay what you owe historically’.

Hon. Chief Minister: Mr Speaker, I do not think he wanted to hear what I said the first time or the second time about that aspect of what he is saying.

305 I am very clear in what the position is legally. I did not need him to explain it to me. All of this, Mr Speaker, that we are seeing is the usual dissembling in order to hide the huge embarrassment that hon. Members opposite must feel, because under them, *under them*, debt to the Government went up from £600,000 to close on £4 million under them. That huge embarrassment which they have, siding with those who are on the *a mi me pertenece* side of the balance sheet, against those who work hard and pay their debts. That, Mr Speaker, is the huge embarrassment that they have to deal with today and this is what we are seeing. All this dissembling has to do simply with trying to hide that.

Hon. Sir P R Caruana: Mr Speaker, I wonder if the Hon. Chief Minister could help me with this.

315 I have heard criticism expressed of the fact that – not here, I mean in the street by others – the previous Government, that is us, were insufficiently selective in who we allocated houses to in the new housing estate in Mid Harbour and that too many people were put there because they were at the right place in the waiting list who the Government should have known may have had difficulty keeping up with the rents. Of course, leaving to one side the debate that he has just had with the Hon. the Leader of the Opposition about statute barred or not statute barred Government debt, there is no doubt, I suspect, that there is particularly in respect of the Mid Harbour Estate, although others as well, an increasing problem of rent arrears accumulation.

320 Would the hon. Member consider, in terms of the opportunities that the Government has to oblige people to pay their rent, particularly in the more desirable estates like the newer ones of which the latest is Mid Harbour, exercising the rights that I believe the Government’s tenancy agreements give the Government to rehouse people from the more desirable estates to the less desirable estates, if they fall into arrears of their rent?

325 Now that, it seems to me, if the Government wants to avoid the same trap as he thinks that we fell into of shameful allowing of arrears of rent... I mean if they spend long enough in Government, it may happen to them if they do not come up with some mechanism to prevent people from accumulating rent arrears on the new estates as well. Would the Hon. Chief Minister consider using the power to rehouse, contained in all Government tenancy agreements?

330 **Hon. Chief Minister:** Mr Speaker, if I may say so, the hon. Gentleman, when he dealt with the Mid Harbour Estate, created, perhaps inevitably, some issues in that estate because of the people who were moved into there having certain rights under the Housing List. But, again, in having this debate, Mid Harbour Estate actually is helpful to the current Government because one of the criteria for moving was that people should sign arrears agreements that recognise their liability for that rent arrear; therefore, time has started to run again in respect of those rent arrears. The amount of rent arrears that is associated with the Mid Harbour Estate, which is £371,000 when I last looked at it last month, does not actually represent in very great measure rent due from tenancies in that Estate, but rent carried over and brought by tenants into that Estate.

340 There is, for example, one account that sticks in my mind which is £17,000. If I may say so, with respect to the hon. Gentleman, I think that is the sort of case that enabled him to do what he is proposing to me now, which I think is laudable, namely the £17,000 represents rent due for more than six years, but there has had to be an acknowledgement by the person who has moved of that amount and therefore the six years run again because that person wanted the advantage of moving. That is not to say that one would have been able to sue for the whole of that £17,000, without that person wanting something from the Government, and hence why... What the Hon. Gentleman does not appear to have wanted to hear from me was my agreement that if somebody wants something from the Government, we would be able to revive those arrears, but it is otherwise not sensible to carry those arrears as live debts to the Government, which is what it appears to be today in the books of the Government and what the Principal Auditor is saying is really quite unacceptable.

345 But there are also, if I may say so, other mechanisms that allow the Government to act in relation, for example, to some of the people at Mid Harbour Estate, who have let him and Gibraltar down, because they have moved, signed an arrears agreement, and then stopped paying again – that is not everyone, there are some who signed an arrears agreement and honourably have been discharging their arrears agreement and their current rent. There are good people and less honourable people in every estate in Gibraltar.

350 There are other tools that Government can use, which do not just involve saying to somebody, ‘Well, you are moving back to a particular area’. Something which is moving somebody out of a home is not easy to do and it would require all sorts of bailiffs and forcing people etc, and that is very hard to do. There are other mechanisms that Government can use, given the services that are provided in any estate, such as Mid

Harbour, which can make it very unattractive for people not to have paid their arrears, and those are the things that the Government is looking at very carefully.

365 If I may say so, Mr Speaker, given that the hon. Members opposite are now given to talking about how things have changed, he will excuse me for having decried the practice in the past 16 years that gave rise to this increase in arrears. Mid Harbour was actually a shining example of managing them, in some respect, because it is not just me that decries what used to happen 16 years ago. Even on the hon. Member's Twitter account at GSD Gibraltar I saw a couple of days ago, two years in Opposition transformed GSD. Sixteen years in opposition, same old GSLP. Even they are not proud of his legacy, and I am very sorry. He did some very good things for Gibraltar.

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Mr Speaker: Next question.

Q341/2014
Bullying at work –
Extent of abuse

Acting Clerk: Question 341, the Hon. D A Feetham.

375 **Hon. D A Feetham:** Yes, can I remind the Hon. Mr Selwyn Figueras that he has not retweeted. Out of all the MPs, he has not retweeted that particular tweet from the GSD. (*Interjections and laughter*)

Does the Chief Minister agree that bullying at work is a form of abuse of those who are at the receiving end of such bullying and that the extent of that abuse is a question of fact and degree?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, after this House passed the Employment (Bullying at Work) Act 2014, the hon. Member's question is really asking for legal advice. I can refer him to a good lawyer if he wishes. (*Laughter*)

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Mr Speaker: Next question.

Q342/2014
No. 6 Convent Place –
Refurbishment; cost to taxpayer

Acting Clerk: Question 342, the Hon. D A Feetham.

390 **Hon. D A Feetham:** Mr Speaker, what has been the cost to the taxpayer of the recent refurbishment at No. 6 Convent Place?

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

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the cost of the refurbishment to the entrance to No. 6 Convent Place has not been costed as a separate part of the ongoing works of refurbishment and extension of No. 6 Convent Place.

Hon. D A Feetham: Mr Speaker, it may be costed separately, but does he have the cost there at hand so that he can provide me with the figures?

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Hon. Chief Minister: No, I do not, Mr Speaker, but it is something that we will be looking at, I am sure, during the course of the appropriation debate.

405 **Hon. D A Feetham:** Mr Speaker, the reason why I have asked this question is because the Government keep on – as indeed they have done today, in relation to Dr Giraldi, and they have done today as well in relation to Commonwealth Park – seem to be drawing the distinction between providing costs when a project is ongoing and providing costs when the project is finished. The Government's position in relation to the two examples, that I have just outlined or just mentioned, is that they will provide the cost at the end.

410 This appears to have concluded... this refurbishment. What is the problem of providing me with the information now so that I do not have to wait until the Appropriation Bill, other than that it is the answer that he just simply wants to give me on a whim?

415 **Hon. Chief Minister:** Not at all, Mr Speaker. The refurbishment of the entrance has not yet finished in fact. There are parts of it which are still ongoing and parts of it which are connected very much to the wider refurbishment of Convent Place, and therefore I do not want to fall into trap of giving him a figure, which he then says is not actually the figure of the entrance and I should have given him something else, and then face one of these whimsical allegations that he makes once in a while, when he gets out of the wrong side of bed, that I have misled Parliament. So I would much rather give him the full set of figures when they are ready and he can then choose and determine for himself which part he calls the entrance, and which part he does not call the entrance. If he says it is just the façade, then it is just the façade. If it is the façade and the security guard, then it is the façade and the security guard. There is the area behind, which is the new waiting room, the corridor, the two offices on the side and the connection just behind.

420 What is the entrance, Mr Speaker? Is it the fixing of the old side entrance to No. 6? All of those issues, Mr Speaker, could be determined to be the entrance to No. 6, and I do not want to give a figure which misleads the House. I will give him the figure for the whole of the works at No. 6 and then he can look at the breakdown and decide what it is that he wants.

425 He is right, Mr Speaker. I am resisting giving him a management account of the works. I will give him all the account of the works.

430 **Hon. D A Feetham:** Mr Speaker, no, I am not being whimsical, either on this particular occasion or on previous occasions. When I actually accuse the hon. Gentleman of misleading the House, it is because he has actually misled the House, and that there are real whoppers of misleading the House that he has uttered.

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

435 That is an accusation, Mr Speaker, in the clearest terms, that I have misled the House, and the hon. Gentleman has a mechanism in order to do that, and it is to bring a motion. I invite him to do so. I will demonstrate to him in the motion, Mr Speaker, that he is not just whimsical when he makes these allegations, he is wrong. When I do that, I expect he will want to give me an apology.

440 **Hon. D A Feetham:** Mr Speaker, yes.

Mr Speaker, when I make allegations of this nature I am very careful in making them, and I make them when I have got grounds. Every single time I have said to the Hon. the Chief Minister that he has misled the Parliament it is because I believe that I am correct in doing so. And indeed, on the one occasion – because it is one occasion that I have done so – most of the people of Gibraltar, in my view, also agree with me.

445 But if I have offended, Mr Speaker, the procedure of this House by saying to him that he has misled the House without bringing a motion, I apologise to Mr Speaker.

Hon. Chief Minister: With respect, Mr Speaker, and I would ask that you rule on this. The hon. Member has got away, in that phraseology before now, of saying the words that he seems so keen to say, that I have misled the House.

450 Well, look, Mr Speaker, if we are going to play it that way, I will be putting to him constantly that he repeatedly misleads the House and the people of Gibraltar, but that I just do not have time to bring motions to demonstrate the number of occasions when he does so. That is not what Parliament is and what the Parliamentary Rules are about.

455 If you are going to make a statement, you have to follow it up with a motion. I throw down the glove and the cudgel to him. Bring the motion and I will show you how wrong you are. You have not done so before, Mr Speaker, I put it to him before, because he knows the minute he brings the motion I will wipe the floor with him. (*Interjections*)

460 **Mr Speaker:** As hon. Members are aware, I have ruled that I have no power to investigate any allegations of misleading... Parliament being misled and that therefore the only avenue is for Parliament itself, by debating and voting on a motion, to decide the issue.

465 So, in so far as that is concerned, I have no power to impose anything, but allegations, such as those, if hon. Members ask that such allegations be withdrawn on an honourable basis, that is a matter really for them. I cannot interfere directly, but I would wish that hon. Members were able to overcome such problems themselves.

Hon. Chief Minister: Mr Speaker –

470 **Hon. D A Feetham:** Mr Speaker –

Hon. Chief Minister: – it is out of order to put –

Hon. D A Feetham: Mr Speaker, I am on my feet –

475 **Hon. Chief Minister:** So am I.

Hon. D A Feetham: – and I have the microphone. (*Interjections*) I figure that I have the advantage because I have got the microphone – (*Laughter*)

480 **Hon. Chief Minister:** That is technology. It has got nothing to do with the Rules of this House. I was up first –

Hon. D A Feetham: I will give way. I will give way –

485 **Mr Speaker:** Very well.

Hon. D A Feetham: – to the Hon. the Chief Minister.

Mr Speaker: The Hon. the Chief Minister.

490 **Hon. Chief Minister:** Mr Speaker, thank you.

I do not recognise that the hon. Gentleman has given way to me. (*Laughter*) I am speaking because I have asked to speak (*Laughter*) and they can laugh as much as they like, Mr Speaker, but the Procedures and Rules of this House are essential for the workings of our democracy and they are not to make a mockery of them.

495 One should not put... in fact the Rules say one must not say that another individual is misleading the House, other than upon motion, and therefore it is out of order for the hon. Gentleman to have said that of me or of any other Member, other than upon motion. He should not be allowed, Mr Speaker, to say, ‘and I am not going to bring a motion to say it’. This Rule is essential to the working of every Parliament, which is governed by the Westminster principle, and I ask, Mr Speaker, that you rule on that.

Hon. D A Feetham: Mr Speaker, may I?

500 Mr Speaker, the only reason why I have not brought a motion is a reason of principle. I have not brought a motion because I believe that it is fundamentally wrong in a modern democracy for a Member of Parliament to... there is an allegation that the Member of Parliament has lied and there is no independent adjudication of that allegation, but that it has to be dealt with by way of a motion in relation to which it will always get defeated by the Government, because the Government has an inherent majority.

510 And I equally throw down the gauntlet to the Hon. the Chief Minister. Go to independent adjudication in relation to whether he lied or did not lie in relation to Credit Finance. But what I am not going to do is bring a motion to this House, which he knows that he will defeat because he has a majority and that is not... in my view that serves no purpose at all in a modern democracy (*Banging on desks*)

Mr Speaker: May I say that having mentioned that the only recourse that hon. Members have is to bring a motion, that of course immediately raises a question that it is very much in the nature of things that any motion which the Opposition bring can be defeated by a Government majority. That happens in all Parliaments, but that is not the purpose, surely. (*Interjection*) It is not entirely the purpose of bringing a motion. They very rarely succeed.

520 In the House of Commons there has been one instance of an allegation of a Member misleading the House, and that was the late John Profumo, and there has been one instance in the last, what... 15 years, of an Opposition motion of confidence succeeding and that was when Mrs Thatcher defeated the then Government, other than that, it just does not happen. But surely, that is not the purpose. The purpose is this is a debating Chamber and whether a motion is carried or is not, it gives an opportunity for Members to air public issues. This is what I have been encouraging them to do, and I am not being entirely successful.

525 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has made other allegations. He has said that I have lied. He has said it now in relation to Credit Finance.

I am going to say categorically and clearly to this Parliament. I have never misled it and I have never lied to it. I have too much respect for the mace, for the Speaker and for everyone in this Chamber, including Members opposite, ever to utter an untruth from this Chair or from when I was sitting over there. If the hon.

530 Gentleman wants to taint my character, he should have the courage to have the debate with me which allows him to make those statements. He knows he cannot. He knows, Mr Speaker, he is the liar.

Mr Speaker: Next question.

Q343/2014
Long-term resident British citizens –
Review of Gibraltar Status Act

535 **Acting Clerk:** Question 343, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what does the Government intend to do about the situation facing long-term British citizens, who live in Gibraltar, love this country, consider themselves to be Gibraltarian and in some instances even represent this country in international competitions, but are not considered Gibraltarian for the purpose of the Gibraltarian Status Act?

540 This question crossed over with a press release that the Hon. the Chief Minister or the Deputy Chief Minister issued on this particular topic.

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

545 **Chief Minister (Hon. F R Picardo):** Mr Speaker, long-term resident British citizens, who are not Gibraltarians under the existing and outdated statutory definition, are in this Government's view very much Gibraltarians, as they are here because they have Gibraltar in their hearts as much as any registered Gibraltarians do.

550 Mr Speaker, if 25 years was a long time in the 1950s, it is an extraordinarily long time in the digital world of 24-hour news, and instant communication. Today, most people can move and live where they wish in the European Union or elsewhere in the world and a 10-year commitment to Gibraltar means as much as a 25-year commitment all those years ago.

555 For that reason, Mr Speaker, and as we committed ourselves to do at the election, late last year this Government commenced the process of reviewing the Gibraltarian Status Act with a view to (a) enabling such long-term British citizens who lived in Gibraltar for more than 10 years to register as Gibraltarians at an earlier time; and (b) equalising the relationship between both parents of illegitimate children.

With this in mind, sections 3 and 9 of the Gibraltarian Status Act have been reviewed by the pertinent Department and draft amendments are being considered, which will be brought to this House in due course.

560 **Hon. D A Feetham:** Mr Speaker, as I said publicly, I welcome that the Government has taken this decision. It is only just and proper in our view that British citizens, who have lived for a considerable period of time – and 10 years is a considerable period of time – ought to be able to qualify, under the Gibraltar Status Act, as Gibraltarians. There are many, many people living in Gibraltar of British citizenship who consider themselves being Gibraltarian by choice, and I think that it would be very welcome indeed by those people also.

565 But, Mr Speaker, there has been an element of confusion in my view and conflating of the term 'Gibraltarian', for the purpose of the Gibraltarian Status Act, and the qualifying criteria for the purposes of somebody going on to a Government Housing List. Does the Chief Minister agree with me that in fact one is not necessarily connected to the other, and that somebody who is British, that has lived here in Gibraltar for 10 years or over, will also be able to qualify for Government housing and then obviously qualify to purchase the Government's affordable homes?

Hon. Chief Minister: Mr Speaker, I do.

575 I think the position is extraordinarily clear. The form, which has to be filled in, contains both the criteria, as disjunctive criteria, namely... are you a registered Gibraltarian or a British citizen resident in Gibraltar for more than 10 years.

580 It is so clear, Mr Speaker, that there are hundreds of the... I will happily disclose this afternoon, Mr Speaker, hundreds of the 3,000, almost, applications received which relate to just such people, and therefore it is very clear that the Rule has been interpreted properly by those who wish to apply. Given that there are 854 flats, Mr Speaker, and given that there are 3,000-odd applications, it would appear that this has not prejudiced anyone who read the form.

Q344/2014
European Single Sky legislation –
Gibraltar's exclusion by European Parliament

Acting Clerk: Question 344, the Hon. D A Feetham.

585 **Hon. D A Feetham:** Mr Speaker, what representations has the UK Government made to the Gibraltar Government as to what it intends to do following the exclusion of Gibraltar from the new European Single Sky legislation by the European Parliament on Thursday 12th March?

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

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will not be providing a detailed account of the representations that the UK Government has made to the Gibraltar Government as to what it intends to do on this or on any other matter, save that the hon. Member can assume that this is an area of constant communication between both Governments. In fact the exclusion referred to, Mr Speaker, was not to a new European Single Sky piece of legislation, but to a draft regulation which amended or sought to improve upon an existing measure. The Gibraltar exclusion clause was included by the European Commission in this draft Regulation because it was also included in the regulation that it so seeks to amend.

595 The Córdoba Agreement commits Spain to cease to seek the suspension of Gibraltar Airport from any EU Aviation measure not yet adopted. However, the Single European Sky is not a new measure.

600 The commitment contained in the Córdoba Agreement that covers existing measures, as opposed to new ones, is a different clause. This provides that not later than six months from the date of its signing, Spain would join the UK in procuring the formal lifting of Gibraltar's Airport's suspension from the application of all EU Aviation measures.

605 It is regrettable that the formal lifting of Gibraltar's Airport's suspension from all EU Aviation measures did not materialise between March 2007, i.e. six months after the signing of the Córdoba Accords in September 2006, when the procuring was sought, and November 2011, when the *Partido Popular* was elected into Government. Indeed Mr Speaker, if the suspension clause had been lifted from past aviation measures, as the Córdoba Agreement envisaged, it could not have been put forward by the EU Commission in this one.

610 Finally, Mr Speaker, the question incorrectly refers to the vote of the European Parliament as of Thursday 12th March. For the record, the correct date is Wednesday 12th March.

615 **Hon. D A Feetham:** Mr Speaker, he says he is not going to provide what representations the United Kingdom Government has made to the Gibraltar Government as to what it intends to do, and that the communication is fluid between the two Governments. Is he satisfied that the United Kingdom Government will do everything that it can do, that is within its power, in order to ensure that this is not repeated when the legislation goes before the European Council?

620 **Hon. Chief Minister:** Mr Speaker, I am satisfied that that is the intention evinced to us, but I will not be satisfied until this matter has been dealt with. As I told the Foreign Affairs Committee, who came to take evidence from me in Gibraltar two weeks ago at the Garrison Library, I believe that we should really judge these issues on the basis of results, and if we continue to be excluded, then in my view not enough has been done.

625 **Hon. D A Feetham:** But, Mr Speaker, has he... so that I can assess how far the Government is itself satisfied on some objective basis, has he been told, 'We are going to be doing everything that we can' or has he been told, 'Look, we are going to be doing x, y and z. This is what we are going to be doing. We believe this is enough and the Government of Gibraltar agrees with that'? I mean what is... which of the two?

630 **Hon. Chief Minister:** Mr Speaker, I am not going to get into what I consider to be confidential diplomatic communications between the Government of Gibraltar and the Government of the United Kingdom, but I will say that we know in detail what is being done and we are involved in that detail. We are not just being told, 'We will do lots to try and help you'. We are actually involved in determining what can be done and how the process will be followed through to ensure that each of those opportunities is taken to do something about this.

635 **Hon. D A Feetham:** Mr Speaker, thank you very much.

640 So given that the Government is involved in essentially that road map as to what the United Kingdom is going to be doing in order to hopefully ensure that this is not repeated in relation to Gibraltar within the European Council, is he satisfied that that road map is a sufficiently robust road map to reach the goal that he and I both obviously want for Gibraltar?

645 **Hon. Chief Minister:** Mr Speaker, this is European politics. The hon. the now backbencher described European politics – I think when he was leader of the Opposition – as essentially, at European Council stage, a horse trading table, where unfortunately one particular state might not be able to get its way even if it wanted to, especially when measures rely on qualified majority voting to be finally adopted, given the new procedures of the EU.

650 So, Mr Speaker, I am not going to shift from my own view as I have expressed to the Foreign Affairs Committee and I have expressed to this House a few moments ago, that until the exclusions are lifted the Government of Gibraltar will not be satisfied.

Hon. Sir P R Caruana: Mr Speaker, would the Hon. Chief Minister agree with me that it is disgraceful and lamentable that the result of the vote in the European Parliament, to which this question relates, was brought about, in part, with the support of British Members of the European Parliament?

655 Indeed, of a party that formed the Government of the United Kingdom at the time of the Córdoba Agreements with whom Spain agreed not to do this, and whose Foreign Secretary sat with me accepting Spain's undertaking and agreement not to do so, and if the hon. Member agrees with me that it is lamentable that British Labour and other parties and MEPs have contributed to this outcome for Gibraltar, is there anything that he believes that Gibraltar should do to mobilise in the context of the forthcoming European Parliamentary elections in the United Kingdom to point out to constituents of those MEPs that have perpetrated this perfidy of British interests, that this is the apparent duplicity to which their Members have... yes, Mr Speaker, because this is not even inter-party UK politics. It was a British Prime Minister and a British Foreign Secretary that did this agreement with us and that they had clearly violated and voted in favour of Spain, violating the agreement that their own party did with Spain when they formed the Government of the United Kingdom. I am astonished that this aspect has not...

Hon. Chief Minister: Mr Speaker, I am grateful for that intervention from the hon. Gentleman, but I am afraid I do not recognise that what he is saying is entirely correct.

670 The information that the Government has is not that British Labour MEPs voted against Gibraltar's interest. It may be that Members of the PES, the Party of European Socialists, which includes Irish Members, who have names which might appear to be British, may have voted in some respects against Gibraltar, but the information the Government has is that there are no British Labour Party MEPs that voted against the measure.

675 The hon. Gentleman may wish to bear with me as I tell him that the way the vote went was not exactly as anticipated. (*Interjection*) Right, in fact the Hon. the Deputy Chief Minister confirms to me, if you will just bear with me, that the information available to the Government is that all United Kingdom MEPs of all parties, apart from two Members of the Green Party, voted for Gibraltar. And, if he will bear with me, it appears that there was some confusion involving one particular group in the Parliament because an amendment was moved which was favourable to Gibraltar. Therefore voting down the Spanish amendments required a whip that said to all Brits and those supportive groups, 'Vote against amendments'; but yet, some well-meaning knight in shining armour turned up with a pro Gibraltar amendment and that may have upset the applecart in some ways.

680 Some people might have thought they were supporting Gibraltar by supporting an amendment, which they had been told to turn up to do... you know, vote in respect of an amendment relating to Gibraltar. The vote had to be no to all amendments, except that it was this pro-Gibraltar amendment that crept up and may have made some people think that they had to vote in favour of all amendments to be in favour of Gibraltar, because only one of them mentioned it. So this is the difficulty. So, if he will allow me, the information the Government has in relation to British MEPs is that, and I would ask him not to press me further as to what might happen next.

690 **Hon. Sir P R Caruana:** Well, I will not. But, Mr Speaker, that is not how it has been reported, and it is important that if the facts that he is now laying before the House are true, that that information hopefully will be spread.

695 I, for my part, on the basis that what he is now saying to the House is true, which I have no reason to doubt, I of course withdraw my own observations on the matter, but I suspect that public opinion in Gibraltar does not understand this because of the way the matter has been reported here.

700 **Hon. Chief Minister:** If I may say so, with respect to the hon. Gentleman, Mr Speaker, I had not picked that up from any of the reporting I had seen. I actually thought it had been accurately reported and that is why I was so surprised to see him really mount his white charger in the way he had.

He can rest assured that if it had come to my attention that any Member of the British Labour Party had voted against Gibraltar, I would already have done very much about it, not least because, as he rightly points out, they were in Government at the time that the Córdoba Agreements were entered into.

705 He will know, Mr Speaker, from his time occupying the post I now occupy, that the Chairman for many years of the relevant Committee in Brussels is a British Labour Member, Mr Brian Thomson MEP, who has been extraordinarily helpful to Gibraltar throughout his tenure. Unfortunately we lose Brian in May, because he is not standing again, having had a great career in Brussels for over 20 or 30 years. So, Mr Speaker, he can rest assured that in relation to any British Member, who might, with malice aforethought, want to act contrary to the interests of Gibraltar, there would have been a huge campaign mounted by Gibraltar.

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Q345/2014
UK membership within EU –
Renegotiation; impact on Gibraltar

Acting Clerk: Question 345, the Hon. D A Feetham.

715 **Hon. D A Feetham:** Mr Speaker, has the Chief Minister had any discussions with the United Kingdom Government over the last year about the impact on Gibraltar of the British Prime Minister's attempts to renegotiate UK membership within the EU?

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

720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Mr Speaker, I will remind the hon. Gentleman there is a motion that was passed unanimously by this House calling on the Chief Minister to keep the Leader of the Opposition apprised of all developments in relation to any discussions that he has had with the United Kingdom Government.

725 Whilst I do not want to extract information that he may feel may be embarrassing across the floor of this House, obviously he has not briefed me in relation to any of these issues and I am asking him whether anything arises in the last year that he thinks he ought to brief me, bearing in mind that motion that was agreed unanimously by this House over a year ago, in fact?

730 **Hon. Chief Minister:** Mr Speaker, no, sir.

Hon. D A Feetham: Mr Speaker, is he satisfied, because I gather from that that these exchanges could not have possibly been of any seismic... or information that has been communicated to the Chief Minister could not have been important, otherwise, no doubt, bearing in mind the unanimous approved motion of this House, he would have communicated to the Leader of the Opposition?

735 Is he satisfied that Gibraltar's position is being protected as much as possible, difficult as the situation is, in those discussions between Mr Cameron and the EU attempting to renegotiate the United Kingdom's terms of membership within the EU, because as far as we are concerned, the issue is not Gibraltar participating in a referendum, which effectively is going to be a *fait accompli* of a renegotiated package hopefully... negotiated by Mr Cameron, it is about trying to influence that package so that it does not impact adversely on Gibraltar? Is he satisfied that the United Kingdom has that point firmly in its grasp and that that is what is going to happen?

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Hon. Chief Minister: Mr Speaker, I am tempted to just get up and say, 'yes, sir' again. But the hon. Gentleman needs to understand that I am not going to be briefing him on things that are public. I assume he is not expecting me to call him and read him *The Times*. When things are public they are public. There are hugely important issues at stake for Gibraltar, but there are also hugely important issues at stake for the United Kingdom, and he, I assume, is following that debate. There is no renegotiation.

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Angela Merkel the Chancellor of the German Federal Republic addressed both Houses of Parliament in Westminster Hall two weeks ago and said, 'There is no renegotiation. I am not here to give support to a renegotiation'. One of the biggest criticisms of the Rt Hon. the Prime Minister is that he has talked about a renegotiation, but he is not renegotiating because he is not enjoying traction with anyone in respect of that.

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The hon. Member knows – and it is now public – that Gibraltar will vote in any such referendum should there be a Conservative Administration after 2015. That issue, to an extent, is not going to be hugely advantageous to Gibraltar if we get to a situation where the United Kingdom was to pull out of the EU. We have said we do not want out. We vote as one more of an electorate of 40-odd million people and then the majority vote out. So what use might that be to us?

But, there are, Mr Speaker, I have told him before, earlier chickens coming home to roost, where again these issues are public, and I must assume that he is aware of them. For example, in relation to the Justice and Home Affairs issues, the Balance of Competences review, which the United Kingdom is holding a public consultation on and consults the Government of Gibraltar on as well, involving what were known in the old days as fifth pillar measures.

Those issues are hugely concerning and they require a lot of interaction between the Government of Gibraltar and the Government of the United Kingdom, but that is to an extent almost administrative interaction about how to protect Gibraltar's interests in the context of those issues, where the United Kingdom made choices at the time that these things were created to be able to review its position x number of years down the line. Those are more actual and those are potentially just as dangerous to Gibraltar as what the hon. Gentleman is talking about, which is the renegotiation, which is what the motion is about.

But, again, I am assuming that everything I am saying he is aware of, because this is in the public domain, and he does not expect me to call him to read him *The Times*.

Hon. D A Feetham: Mr Speaker, even when I try to keep the temperatures of these exchanges as cool as possible, the hon. Gentleman makes it very difficult because he peppers every single answer with personalised, unnecessarily personalised barbs. (*Interjection*) Of course I read the press. I may not read *The Times*, but I certainly read the press.

But, what is he saying to me, Mr Speaker? That he is confident. That Mr Cameron is not going to be able to renegotiate anything with the European Union and that is why he is not concerned about it? Because quite frankly, I would have thought that bearing in mind European politics being what it is, that I do not think that one can say with absolute certainty that Mr Cameron is not going to be successful in his attempts to renegotiate, and what I am asking is...

Well, look, if he takes the view the Government's position is we are confident none of this is going to happen, therefore it is not relevant. But look, if it is potentially it might happen, is he satisfied that Gibraltar's position is being protected? Is he satisfied that the UK Government have all Gibraltar issues at the forefront of their minds, so that we do not end up with a situation where we are presented with a *fait accompli* when the time comes? I think it is a perfectly reasonable logical question.

Hon. Chief Minister: Mr Speaker, I just do not recognise that I have said anything barbed, even when I give him the benefit of the doubt. I have said I assume he reads the paper and he does not want me to call him to do that, and so I have given him the benefit of the doubt, but he sometimes somehow feels that I have slighted him though. Perish the thought, Mr Speaker.

What I am saying to him is not that I do not think that this will happen, because if I were to say that Mr Speaker, then I would be venturing an opinion as to the result of the next General Election in the United Kingdom. I am not doing that. I do not know who is going to win the Election in the United Kingdom, therefore I do not know whether we are going to get to an in/out referendum in 2017, or whether in fact the party leaders will all be, as they have been up till now, favouring a yes vote to stay in the EU.

What I am saying to him, and I am saying this as objectively as possible for him to verify, if he is reading the newspapers... and I said *The Times*. Okay, he can read whatever he likes, but I find the coverage in *The Mirror*, *The Sun* and *The Daily Express* is not as in depth as *The Times* in relation to these issues; but anyway, it might be that he reads the tablet or the FT.

Mr Speaker, the fact is that the renegotiation is not happening. There is nothing to influence in that respect at the moment, because the Rt Hon. the Prime Minister's attempt to prise open the renegotiation has not yet yielded results. There is therefore nothing to consult beyond the consultation that we have had already about being involved when the process begins. But he has also heard me say, Mr Speaker, and I say it here as I said it to the FAC, as I said it outside of Gibraltar in Brussels when I have been there, and he no doubt has heard me say it in the press as a result, that there are some instances where Gibraltar may want more Europe than the UK wants.

Even today, outside of a renegotiation, those things have to be explored, and he will have heard me say on a number of occasions that the issues as to Schengen are issues where Gibraltar may want a different result than the United Kingdom has wanted for some time. I cannot say that we do, but we may, and it is an issue for determination and investigation. The issues as to membership of the Common Customs Union and Excise Union etc are issues which bear, if not constant, because constant means every day, then periodical review, because the undoubtedly right decision made by the Administration of Sir Joshua Hassan in 1973, when Gibraltar joined the Union, to stay out of the Common Customs Union then when the rest of the

815 European Economic Community, as it then was, ended at Four Corners and started again in the Pyrenees, might not be the right decision today, given how the world has changed and how commerce has changed. It is now to a very great extent powered online and so all of those things are relevant, looking forward to our relationship to the European Union, in some degree.

820 But the renegotiation, which is what he is asking about, is not happening, and that is what I am telling him. It may happen after 2015. It may start to happen tomorrow and we may find ourselves then involved; but at the moment it is just not happening.

825 **Hon. D A Feetham:** Mr Speaker, the reason why I have asked this question is precisely for the very reason that he has explained. It may well be that Gibraltar's interests on many of these issues may not be completely *ad idem* with the interests of the United Kingdom, and it is precisely because I want to ascertain whether the Government of Gibraltar is (i) alert to this, but (ii) actually communicating with the United Kingdom Government in such a way that it is making them *aware* of our own, effectively, position in relation to some of these issues so that they can take them on board when they engage with the European Union on these issues.

830 But, can he help me with this? Is it that the Government has already communicated the Gibraltar position, if I may call it that, to the United Kingdom Government when the Hon. the Chief Minister met with UK officials at the beginning of last year and that he is satisfied that if the process were to continue – in other words, the process of renegotiation with the European Union – that the Gibraltar Government has already said everything that it needs to say in relation to Gibraltar's position, and that he is satisfied that the United Kingdom Government has actually taken those on board?

835 **Hon. Chief Minister:** Mr Speaker, a long time ago. Not just at the beginning of last year, but when the spectre of renegotiation was raised and when analysing Gibraltar's membership of the EU with officials in the United Kingdom because of issues that relates to transposition of directives, as much as relating to frontier flow, even before some of the current issues that we are seeing at the frontier.

840 But it is not just interests, Mr Speaker, that may not be perfectly aligned between the United Kingdom and Gibraltar, it is politics, and politics and interest can sometimes be very different things, and the politics of the European Union in the United Kingdom is to a very great extent poisoned, in many respects, by some of the attitudes that people in the United Kingdom might have to the European Union, which may not necessarily reflect what their interests may be, and hence why the three party leaders are all saying we should stay in, but renegotiate, and many people, and if you believe the polls, more than half would say we want out.

845 Who is right about where the interests of the United Kingdom are? So there is a lot of politics here as well. Our politics is different. I have said repeatedly, Mr Speaker, that we are exchanging views with the United Kingdom in this respect and in respect of the ongoing issues. We have put our position in respect of renegotiation, but renegotiation has not moved.

850 But what I am saying to him, Mr Speaker, and he should be more concerned about, is that other things have moved and other things are moving, and there we are very confident that the United Kingdom understands what our position is. But, I would not accept from him, Mr Speaker, what he has said about when they go they are aware of what our position is, as if they – meaning the United Kingdom – are the people who are going to represent us in this, full stop.

855 My view is, Mr Speaker, that Gibraltar has expertise in European Union issues and that in many instances it is important that we are there when those changes... let us not call it renegotiation, which is the treaty aspect, but changes, like the fifth pillar measures etc, issues are being dealt with, and we may need to be there, not the negotiator, but with the negotiating team, because we are able to point out when things arise that that new issue matters to Gibraltar, because otherwise we may find that something is presented to us three weeks after it has become a draft in Brussels. Once it has become a draft in Brussels, it is much harder to shift, and I see the hon. Gentleman, the hon. the backbencher indicating that he would more or less agree with me in this respect.

860 If you look at what it is that has happened with the Single Skies, it is much harder to shift a draft once it has gone against you, and it is much easier to ensure if you are there at the time that things do not creep into drafts, which are dangerous. So I do not even accept that they, the United Kingdom, should be solely responsible for what happens, and that we should have people who know about Gibraltar issues intimately – and nobody knows that better than the Gibraltarian expertise that we have in EU matters – if possible, as part of teams when these issues are being dealt with.

870 **Mr Speaker:** next question.

Q346/2014

Europa Point –

Proposed site for UEFA football stadium

Acting Clerk: Question 346, the Hon D A Feetham.

Hon. D A Feetham: Mr Speaker, is the Government satisfied that Europa Point is the best location for the proposed new UEFA football stadium?

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

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

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Hon. D A Feetham: Mr Speaker, has the Government together with the GFA explored alternative sites? Is it a case where this is really the only site where a football stadium can be located? Are there other sites or it is just that this one is, in the Government's view and the GFA, a preferable site?

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Hon. Chief Minister: Mr Speaker, given the geography of Gibraltar, there are not many sites, and this is the only site, which in the Government's view, is viable. You could reclaim more and create a stadium. You could have one a mile and a half off Eastern Beach if you were prepared to spend the money. You could have one on the Eastern Beach reclamation if you are prepared to forego the huge economic advantages for Gibraltar of developing the East Side in a different way. But given the responsibilities that he would have if he were sitting – perish the thought – in my chair, which involves looking not just at how to play football and where best to play it, but also to ensure that Gibraltar's socio-economic needs are met, then this is the best site for the job.

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Hon. Sir P R Caruana: Mr Speaker, overlooking the fact that 'perish the thought' is the language of Punch and Judy, I accept what the hon. Member has just said that it is not as if we are spoilt for choices of sites, and the question of the opportunity cost of other sites is also an important factor to take into account.

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On the other hand, the hon. Member must be aware, and I hope concerned about the fact, that there is a groundswell of public opinion that deeply regrets and indeed is strongly opposed to the Europa Point expansive site being used for this purpose.

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I wonder whether the hon. Members have considered, and it may be that they have and either because it is too small or for other reasons rejected it, but I wonder if the hon. Members have considered the site where we were going to build the power station – and apparently they are no longer going to do so, unless they are at some point – in other words further up the slope where the stadium would be, sort of, less obtrusive, in the sense that it would be disguised by the immediate cliff backdrop behind it, which is one of the reasons why it was acceptable to us to build a power station there. This is basically using the site of the old Lathbury Barracks parade ground. It may not be big enough. It is just a thought. Being further up the cliff it would be much less obtrusive and much less visible on the Gibraltar profile. It is just a thought, but I just wondered whether the hon. Members are still open to alternative sites or whether this has now moved beyond that point?

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Hon. Chief Minister: Mr Speaker, nobody likes to do something which is unpopular, and if the Government found a site which was more popular with some, or with the majority, then we would be delighted to have been able to find it. But I do not recognise that there is such a huge groundswell of opinion. I recognise there are many people who think it is the wrong site. Many of those who have expressed a view as to the site have then said, 'Well, actually, if it looked slightly different, it might be alright even there'.

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So there are views – and the hon. Gentleman has done my job for 16 years and if it is difficult to draft a letter by a committee of three, imagine how difficult it is to find a space for a stadium the size of this one if you are consulting 30,000 people – there are views about many aspects, but if you go into the changing rooms of the GFA, for example, everybody is of the view that it is lovely. It should go at the Lighthouse and we should start breaking ground tomorrow.

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But let us understand what the process here has been. The GFA has approached the Government to work with it and with UEFA to identify sites, and we have done so looking at size, and not just size, but size is hugely important here. From recollection, I think at Lathbury it did not fit, in particular because he will recall that that area is slightly higgledy-piggledy because there are things that the MOD have retained. Accessibility is through a single corridor at the moment, Devil's Bellows, and when you are trying to get between eight and 12,000 people in and out of a stadium, that could be very dangerous indeed. There is, dare I say it, I think a green lane which is (*Interjection*) a green corridor which is relevant to the Barbary

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Partridge, that is so close to the Hon. the Leader of the Opposition's heart. We would not for one moment want to interfere with that and it is therefore not the right site.

930 We have looked at many other potential sites. I am not an architect and I am not a designer, and I may or may not like the design of the stadium more or less, but that is much different to accepting that Europa Point, as it is today, is an iconic site. There may be aspects of what Europa Point is today that are iconic, but there are many parts of it which are simply almost a waste ground, because the cricket ground is really just a flat earth area with a pitch that we would not want our people playing on if we could provide something better. So to take just that site and perhaps have a much better design, in some ways that is more in keeping with what people might like to see there, may in the end be the right option.

935 People say, 'Well, what about the Victoria Stadium, could you not do it there? Is it because Spain objects because it is on the Isthmus?' Well, look, I think I have read something that others have said, that this Government really would not put much store by an objection by Spain as to where we play football, and I dare say that the hon. Gentleman would not have either, when he was Chief Minister. If that was the right place, then that is the right place. Gibraltar is one and indivisible – (*Interjection*)

940 **Hon. Sir P R Caruana:** If the hon. Member will give way. It was not Spain that had objected, but UEFA that had said it could not be on disputed territory.

945 **Hon. Chief Minister:** Well, Mr Speaker, that has never been put to me, because what they would get from me would be a tongue lashing, because Gibraltar starts at Four Corners and ends in the middle of the Straits, where our waters end; but the issue is slightly different.

950 First of all, area wise, although it is good for traffic and it is close to the frontier where you assume many visiting supporters would be entering from, it is a multi-use facility, and part of the plans that would have been required there, if you are not moving the road and you have got a problem with the tunnel and the timing of these issues is all relevant, would involve demolition of part of the new Tercentenary Sports Hall, and would involve the children from Bayside Comprehensive, St Anne's and Notre Dame, that make very good use of the stadium, never being able to use it, because one of the UEFA requirements is that the stadium cannot be multi-use. It is literally just football, and it can only be played on by teams that are part of the GFA's leagues or the national football team. So you would then, if we were to build something slightly smaller at Europa to be the new Victoria Stadium, have to be taking kids from Bayside and Notre Dame and St Anne's up to that multi-use facility and demolish part of the Tercentenary Hall. So he, perhaps more than most, understands that Gibraltar is a jigsaw puzzle with one piece missing and you have to move everything around to ensure that you get the right result.

955 There is, of course, a rifle range in the area where the GFA are making the proposal to the Government and the Government has said it is prepared to lease that land to the GFA. There is a negotiation and a relocation to be done of the rifle range. This is not throwing an egg to fry, to use a loose translation of another language. There are many opinions. I am not an architect.

960 But what I will say for the GFA is that they have been brave, because this is a very big development. They have not simply wanted to get it into the DPC as soon as possible, get DPC consent as soon as possible and get breaking ground as soon as possible. They have actually been courageous in saying to the community, *weeks* before they went to the DPC, 'This is what we are thinking of doing. What do you think? How can we improve it?' Many in the community have reacted by saying, 'Oh my God, that is awful. We have been presented with a *fait accompli* of an area that we all love and this is now going to be completely ruined'. Well, actually, that is not what has happened.

965 The GFA have said, 'Gibraltar, what do you think? It is your stadium. It is your national football stadium. Before we go to DPC give us your views'. They are now going to DPC armed with those views. The DPC is going to give them feedback as DPC. There will be environmental issues to deal with. There will be lots of issues to deal with, and it may be that the final result that comes out from DPC is actually much more acceptable to absolutely everyone. Of course, the DPC is not an architect with 10 heads, but it can ask people to go back and think about how things look and how they blend into a particular area.

970 Some of the elevations that I have seen actually demonstrate that the stadium there, with the sort of height that is being proposed at the moment, blends into the cliff completely. While some of the elevations I saw of what it might have looked like in other places actually blighted the landscape. So this is a very difficult thing to achieve. It is a testament to Gibraltar and to the GFA that having now been in UEFA, we are working very hard to ensure that we can fulfil UEFA's requirements in respect of what a category 4 stadium will look like and where it should be, but all of this within the need to ensure that Gibraltar continues to develop socio economically with its prime land saved for that purpose.

975 I saw the Hon. the Leader of the Opposition refer to the stadium as it has been represented, as I do not whether he said fourth division or third division stadium in the UK. Well, look, everyone is entitled to their opinion. I have described it as if the millennium falcon had landed at Europa Point because it actually looks a little bit like that spacecraft from the *Star Wars* series. I did not necessarily mean that in a praiseworthy

990 sense, but that is the architecture. If the architecture can be got right, then I think this may actually turn out to be hailed by people as the right place to do it.

And, if I may say so, people should also realise that a lot of work has gone into ensuring that the very popular parts of Europa Point, like, for example, the Children's Park that was developed in that area, although it was developed with the wrong plants, it has now got the right plants in it and therefore it is not so much of a problem, and the old Battery etc are preserved, and some ideas have come out of this which are very positive indeed.

1000 So whatever the stadium looks like, I very much like the idea, as a citizen, and I suppose as the person who represents the landlord, I think actually it is quite enticing that the top of the stadium should have a walkway, which is also going to be accessible to tourists, to give also different views of the Straits of Gibraltar and of the Rock. So you are adding an opportunity there for people to look at the Straits, not just from where they can look at them today, but also from somewhere else, and if they open them during match days they will be the best seats in the house for sure.

A difficult decision. We have got to get it right. Those are the reasons why at the moment we think that is the only site that can accommodate the criteria that UEFA puts to us.

1005 **Hon. D A Feetham:** Mr Speaker, I entirely agree with the Chief Minister that it is a decision that we need to get absolutely right, and in determining whether it is a decision that has been well thought out, I would have expected, and I am asking the Hon. the Chief Minister to confirm, or say no, as to whether the Government obtained or commissioned any kind of study as to the areas that were available as alternatives to this particular site, or perhaps that is wrongly phrased... as to the various alternatives that at the time were available to the Government or is this just a situation where the GFA and the Government looking around for a particular site, say, 'Well, the Europa Point seems to be a good site to have the location of the stadium'. Has there been a formal study, by either Government officials or independent contractors, as to the various sites where this particular stadium could have been built?

1015 **Hon. Chief Minister:** Yes, Mr Speaker, although I would not call it study, and as I told the hon. the backbencher, my predecessor, there has been a lot of work done by the GFA, by UEFA and its experts, and by the Government in order to identify the correct sites.

1020 But let us be very clear. Let us not pretend that we control Texas. There are two or three potential sites – that is it. We could do it in different places if we demolished vast tracts of homes etc and bought people out and spent years relocating people; but assuming that you want to do it in an area that is relatively greenfield or brownfield, and you want to be able to move relatively quickly, and you are going to try and limit the number of relocations that you do, there are very few sites that you can really talk about. Those sites have been looked at. Each of them has been looked at individually.

1025 The Hon. Mr Reyes asks in meetings of this House about cricket and rugby as well, and that has been a consideration as well, because if we cannot put the stadium, or the UEFA stadium there, can we put the rugby there or can we put the cricket there? All of this, as I told him before – and I have answered questions about this from him – is the ongoing process of finding room for everybody else. One of the areas where we may put cricket and rugby, as he knows, is the Western Beach reclamation. I do not know whether this is an issue that crossed the hon. Member's desk at any time, but you have got the Victoria Stadium to the south of the runway. Okay, I forget if left or right, to the south of the runway. You would have thought if you were going to set up a sports facility to the north of the runway that as long as you have cleared your lines with the MOD as to the mechanism for reclaiming land there, because as the hon. Gentleman will recall from his time in office, you cannot use dredged material because it could attract birds...you have got to use landfill etc. You get that right and you can set a stadium up there at any time.

1035 The Military Aviation Authority will say to you, 'Ah, but you have got grandfathered rights in respect of sports facilities to the south of the runway, but this is a *new* application for sports facilities to the north of the runway and we would have to look at whether this is now possible and the risk assessment that we have to do'. So although it is not the right place for the stadium, you cannot actually put the stadium there because of traffic issues etc, and because of the height of the stadium you may not even be able to put a flat pitch, because the MAA may say, 'Well, you can only have within this radius something that is built up to at least two storeys to protect people in the event of there being an accident'.

1045 So this is very difficult indeed and has been looked at in great detail. To a very great extent this is harder than fitting a rich man through the eye of a needle, but we will get there and we will get it right. It will be the right result for this community. Our involvement will be as landlord to cede the area when the time comes, and through the DPC to ensure in respect of those who represent the Government there that they give the feedback that properly represents the community's views as to the architecture being proposed.

Hon. D A Feetham: Mr Speaker, in terms of the sites that the Government has considered in this 'study' that it has conducted to see what is the most appropriate site, as I understand it the sites have been

1050 Europa Point, Victoria Stadium, the land reclamation on the East Side and Lathbury Barracks. There have not been any other sites, apart from those that the Government has considered as potentially appropriate for the location of the stadium.

1055 **Hon. Chief Minister:** Mr Speaker, this dates back some months now. I cannot remember exactly what were the areas looked at. There is a Government analysis of these things. I am given the analysis and the recommendations.

I think at one stage the naval grounds were looked at as well as a potential area, but of course there are leases in place there; but in may not have been the right place anyway.

1060 So a lot of areas have been looked at. There are not that many. I think he may have enumerated most, if not all of them. There may or may not be others.

Find me an area of open ground of that size in Gibraltar that is not prime development land, like the East Side is, which is hugely important to the economic development of Gibraltar etc, and if he can find it, I will have a look at it.

1065 **Hon. D A Feetham:** The problem with the Victoria Stadium, which most people seem to mention in relation to as an alternative to Europa Point, the problem with that, as I understand it is, that the stadium could not be constructed without demolishing the facility next to it, the Millennium Hall – *(Interjection)* Sorry, the Tercentenary Hall, without demolishing that, the stadium could not have been constructed.

1070 There is no way in which, for example, the majority of the seating could have been accommodated on the opposite side, on the opposite side of where the Tercentenary Hall is so that that particular hall did not have to be demolished. In any event it is a judgement call on the part of the Government, because of course that could have been relocated somewhere else, but was there no possibility of actually maintaining the stadium there without demolishing this particular hall?

1075 **Hon. Chief Minister:** Mr Speaker, it is not just a judgement call on the part of the Government, although of course at the end it might be.

1080 The demolition of part of the Tercentenary Hall, if it is at a particular angle, it is interference with roads. If it is at another particular angle, it is the fact that you are going to lose the multi-use facility. If you lose the multi-use facility, you have to recreate the multi-use facility. Where do you recreate it? At Europa Point. So if the objection is you are going to have to have a stadium at Europa Point, well, then you might as well build once, you might as well get it right, you might as well make sure it looks good, and whether it looks like the multi-use would look like or the UEFA one would look like, what it looks like is not part of the UEFA criteria; it is what identifies access and what identifies size etc that is relevant.

1085 Then the other thing I have said before when I was answering questions from the hon. the backbencher is that you would lose the multi-use facility from next to the school. So Bayside would lose its football pitch and so would Notre Dame and St Anne's lose its ability to access that area. Even Westside is quite close to or much closer to Victoria than it is to Europa and (a) what do you do in the interim; (b) do you then bus school children all the way up to Victoria when they need to have – **(A Member:** Europa.) to Europa when they need to have their sports, and then what do you create at Europa? You must also create something at Europa, so the objection that there is going to be a structure there disappears.

1090 Mr Speaker, in those circumstances, that is how we are driven to Europa as the possibility where the stadium is going to fit. All of those issues I think are fairly understandable if you apply your mind to them and you work out that this is, at the end of the day, the likely location that you are going to be, if you like, stuck with, because it may be that if we all had the choice, we would do it somewhere else.

1095 **Mr Speaker:** Next question, the Hon. –

1100 **Hon. E J Reyes:** May I, Mr Speaker, just to develop something further with the Hon. the Chief Minister?

1105 He did say in the very early part of his answer, the Chief Minister said that if you were to ask in the changing room of the GFA they would all say, 'Right. When can we start... tomorrow?', and so on. Is the Chief Minister aware that within the Gibraltar Football Association there is not that unanimous a consensus, more so not only on the location, but even so on the design?

1105 I have heard comments from well-known regular first eleven players, and I think the Chief Minister is probably aware that certain clubs through their presidents and so on are not quite happy with the set up. Obviously, I cannot press the Chief Minister further because it is not his political responsibility to answer, but will he at least confirm to me that he will look into it just to make certain that he does have the full cross-section view of all the Gibraltar Football Association members, and not just its executive committee, because sometimes when you sit in a position of such responsibility as the Chief Minister, people only tell

1110 you what they think you want to hear and not necessarily the whole picture of what is being said behind the doors in the changing room.

1115 **Hon. Chief Minister:** Mr Speaker, thank you to the hon. Gentleman for that intervention. There is no ivory in my door or in my windows and my office is not so high up that it is a tower. I am fully aware of the fact that there are some clubs in the GFA whose presidents have said that they... but what they have said is that they do not like the design, and some others have said, 'I do not like the place', and some have said, 'I do not like the place or the design' (*Interjections*) and of the players that I have spoken to, all the ones... all the players I have spoken to have said *no vea lo bonito que esta el stadium* 'Oh, my God, isn't the stadium going to be lovely'. So there are completely different shades of opinion and, for many different reasons, I also understand that there are some who have representation in the GFA who have felt that they could bring a better deal to the table in terms of construction, for example. Well, look, that has got nothing to do with us. It is going to be a GFA development, but we are aware of those issues. To a very great extent those are internal GFA issues and despite not being in an ivory tower, at the end of the day I have to sign documentation as landlord with the GFA Council.

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1125 What they have done and what I think they should be commended for by the community, and they appear to be being condemned for, is open themselves up to responses from the public. So the reception that they held at Casemates Vaults, where they presented the stadium, was explicitly one of presentation for views, and many in our community – and this I think I said earlier – have taken it as a presentation of a *fait accompli*. It may or may not have to be a *fait accompli* as to location, because of all the issues that we have discussed, that it just does not fit anywhere else when you start to look at the nitty-gritty. But, as to design, as to aspect, all of those things to a very great extent are in the hands of the DPC insofar as the law provides for it, and in the hands of the architect and GFA as developer to another extent.

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1135 But I think that the GFA have the sensitivity to have heard what has been said by the public in the consultation, even if the public have responded by thinking that they are not being consulted and giving their views as to what some people have described as awful *fait accompli*. Well, they have then gone and say it is awful because *a, b, c*, and therefore the GFA have the benefit of those views when they are now going to take this to the next level.

1140 It is well-nigh impossible, I must tell the hon. Gentleman, in my view, to draft a letter with two people sitting with a pen, let alone design a stadium with 30,000 people having opinions as to where it should be located and who should be designing the seats.

1145 The Hon. the Leader of the Opposition has just said we could have one stand higher than the other. I mean perish the thought that we might actually have to design things in that way. To an extent we have to make decisions in our respective legal capacities. We are here as the landlord. We have to make decisions as to location. The GFA have to make decisions as to architecture and look, and the DPC have to respond in that respect. The public have a huge role to play in making sure that landlord and developer are fully aware of their views and make sensitive adjustments to reflect those where possible.

Hon. D A Feetham: Mr Speaker, in relation to the cost –

1150 **Mr Speaker:** I am going to allow one other supplementary, because really we have now been ventilating this matter for well over an hour. I am aware of the fact that it is an important public issue, in which I, myself, take a great interest, but I do not think we can take the matter very much further than what we have done this afternoon.

1155 I will allow the Leader of the Opposition to –

Hon. D A Feetham: Thank you very much, Mr Speaker.

1160 Mr Speaker, in relation to the cost, (i) is there going to be a cost to the Government in relation to the construction of this particular stadium; and (ii) has there been a cost to the Government in the actual design of the stadium? Has the Government contributed anything in relation to the cost of the design to the designers?

Hon. Chief Minister: Mr Speaker, all the costs of the designing of the stadium and the development of the stadium are for the GFA. It is a GFA stadium and will be owned by the GFA.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Q308/2014

**Government rental homes –
Assignment; repairs to be carried out**

1165 **Mr Speaker:** Question 308, I think we will now deal with.

Acting Clerk: Question 308, the Hon. E J Reyes.

1170 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 173/2014, indicating how many will be repaired by (a) the Housing Works Agency; (b) subcontractors; and (c) the assigned tenants themselves?

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

1175 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 173/2014, 17 flats have been assigned.

The repairs are to be undertaken by the following: Housing Works Agency – 2; subcontractors – 5; the assigned tenants themselves – 10.

Q309/2014

**Government rental homes –
Urgent decanting of tenants**

Acting Clerk: Question 309, the Hon. E J Reyes.

1180 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question 174/2014 indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

1185 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question 174/2014, no further tenants have required urgent decanting from their homes.

Mr Speaker: Next question.

Q310/2014

**Government rental homes –
Allocation and assignments**

1190 **Acting Clerk:** Question 310, the Hon. E J Reyes.

1195 **Hon. E J Reyes:** Can the Minister for Housing say how many residential homes, since the answer to Question 175/2014, have been (a) allocated; and (b) assigned, showing the room composition of the respective homes?

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

1200 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer to Question 175/2014, 40 flats have been allocated and assigned as follows:

Allocated: 1RKB – 1; 2RKB – 7; 3RKB – 11; 4RKB – 3; 5RKB – 1; 6RKB – None. A total of 23.

Assigned: 1RKB – 1; 2RKB – 10; 3RKB – 4; 4RKB – 1; 5RKB – 1; 6RKB – None. A total of 17.

Q315/2014
Affordable housing scheme –
Change in allocation rules

Mr Speaker: We are now going to take Question 315.

Acting Clerk: Question 315, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, does the Government intend to change the allocation rules for affordable homes, it is in the process of constructing, so that divorced spouses, who do not have care and control of their children or residency orders in their favour, can apply to purchase flats that take into account the number of children they have, so any sleepover contact is meaningful?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Government's affordable housing schemes are designed to be allocated based on the room composition eligibility provisions, which have been established for decades; but life has obviously changed and divorce is an issue we must catch up with.

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Having left office in 1996 with a housing waiting list of 400, it would have been possible then to try to make changes to better reflect changing social values. Having inherited a housing waiting list of almost 1,500 16 years later, a 275% growth, it is not so easy, but we are keen to allow people whose family composition may include children of a dissolved marriage or terminated earlier relationship to buy homes based on that composition once the housing list allocations have been met.

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The first projects launched by the Government have been extraordinarily successful, with nearly 3,000 applications received for 850 flats. We will shortly start the process of making the relevant allocations and then of exchanging contracts. Shortly thereafter, further co-ownership schemes are likely to be launched.

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We will not fall into the trap of allowing the waiting lists to grow exponentially as the previous administration did.

Hon. D A Feetham: Mr Speaker, I am not sure that he has answered the question.

My concern is, because I am aware and I do accept that the housing rules go back decades, not only covering the previous GSD Administration, but also the GSLP Administration of the early 1990s, late 1980s, and also as well the Hassan Administration.

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But it does appear, and it has appeared to me for some time, that there is a potential injustice in the way that... or there is an injustice in the way that these rules operate, because invariably, when marriages break down and there is a divorce, the husband very rarely gets either care and control of the children or a residency order made in his favour, because the children live with the wife. The rules at the moment, the way they are operated and applied, is that in that situation, despite the fact that the father has, say for example, three children, because the children live with the wife and only stay with the father at weekends, for example, in contact, the Housing Allocation Committee says, 'Well, no. You are effectively single. You are only entitled to a one bedroom. You are not entitled to a two or a three bedroom'.

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I can understand there are arguments to say... well, why should that family effectively be entitled to two properties at Government expense, with one for the wife – sometimes they are Government tenants – and also one for the husband? I think that does not reflect the realities of an unfortunate situation. Nobody wants to get married and invariably it is husbands and fathers that are hit very badly. One would have thought that although there is some rationale in relation to – which I do not agree with and I do not criticise the Government because this goes back years and years – in relation to Government housing that if somebody wants to buy his own house in order to provide his children or a suitable accommodation for him to be able to have meaningful contact with his children, that the Government ought not to effectively just simply replicate the housing allocation rules and allow that father, with those three children, to apply – after all he is buying – to apply for a three bedroom, in that example, flat.

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Hon. Chief Minister: Well, Mr Speaker, we agree with the concept, that the hon. Gentleman is espousing, entirely, and we are acting in that spirit; but we have to act in that spirit in the context of the housing allocation rules and in the context of the housing list, and the issue is how do you go out of that? How do you fairly move people out of that?

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So if you have got a family that are entitled to a three bedroom and they are on the housing waiting list in that composition, how do you allow somebody who is on the housing waiting list for a one bedroom to jump over them and access that property? So what is going to happen, Mr Speaker, in the context of breaking the back of the housing list, which is the process that we are in now again, is we are going to

1260 ensure that as we go down in priority on the housing list, if somebody is entitled to a particular composition, but would if he had his children be able to aspire to another composition, we are going to allow them buy, if those who are on the housing waiting list before with an actual composition that reflects that right have not already bought. Therefore, to a very great extent, I hope the hon. Gentleman will welcome what we are going to do.

1265 As the housing list is further eroded, it will be even easier to deal with these issues and adopt to the modern problems that Gibraltar has, just like the rest of the world has in respect of co-ownership. This is our position. We are very keen, Mr Speaker, to ensure that fathers or mothers – and the hon. Gentleman I hope was just generalising... I hope he will recognise that there are some mothers; it is man bites dog, but there are some mothers in exactly the same position, who find themselves in this predicament – can aspire to co-ownership homes in this way, as I have suggested and as we are ensuring will be the case, insofar as possible, given the overwhelming demand and given that people may have direct rights because of where they are on the housing list.

1270 The hon. Gentleman has said in his first answer that there are likely to be more co-ownership schemes launched by this Government. I do hope that we will be able to do so very shortly after the allocation of the existing co-ownership scheme, which has been already, Mr Speaker, a huge and overwhelming success from the numbers of applications which have been filed.

1280 **Hon. D A Feetham:** Mr Speaker, is he saying, or does he expect that this particular rule change, because it is a change in the rules... you are not doing it at the moment. You said, the Hon. the Chief Minister said at the beginning of his answer that we are doing it within the spirit now. Well, that is not the case.

The present position is that if you would qualify for a one bedroom Government house, that is all you are entitled to apply for if you purchase. I just want us to send a glimmer of hope to all those people in this situation, the majority of which are fathers, but I accept there may also be mothers, a minority, but nonetheless deserving cases, where there will be a glimmer of hope for them, where they will be able in the future to buy affordable homes of a size that is obviously going to mean that they will have meaningful contact with their children.

1285 For example, is he suggesting that the rule is going to come in when the Government basically makes an announcement in relation to further affordable homes that he may announce in the future? Or does he think that it will also apply to these particular developments? Because in relation to these particular developments, I cannot see that it is actually going to apply, bearing in mind the size of the waiting list and the commitment the Government has made.

1290 **Hon. Chief Minister:** Mr Speaker, I am not just offering them a glimmer of hope. I am telling them that I will open the doors of these opportunities to them because they should be entitled to, and they should never have found themselves in the situation in which they find themselves. We are on the side of people who are suffering these problems, and there are no rules to follow here, Mr Speaker, because the rules are the housing allocation rules that apply to Government tenancies.

1300 The hon. Gentleman is asking about affordable homes, where we have set out what priorities we will follow in allocation of homes, but these are not rules. We are there as developer. We will say, as I have said initially, we are looking at the housing waiting list; but after that, we are looking at how we can allow people in this predicament to access those homes.

1305 But, Mr Speaker, I am afraid I have to say to him, he has to understand what we inherited. Just in respect of the people who are on the housing waiting list on 9th December, a huge number of people, like he describes, on the 1RKB list, and a huge number of people are on the 3, and on the 2, and on the 4, and on the 6, and so you have got to deal with the whole problem. Some of it we may be able to deal with now and some in respect of future developments, but our commitment is to deal with it, to once again break the back of the housing problem, not just on the basis of the letter of the list, but on the basis of these real social problems that affect people on the list that we need to have and to be conscious of.

1310 But, Mr Speaker, rule changes are not so relevant in relation to affordable housing. What we have to do, is make sure we get this right so that fathers, mothers of broken marriages, of broken relationships, whether there has been a marriage or not, the important thing here, Mr Speaker, is that they should be with their children, because it is not their right to be with their children, it is the children's right to be with their parents and we must facilitate that insofar as we are able.

1315 **Hon. D A Feetham:** Well, Mr Speaker, I associate myself entirely with that sentiment and that is precisely why I have asked this particular question.

I was not able, I have to say, when I was a Government Minister to persuade my other colleagues about the wisdom of actually changing the housing allocation rules in order to allow divorced fathers, or indeed mothers, who are also divorced, but do not have either care and control or residency, to actually be treated,

1320 what is in my view, in a fair way, which is to allow them to be allocated housing that is commensurate with their need, bearing in mind the size of their family, because unfortunately divorce is all too a reality in this modern society. So is the Hon. the Chief Minister saying that he is also going to be changing the rules for allocation of Government housing in order to basically allow that state of affairs to happen?

1325 **Hon. Chief Minister:** Mr Speaker, I do not agree with the hon. Gentleman when he uses the word 'divorce'. Divorce is irrelevant here, because there are many people in this situation who are fathers or mothers who have never been married to a partner. So we are talking about broken relationships, and in some instances we are talking about relationships that may only have occurred to give life to an individual and there has never been a cohabitation; but does that mean that that father has not also got a right to reside with his child at some stage or a mother's right to reside with her child? So divorce should be completely outside the hon. Gentleman's – (*Interjection*) I will in a second.

1330 Divorce should be completely outside of the hon. Gentleman's lexicon in this respect. We are talking about children, however they are brought into the relationship, whether it is a relationship consecrated in marriage or a relationship which might otherwise loosely be called a common law relationship.

1335 I will give way.

Hon. D A Feetham: Yes, the reason why I am using the term 'marriage', and the hon. Gentleman should understand that I was involved in some of these issues, because we also reformed our Matrimonial Laws and also reformed the Magistrates' Court Act that dealt with judicial separations.

1340 The reason why I am referring to marriage, and I could have also referred to judicial separation, is because the Housing Department has a policy of basically asking for Court Orders when it makes a determination of these issues – that is the reason why I am talking about this in that context.

1345 The Housing Department – and again it is not a criticism of his Government because it is a long-standing practice – asks to see what is the Court Order. When you say that your relationship has broken down, where is the Court Order and what type of Order do you have in relation to your children? That is the only reason that I have phrased it in the way that I have.

Hon. Chief Minister: Mr Speaker, in fact I should have said that of course now I understand why it is that they tweet about being a completely different GSD, given that he wanted to change things before, which he was not able to change and he has changed them now I understand.

1350 Mr Speaker, our position is I think extraordinarily clear now. It is a question of *how* to do this, and a question of *when* to do it, and whether it can be done in the first of these developments, or whether it is done in the process of moving from the first to the second, but it is going to happen.

1355 We are going to make sure that we deal with any of these unfairnesses, for the sake of the children as much as for the sake of the fathers and the mothers. Parents and children hopefully will end up much better off as a result of these developments which the GSLP Liberals are going to see now developed in Gibraltar, and the next ones, and then it will be much easier to change housing allocation rules when it comes to Government tenancies, although I note that they have had a policy announcement in respect of some aspects of that already in respect of a means testing, but I will not say more about that at this stage.

1360 **Hon. D A Feetham:** Mr Speaker, my final supplementary in relation to this, and he will decide to answer it or he does not answer it.

1365 I understand what the Hon. the Chief Minister has said in relation to developments, the affordable housing, but can he just provide me with a straight answer that he does in principle agree with the need that the housing allocation rules ought to be changed in order to allow fathers or mothers, in the situation that I have described, to be able to apply for larger properties so that they can have meaningful contact with their children? Housing allocation rules, not the affordable homes.

1370 **Hon. Chief Minister:** Mr Speaker, I think I have answered this extraordinarily clearly and how it will be done, and the answer is yes, because we believe in the rights of parents and we believe principally in the rights of children. How it is going to be done and the mechanism is what we have been exchanging views about.

1375 This is a hugely important part of Gibraltar's social and demographic development. We have to understand what is happening and we have to provide for it. This is not just to look after people today, it is about looking after people tomorrow, and the Government is going to make sure that children can have contact with their parents, because that contact, in our view, will produce a better adult in the long term, and it is a pity that for some time now these issues have not been dealt with.

1380 He will allow me to say that not having reviewed in the past 16 years and allow the housing waiting list to grow as it did... these rules, has caused a lot of the problems that we are now dealing with. I think he recognises that and I think he supports what we are doing.

Q311/2014
Housing Works Agency employees –
Numbers retired, transferred and seconded

Mr Speaker: Go back to Question 311.

Acting Clerk: Question 311, the Hon. E J Reyes.

1385 **Hon. E J Reyes:** Can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been (a) retired; (b) transferred; and (c) seconded, either from or into the Housing Works Agency, since the answer to Question 176/2014?

1390 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer given to Question 176/2014, no employees have retired, transferred or seconded from or into the Housing Works Agency.

Q312/2014
Laguna Estate –
Water ingress through windows

1395 **Acting Clerk:** Question 312, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question 180/2014, can the Minister for Housing say if there have been any further reports of water ingress through windows at Laguna Estate and, if so, provide relevant details inclusive of estimated cost and completion dates?

1400 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

1405 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 180/2014, there have been no further reports of water ingress through windows at Laguna Estate.

Q313/2014
Blue Wave House and Mid Harbour Estate –
Lift breakdowns

Acting Clerk: Question 313, the Hon E J Reyes.

1410 **Hon. E J Reyes:** Further to the answer to Written Question W35/2014, can the Minister for Housing explain what circumstances led to the two separate lift breakdowns on 15th January 2014 in respect of both lifts at Blue Wave House, Mid Harbour Estate, with a further explanation for the lift breakdown within the same block of flats on the 16th January 2014?

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

1415 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the breakdown on 15th January 2014 in respect of lifts at Blue Wave House was due to a power surge to the electrical supply of the lifts.

The lift breakdown dated the 16th January 2014, should have read ‘Sea Wave House’ and not ‘Blue Wave House’. This was due to a typographical error.

1420 **Hon. E J Reyes:** Thank you, Mr Speaker, can I double check on two things really?

What my question was referring to on looking at the schedule on 15th January, both lifts at Blue Wave House were reported broken at 12:40 and then although they were repaired by 14:23, they were again

1425 reported at 20:08 and 20:09. Are both occurrences of breakdown on the same day both because of power surges? In other words, power surge at 20 past 12 midday, and then for the same reason again at eight o'clock in the evening.

1430 **Hon. P J Balban:** Mr Speaker, as I have said, the information I have received from technical staff is that on 15th January, in respect of Blue Wave House, is that the lifts, it was both lifts... due to a power surge to the electrical supply. The error came that on 16th January it was not the same lifts, it was lifts from Sea Wave House and not Blue Wave House, and the reason for that I am not entirely sure whether it was due to another surge in electricity or for another reason.

1435 **Hon. E J Reyes:** I do not think I have been able to explain myself properly, Mr Speaker.
I understand now that the breakdown on 16th January is in respect of Sea Wave. In fact, I already have... just about that one, Sea Wave at 16:51, but I have not tackled that part yet. I am referring to, if one looks at the date of 15th January, at 12:40 there is a report of Blue Wave lift and also at 12:40 another report of Blue Wave lift, which I have interpreted as their being two lifts within Blue Wave. It is both lifts. Someone has said both lifts are broken, so it was reported and therefore it has to go down twice.

1440 When it comes further down the page, again Blue Wave at eight minutes past eight in the evening, one lift is reported as broken still in the same block, and at nine minutes past eight another lift is broken. So the same two lifts seem to have broken twice.

1445 The Minister said he had been told it was due to a power surge, and I am saying power surge to what, the one that broke at 12:40 or the one that broke at eight minutes past eight o'clock in the evening, or was it that the power surge happened twice on the same day? It is information that his technician should have been able to provide for him. I wonder if he has it.

1450 **Hon. P J Balban:** Mr Speaker, yes, I see what the hon. Gentleman is referring to. I will need to check that for him, because as far as the reply given to me by technical staff is what I have told the hon. Member, but I do see that the same lift seems to have broken later on that same evening, but I will have to look into that for him and revert.

1455 **Hon. E J Reyes:** Yes, I understand that, Mr Speaker, the Minister needs to go back, but whilst he is doing that and then reverting back to me, can I then take him to the beginning of page 2 of the written answer he gave me last time?

1460 The first item there was Sea Wave on 16th January broke down at 16:51 and was repaired by 20:48. In amending his previous answer, he has told me that the one that read before 'Blue Wave' should now read 'Sea Wave'. So it seems that Sea Wave broke at 16:51, but has broken before at 14:34. Given that he has had to amend that, that information is no longer clear.

1465 I do not know if I am explaining myself, Mr Speaker, I may need your hand on that. Does that mean that then both lifts at Sea Wave were broken on 16th in the amendment or is it only one and the timings are wrong? Can I give the Minister some time to check it out so that he actually reviews this thoroughly with technicians and we will get it correct.

1465 **Mr Speaker:** In a few minutes time, we are going to have a recess of about 20 minutes.

Hon. E J Reyes: That is fine, Mr Speaker. I can be patient. As long as I get the information, I am willing to wait.

1470 **Mr Speaker:** What I suggest is that we now deal with Question 314 and Question 316, which is the only one that the Hon. Albert Isola has – (*Interjection*) Perhaps one later on, but then there is quite a lengthy list of questions, which the Hon. Minister for Justice and Education will have to deal with, and that we can do after the recess. Okay?

1475 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I was in fact going to suggest that Mr Isola will have two questions, the one that is listed and another one that he will be answering. So we can deal with those two questions before the recess and then recess for 20 minutes when we come back for my questions.

1480 **Mr Speaker:** Okay.

Q314/2014
Government rental homes –
Numbers vacant

Mr Speaker: So we are now at Question 314, the Hon. Mr Reyes.

Acting Clerk: Question 314, the Hon. E J Reyes.

1485 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing say how many Government rental homes are currently vacant, providing details of the dates from which such homes have been unoccupied and stating how many of these are Pre-War and Post-War homes?

1490 **Acting Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

1495 **Mr Speaker:** It is a very lengthy schedule, I will allow the hon. Member to study it and then come back later on.

Answer to Question 314

There are 219 Government rental homes vacant. Below please find breakup of Pre-Wars and Post-Wars flats with dates.

PreWar Table with Dates

PreWar	22/01/2014	PreWar	08/10/2013	PreWar	28/01/2014
PreWar	02/05/2013	PreWar	16/01/2014	PreWar	09/09/2013
PreWar	17/07/2004	PreWar	21/05/2013	PreWar	09/09/2013
PreWar	18/09/2008	PreWar	14/01/2014	PreWar	05/02/2014
PreWar	21/07/2004	PreWar	21/05/2013	PreWar	28/01/2014
PreWar	14/09/2009	PreWar	20/05/2013	PreWar	22/01/2014
PreWar	04/04/2011	PreWar	15/10/2013	PreWar	28/01/2014
PreWar	07/06/2010	PreWar	15/10/2013	PreWar	28/01/2014
PreWar	17/06/2011	PreWar	04/06/2013	PreWar	28/05/2013
PreWar	20/07/2011	PreWar	28/09/2012	PreWar	03/02/2012
PreWar	23/05/2006	PreWar	04/11/2013	PreWar	23/01/2014
PreWar	03/12/2008	PreWar	31/10/2013	PreWar	23/01/2014
PreWar	06/08/2013	PreWar	26/02/2014	PreWar	24/01/2014
PreWar	07/12/2010	PreWar	07/11/2002	PreWar	24/01/2014
PreWar	11/10/2004	PreWar	21/03/2000	PreWar	24/01/2014
PreWar	07/02/2011	PreWar	12/03/2014	PreWar	23/01/2014
PreWar	15/09/2011	PreWar	21/02/2014	PreWar	18/09/2008
PreWar	04/10/2011	PreWar	14/03/2014	PreWar	14/02/2014
PreWar	09/01/2013	PreWar	18/02/2014	PreWar	12/07/2011
PreWar	04/04/2011	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	22/03/2012	PreWar	16/07/2013	PreWar	08/02/2012
PreWar	11/01/2007	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	02/05/2013	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	06/06/2012	PreWar	28/01/2014	PreWar	03/02/2012
PreWar	18/09/2008	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	15/02/2006	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	15/02/2006	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	02/05/2013	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	15/09/2011	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	25/02/2014	PreWar	22/01/2014	PreWar	18/06/2010
PreWar	04/10/2011	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	16/01/2014	PreWar	28/01/2014	PreWar	22/01/2014
PreWar	23/05/2013	PreWar	28/01/2014	PreWar	18/06/2010
PreWar	30/07/2013	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	16/01/2014	PreWar	22/01/2014	PreWar	03/02/2012
PreWar	21/05/2013	PreWar	22/01/2014	PreWar	20/01/2012
PreWar	11/02/2014	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	11/10/2013	PreWar	16/07/2013	PreWar	03/02/2012
PreWar	30/01/2014	PreWar	28/01/2014	PreWar	03/02/2012
PreWar	02/09/2013	PreWar	18/02/2014	PreWar	03/02/2012

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PreWar	23/02/2004
PreWar	29/03/2005
PreWar	23/02/2004
PreWar	18/02/2014
PreWar	04/06/2004
PreWar	19/06/2013
PreWar	18/02/2014
PreWar	19/06/2013
PreWar	19/06/2004
PreWar	29/07/2006
PreWar	26/04/2004
PreWar	19/06/2004
PreWar	23/02/2004
PreWar	23/02/2004
PreWar	23/02/2004
PreWar	14/04/2010
PreWar	26/09/2000
PreWar	14/07/2004
PreWar	14/07/2004
PreWar	18/02/2014
PreWar	22/10/2003
PreWar	19/06/2013
PreWar	19/06/2013
PreWar	30/08/2007
PreWar	04/06/2004
PreWar	25/02/2004
PreWar	23/02/2004
PreWar	19/06/2004
PreWar	03/07/2004
PreWar	23/02/2004

PreWar	08/07/2013
PreWar	22/10/2003
PreWar	18/02/2014
PreWar	16/06/2004
PreWar	04/06/2004
PreWar	04/06/2004
PreWar	15/07/2004

PostWar Table with Dates

PostWar	14/01/2014	PostWar	13/03/2014
PostWar	07/03/2014	PostWar	16/07/2013
PostWar	11/02/2014	PostWar	04/03/2014
PostWar	30/01/2014	PostWar	11/10/2013
PostWar	07/03/2014	PostWar	27/02/2014
PostWar	25/02/2014	PostWar	07/01/2014
PostWar	25/02/2014	PostWar	29/11/2013
PostWar	15/11/2013	PostWar	18/12/2013
PostWar	08/10/2013	PostWar	06/02/2014
PostWar	04/03/2014	PostWar	11/02/2014
PostWar	12/03/2014	PostWar	21/01/2014
PostWar	21/11/2013	PostWar	13/01/2014
PostWar	20/01/2014		
PostWar	04/02/2014		
PostWar	22/11/2013		
PostWar	13/02/2014		
PostWar	03/03/2014		
PostWar	28/02/2014		
PostWar	28/02/2014		
PostWar	05/03/2014		
PostWar	01/10/2013		
PostWar	09/12/2013		
PostWar	30/01/2014		
PostWar	11/12/2013		
PostWar	02/09/2013		
PostWar	11/09/2013		
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PostWar	06/12/2013		
PostWar	15/10/2013		
PostWar	21/02/2014		
PostWar	18/09/2013		
PostWar	03/03/2014		
PostWar	03/03/2014		
PostWar	19/08/2013		
PostWar	28/10/2013		
PostWar	26/02/2014		
PostWar	26/02/2014		
PostWar	16/10/2012		
PostWar	13/01/2005		
PostWar	21/05/2013		

FINANCIAL SERVICES AND GAMING

Q316/2014

Ince's House –

Update on refurbishment for GIB

Mr Speaker: So we will proceed with the next question, which is Question 316.

Acting Clerk: Question 316, the Hon. D J Bossino.

1500

Hon. D A Feetham: Mr Speaker, I have not morphed into Mr Bossino. As Mr Bossino's firm is professionally engaged, so he has asked me to ask this question.

Can the Minister for Financial Services state what progress has been made in connection with the refurbishment of Ince's House and when the Government expects it will be ready to house the Gibraltar International Bank.

1505 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the appointed Chief Executive Officer and Chief Operations Officer of the Gibraltar International Bank are in discussions with the designers on the proposed layout and operation of the Bank premises, with work expected to commence in April 2014, following its presentation to the Development and Planning Commission and subject obviously to their deliberations. The proposed completion date of the works will be known once the proposed design works are finalised and agreed, costed and approved.

1510
1515 **Hon. D A Feetham:** Mr Speaker, is the Government's decision to house the Gibraltar International Bank within the Ince's Hall complex, if I can call it that, a firm decision or is the Government looking at alternative sites even at this stage in the announcement, so to speak, that the Government has made in relation to the Bank?

Hon. A J Isola: No, Mr Speaker, the decision is a firm decision.

Q317/2014
Finance Centre development –
Islamic Finance and Shariah-compliant financial products

1520 **Mr Speaker:** Next question.

Acting Clerk: Question 317, the Hon. S M Figueras.

1525 **Mr Speaker:** But, is not Question 317 also... which is directed to the Minister for Justice. But according to the information that I have is going...
So we will now call Question 317.

1530 **Hon. S M Figueras:** Yes, Mr Speaker, the question was indeed addressed to the Minister for Justice because he had answered himself in his capacity for Financial Services at the time of the original question mentioned.

Can the Minister for Justice say, further to his answer to Question 166/2012, what development, if any, has been experienced in the development of the Finance Centre as a centre for Islamic Finance and Shariah-compliant financial products?

1535 **Acting Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

1540 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, as the hon. Member is aware, our Finance Centre is already able to deliver Shariah-compliant products in accordance with the Laws of Gibraltar. The Government has recently published the Executive Summary of its business plan for the further development of Gibraltar's Financial Services Sector, on which it has consulted with the Finance Centre Council following extensive direct consultation with law firms, accounting and audit firms, fund administrators and fund managers, banks and licensed firms.

1545 The strategy outlined in the plan does not include specific reference to Gibraltar being promoted as a centre for Islamic Finance, although this remains under consideration, as the business plan is a live document.

Hon. D A Feetham: Mr Speaker, if I may?

Mr Speaker, this is something that I have been involved in, not in a ministerial capacity, but in a professional capacity, just before I became a Government Minister in 2007.

1550 Of course, it is right, as the Hon. the Minister points out, that Gibraltar can offer Shariah-compliant products now; indeed, any jurisdiction in the world can offer Shariah products.

1555 The thinking pre 2007, and it was the thinking of a Committee that had been put together by the then Chairman of the Financial Services Commission, Marcus Killick, who chaired it – I was a member of that Committee and there were a number of other bankers and a number of other professionals – was that what we ought to do was produce a piece of legislation that formally regulated Shariah products. So, for example, any Shariah product that is offered from Gibraltar, and it can be offered, had to comply with Shariah Law and obtain a clean bill of health from an expert in Shariah Law, because this is how these things are done, that is my understanding, that the actual product that was being sold complied with Shariah

1560 Law. It was an added way in which we felt that it could provide Gibraltar with an edge in terms of marketing these products from Gibraltar.

Unfortunately, I became a Government Minister, and as Minister for Justice my attention was elsewhere not on this. I do not know why this never got anywhere. It may well be that in fact the horse has already bolted, because in 2006 or 2005 had we done this, perhaps we could have ridden the crest of the wave because that is when really these products really exploded onto the scene, and that perhaps now the Government takes the view that there is no advantage in doing that. But is that something that has in fact been considered by the Government? Is it a live issue or really it is not something that is within the Government sights at all?

1570 **Hon. A J Isola:** Mr Speaker, I acknowledge and agree that the potential benefits of incorporating any legislation within our Laws, which are specific to Shariah, are hugely valuable in the marketing and the development of that business, notwithstanding the fact of course that those products, as you have acknowledged, can be done anyway.

1575 During the course of the past seven months since I was elected, I have consulted extensively with individual law firms, individual accountancy firms, fund administrators, managers, banks, every single category, even insurance managers to see if it touched on there either. Not one of the meetings that I have attended has raised the potential of Shariah Law and therefore in terms of what we are focussing and when we are talking about a real partnership between the sector and the Government and the Regulator, it is not something that we have included in this year's business plan.

1580 As I said in my answer, the document is a live document and if representations were to be made by the private sector asking us to reconsider and relook at this, we would happily do that; but what I can tell the hon. Member is that in all the time that we have been in detailed discussions with individual firms, and of course, the Finance Centre Council, it has not once been mentioned, and hence it is slightly falling off the list of priorities that we have been dealing with over the past months and paid attention to in the business plan.

1585 **Hon. D A Feetham:** If it would assist the hon. Gentleman, a Bill was actually drafted. A Shariah Law Bill was actually drafted and it ought to be available. If the Hon. Minister is interested in this particular area, perhaps he ought to talk to Marcus Killick and he is probably in a better position than I am, at this stage, because I am rather disconnected from this issue from when I was really heavily involved. He is the best man to tell you whether there is any mileage in us pursuing this particular issue now, several years after the initiative really began.

1590 **Hon. A J Isola:** Yes, Mr Speaker, I am grateful.

1595 The main sector of the industry I would have thought, would be certainly initially involved, would be the fund sector. [*Inaudible*] who I have met with and talked to regularly have not raised that as a potential area that they are interested in. We are working with them on a number of other initiatives which are of great interest to them. That has not been mentioned by them either, but were it to be, we would certainly be happy to resuscitate and take the steps that you have suggested that we should.

1600 **Mr Speaker:** I think this is a convenient time to adjourn for, to recess for...
Yes.

**Q314/2014 continued –
Government rental homes –
Numbers vacant**

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

Just a very short supplementary that you had invited me to before.

1605 The Minister, in providing me with the details of the 219 rental homes here, he has divided for me the first two pages refer to pre-war properties and the last page to post-war, but I see that the dates are not in any given chronological order and there is more than one flat to the same vacation date and in different columns. Is there a logic behind these dates, which he may be aware and I am not? Does it refer to... for example, the first one listed became empty on 22nd January of this year, is it there because that is a smaller sized property as opposed to the one towards the end of the second page, which is of an earlier date? Is there some logic behind it or is it just the way that the typist happen to input this information into the spreadsheet?

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I do not know where there is any logic at all in this. This is just a list provided with the information that the hon. Member requested. He did not mention whether he wanted it in a specific order. It is just a list. (*Interjections*)

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Hon. E J Reyes: Mr Speaker, I have to accept that since I had not requested it in any particular order, I think your experience as and when the file has been picked up. I will probably have to write to the Minister if I want it in any particular order and give him due time to sort it out.

Thank you, Mr Speaker.

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Mr Speaker: We will recess for 20 minutes.

The House recessed at 5.20 p.m. and resumed its sitting at 5.45 p.m.

1625

**Q318-319/2014
School computers –
Repairs and maintenance programme**

Acting Clerk: Answers to Oral Questions continued. Question 318, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, sir, can the Minister provide details of how many school computers intended for pupils' use are currently awaiting repairs, together with details of how long these computers have been out of service?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer together with Question 319/2014.

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Acting Clerk: Question 319, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of the ICT maintenance programme for school computers?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the total number of computers in the First School sector for use by students is 219. As of last Friday, there were two computers out of the 219 out of service in that sector.

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Of these two computers, one has been out of service for three months. It has been serviced twice during this period but continues to have software issues which need to be addressed. The other computer has been out of service for six months. It has been serviced regularly since September 2013 but continues to have networking faults. This computer is under warranty so a replacement under the warranty is being requested of the supplier.

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The total number of computers in the Middle School sector for use by students is 101. As of last Friday, there were no computers out of service in that sector.

The total number of computers in the Secondary School sector, including the College, for use by students is 557. As of last Friday, there was one computer out of the 557 out of service in that sector. That computer has been out of service for one month. It has been serviced during that time but continues to have networking faults. This computer is also under warranty and a replacement under the warranty is being requested from the supplier.

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Mr Speaker, as of 9th December, 2011, there were serious issues with breakdowns and servicing of computers in schools. Very early on in our term of office, I visited each and every school to meet the heads and staff and to see at first hand any issues affecting the school. By far the biggest issue brought to my attention concerned breakdowns in IT equipment, and the time it took for these to be looked at and addressed. This was in fact, a consistent theme in all or practically all of the schools.

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Only Bayside and the College at the time had IT technicians available. ICT maintenance and repairs in schools was therefore a major issue, in December 2011. The main problem was that issues with school computers were not dealt with by the Government's IT and Logistics Department, so whilst the Government's IT and Logistics Department would attend to computer issues at the Department of

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Education, schools had no recourse at all to the resources and expertise of the IT and Logistics Department. It was left to an arrangement with the supplier of the computers who had one technician who would be called out whenever there was a breakdown but who could clearly not cope with the demands of our schools, leading to substantial backlogs in repairs that needed to be carried out.

The inadequacy of the system was even more evident when it came to addressing issues with school networks. These had been set up by different firms at different times with no common infrastructure.

I am glad to say, Mr Speaker, that the situation has changed dramatically and the upkeep of ICT systems in schools has seen a significant and marked improvement.

In fact, as I have indicated as of last Friday we had only three computers out of 877 for use by students out of service. That in itself is a success story, although I would clearly like to see that there are no computers at all out of service.

Mr Speaker, the dramatic change in the situation now from what it was when we were elected into Government is clearly not an accident. It has resulted from a concerted effort and commitment by this Government to redress the poor situation which existed – a poor situation which had already been identified by the GSLP Liberals before the elections.

In our manifesto, under the heading ‘Computer Resources and Upkeep in the Education Section’, we stated:

‘With many classes now equipped with interactive whiteboards and these being used much more effectively in lessons by all teachers, the repair and upkeep of IT equipment is of utmost importance. The increased resources that we will provide in respect of Government IT generally will specifically provide for maintenance of the IT in schools.’

The increased resources came about in the form of extra technicians as well as increased technical support. The Department of Education was given access to the IT and Logistics infrastructure and support for our schools. It is extraordinary that as at December 2011 Bayside had an IT technician but Westside did not. There was no technician at all engaged for the First and Middle Schools.

The position now is very different. There is one qualified IT technician permanently based at Bayside. Another is also permanently based at Westside with four other technicians attending to the needs of First and Middle Schools, as and when required. The College has its own ICT technician support as part of its staff complement.

When we came into Government, schools were asking for a system that provided a faster response time when equipment broke down. At the time, schools had to go through a requisition and local purchase order system, which also made this a slow and cumbersome process. Faults are now reported directly to the IT and Logistics Department by e-mail. As a result of the significantly increased resources available for IT in schools and a change to how these resources are accessed we have seen a very marked improvement in the service provided.

In a nutshell, Mr Speaker, our manifesto commitment has been given full effect and we now have a system that works. The effect of a more resilient and effective ICT support and maintenance system for our schools is dramatic. This benefits the education of all children.

I trust that hon. Members opposite will recognise and applaud these improvements. *(Banging on desks)*

Mr Speaker: I will allow Members to wave their Order Papers. *(Laughter)*

Hon. E J Reyes: Mr Speaker, it is good news for the students concerned. Yes. Can I double-check a couple of things that I hope I have got my notes right. Towards the end the Minister for Education said that they had engaged the extra technicians and support staff, so that means there is now one technician permanently based at Bayside, one at Westside, one available for a combined First and Middle Schools? *(Interjection)* No? I got that wrong. Can I have a slow repetition of just those figures, so I know the technicians.

Hon. G H Licudi: Mr Speaker, with your leave, I will repeat the whole of the answer. *(Laughter, interjections and banging on desks)* Perhaps I will just concentrate on what the hon. Member is asking.

The position now is there used to be one at Westside and the College had its own ICT technician as part of their own complement. Now, as part of the IT Department, we have one technician for Bayside, one technician for Westside and four other technicians for the First and Middle Schools. But these are technicians that are engaged by the Government’s IT and Logistics Department and are seconded for the purposes of being at Westside, being at Bayside and being available to meet the requirements of all the schools. The support that existed at the College continues to be there as part of their own school complement. So in effect, apart from the College we have seen support increase from one technician to six technicians. And I am grateful for the words of the hon. Member in opening his supplementary that he is glad – certainly the whole community should be glad.

1730 **Hon. E J Reyes:** Thank you, Mr Speaker.

Just one quick thing again, I do not know whether I have got the right detail noted down. In respect of the two computers pertaining to the First School sector, one had been out of service for six months but this was under warranty from the supplier so I suppose that is on-going. Was I correct in noting that the other one was out of service for three months but it seems to be just a question of simple software that needs to be amended? Or have I got my note wrong?

1740 **Hon. G H Licudi:** Mr Speaker, I am not an IT geek, and I do not know whether these things are simple or not, but there is one computer that has been looked at on a couple of occasions over the last three months that is the other computer and it seems to have software issues that still need to be addressed. So that is an ongoing issue that they are still looking at that computer to try and redress those software issues. I do not know how complicated... If they were not complicated, it would have been put right on the first occasion, but the fault seems to be recurring. But clearly there will come a time that if the computer continues to be at fault, we will need to replace that computer.

1745 **Mr Speaker:** Next Question.

Q320/2014
Ship arrests –
Number undertaken in past 12 months

Acting Clerk: Question 320, the Hon. S M Figueras.

1750 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide this House with details of the number of ship arrests undertaken in Gibraltar, broken down month by month for the past 12 months?

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

1755 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will attempt to be brief.

The number of ship arrests in the last 12 months is as follows: March 2013 – two; April 2013 – one; June 2013 – one; October 2013 – three; February 2013 – three.

1760 **Hon. S M Figueras:** Sorry Mr Speaker, he started – the Minister started with March 2013 and then ended with February 2013. Did he mean 2014?

Hon. G H Licudi: Sorry, the last one is February 2014 – three.

1765 **Hon. S M Figueras:** Mr Speaker, perhaps the Minister... I am grateful for his answer. Perhaps the Minister can, and I have not given notice of this and certainly I should have done upon reflection – requested some kind of comparison with older figures.

But is the Minister in his experience – and again I acknowledge he might not have the information before him – able to say whether there is any trend identifiable, any downward trend identifiable in terms of the number of ship arrests being conducted in Gibraltar?

1770 **Hon. G H Licudi:** Mr Speaker, I do not have the figures and I had the same thought as the hon. Member, that it is information that would have been useful, particularly because in another question I do have the figures that I am being asked for and I am also comparing with previous figures. I do not have the figures but I am happy to obtain them for the hon. Member.

1775 With regard to trends, certainly no trend has been brought to my attention. It is always difficult to try and identify the trend in these matters, because it really depends on the needs of owners, mortgage holders, and sometimes figures could be misleading. Because if you have a fleet arrest for example, you may have a relatively large number which upsets the figures and does not really show any particular trend.

So I do not have the figures for the previous year, but I am happy to obtain them.

1780 **Hon. S M Figueras:** And I am grateful to the Hon. Minister, I will take the opportunity of just writing directly to him in order to request that information.

1785 **Hon. D A Feetham:** Is the Hon. the Minister for Justice satisfied that Gibraltar remains competitive in relation to ship arrests, not only in relation to the charges imposed by Government but also in all the other services that are also offered and that may play a role in the owners of vessels making a decision to come to Gibraltar to have their ships arrested in Gibraltar?

1790 **Hon. G H Licudi:** Yes Mr Speaker, we are satisfied that Gibraltar remains a very competitive jurisdiction for that purpose. It is an area that I have discussed with Members of the legal profession through the Bar Council and in particular, practitioners involved in this particular area. I have also had discussions with my colleague the Minister for the Port, because it relates to Port issues and services provided through the Port in relation to ship arrests, such as the marshals on board and all that.

1795 I have had discussions with the Admiralty Marshal on these issues and generally the position seems to be that there is always room for improvement and there are always things that we can do, we can always lower charges, but ultimately this is a matter that remains a viable proposition for Gibraltar. Certainly when there is a ship arrest and there is a sale, there is a percentage that clearly goes to the Government, so we would certainly want to do everything possible to encourage the use of the Gibraltar Port or Gibraltar generally, as a jurisdiction for decisions when decisions have to be made. Sometimes these things happen by accident, but usually they tend to be planned and we would certainly want to carry on encouraging Gibraltar as a port for ship arrests.

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Mr Speaker: Question 321.

Q321/2014
Prison occupancy –
Figures for last 12 months

Acting Clerk: Question 321, the Hon. S M Figueras.

1805 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Justice provide this House with prison occupancy figures on a month by month basis for the last 12 months?

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

1810 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I do not have a schedule for this but I will give the information to the hon. Member.

The daily average prison population expressed on a month by month basis over the last 12 months, rounded to the nearest person is March 2013 – 55; April 2013 – 54; May 2013 – 46; June 2013 – 45; July 2013 – 46; August 2013 – 49; September 2013 – 43; October 2013 – 46; November 2013 – 49; December 2013 – 48; January 2014 – 50; February 2014 – 52.

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This represents a daily average prison population of 49 over the period.

Mr Speaker these figures can be contrasted with the daily average prison population of 71 in 2011 and 75 in 2012 and there can be a number of factors. I have only been asked for the figures. If the hon. Member wants to go into issues as to what can contribute, I am happy to go into those matters, but the question relates to the figures and that is what I have provided to this House.

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Hon. S M Figueras: Yes indeed Mr Speaker, I am grateful to the Minister for the very helpful answer. I would certainly want to take up the offer and explore what issues the Hon. Minister might be able to talk to us about in relation to what might have had that effect on, really, that rather significant effect on prison population figures since 2011.

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Hon. G H Licudi: Well Mr Speaker, it is difficult, but not impossible to ascribe any one particular cause to the change. We have seen clearly what can be described as a significant drop 71 or 75 down to 50, a 33% drop effectively in that year.

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In order to analyse the whole issue and understand why this happens, we would need a criminologist to identify the matter. But there are a number of factors that we can look at and see as possible causes, and factors for explaining this particular trend.

One issue which I can certainly say is not a factor is that there has not been a mass exodus of prisoners on the basis that many of them or many more are now being given parole than has previously been the case. In fact the figures on parole are fairly consistent. In 2013, for example, sorry 2012, there were 23 prisoners given parole and that can be compared with 20 in 2013. Maybe that is the other way round, but for the last

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two years it has been 20 and 23 so the numbers are fairly consistent so there has to be a combination of factors to which the small numbers are attributable.

1840 There are a number of facts that we have which can help us understand. If we look at admissions to the prison, in terms of people who have been sentenced and sent or remanded in custody, in 2012 we had 281; in 2013 we had 179 – that is a drop of over 100 in one year. There is still the question as to well why that drop, why that significant...? That is a very significant drop, of over 100 prisoners being sent, or being received in the prison and there are a number of factors that we can consider as contributing to this.

1845 First of all, as from the beginning of 2012 we had a fourth judge, specialising in criminal law, Mr Justice Barrington Black who is due to retire next month and I would like to take this opportunity to acknowledge the work and contribution that Mr Barrington Black has made to the community and to the Judiciary generally, and wish him a happy retirement.

1850 But he came in – it was a policy of the previous administration, I acknowledge that – and he was engaged by the previous Administration that commenced subsequently. He came in at the beginning of 2012 and a system of two criminal courts running concurrently was devised. That was intended to clear a backlog that existed and therefore in 2012 there were large moves to clear the backlog. A lot of that was done successfully and therefore there was not that much backlog to clear later on, which again might have contributed to the fall in numbers.

1855 The other figure that can be given is that the recorded crime over last year is down by 18%. Those are actual figures given to me by the Royal Gibraltar Police, and that is 18% down on the previous year, which itself was down 13.5% over the previous year. So the trend of recorded crime going down is evident. Why again, we can consider that there has been a new policy of neighbourhood policing, more visible policing in the community, and the professionals that I have asked on these issues suggest that that is working and is effective in reducing the offending, and reducing the re-offending also, in our community.

1860 We have also had the public CCTV project, which as Members will recall when it was announced, not only which was originally planned by the hon. Members, we actually put it in place and we have had this debate before, in 2012. We know that that not only provides a tool when crime is actually reported, to actually detect who the culprits are and use that as evidence, but it provides a positive deterrent and that can certainly be a factor. The other issue is that we have seen less re-offending so repeat offenders are down and that is a very, very positive sign.

1865 Last month, I gave details of the measures that are being taken in prison to rehabilitate offenders with vocational courses and counselling that is provided, that might account for the less numbers re-offending. One particular issue that is of crucial importance in this area, Mr Speaker, is that once offenders are rehabilitated they can obtain employment, come back into society and are part of the community. That reduces any kind of incentive or any need for re-offending, not that there is ever a need for re-offending, but certainly gives them the incentive to start behaving properly and not offend.

1870 Hon. Members will remember that as part of our policy, although it had been enacted previously by the previous administration, we very quickly commenced the rehabilitation of offenders provisions in the Criminal Procedure and Evidence Act. That is something that we gave a lot of importance and we did that early – that was in fact the very first part of that Act that we enacted. That allowed certain convictions to be regarded as spent and not have to be disclosed for employment purposes and makes it easier for offenders to obtain employment.

1880 It is interesting, Mr Speaker, that only last week, in fact as of 11th March, we have new periods for rehabilitation of offenders in the UK and listening to the media reports last week, quoting experts would suggest that the lower the rehabilitation periods the quicker the offender can obtain employment and that that has actually been seen to have a very positive effect in the re-offending numbers, because people can get back into employment.

1885 I can tell the hon. Members that as a result of those studies and those changes which have come into place in the UK as of last week, we have now looked at our own rehabilitation periods, and we will be making changes in order to bring them more in line because there is now a big disparity with the UK. So we will be making changes to the schedule and those tables.

1890 So all in all, there are quite a number of factors, including lower crime, neighbourhood policing, CCTV, less re-offending, the rehabilitation of offenders, all those factors we believe contribute. But this is not a science, and it may be that things change in the next few months, we certainly hope that the Government's Criminal Justice Policy and all the law enforcement agencies that are involved in preventing, detecting and deterring people from committing offences, that the very good work will continue and that we will continue to see crime falling in Gibraltar. (*Banging on desks*)

Q322/2014
Detention of juveniles –
Plans for provision

1895 **Acting Clerk:** Question 322, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Justice provide this House with details of how the Government plans to provide for the detention of juveniles, other than in HM Prison?

1900 **Acting Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government has no immediate plans for the detention of juveniles, other than at HM Prison. Government is however, prepared to consider alternatives to HM Prison for the detention of juveniles, should this be considered necessary.

1905 I should say Mr Speaker that the number of juveniles received into prison custody is, I am very glad to say, low. As an example, in the whole of 2013 we only had one juvenile received at HM Prison during that time.

1910 **Hon. S M Figueras:** I am grateful, Mr Speaker.

I asked this question in the context of an incident a couple of weeks ago involving, as I understand it, a juvenile where I also understand immediate action was taken to accommodate the juvenile in a manner more appropriate to his or her age. I wonder whether perhaps the Minister is able to say how, given the fact that and my acknowledgement, certainly, that there is thankfully a very, very low number of instances where this is even relevant, what in the interim between now and developing a permanent solution... how it is that these persons are in fact dealt with currently?

1915 **Hon. G H Licudi:** Yes, Mr Speaker, I am happy to give the hon. Member details of that, but let me just correct... and I do not want to go into an argument or any discussion about the case that the hon. Member has mentioned. It is not the case that that particular juvenile was dealt with in a different way, that juvenile should not – or it was considered, should not have been sent to custody in the first place. That issue was resolved but there may be ongoing issues in relation to that case and I certainly do not want to go into that.

1920 The hon. Member asks how juveniles are actually dealt with and as hon. Members opposite should... well, will know – particularly the Leader of the Opposition, because the Prison Act was introduced by him during his time as Minister for Justice – there is a provision in section 25 which stipulates that so far as accommodation in the prison renders it practicable, prisoners under the age of 17 will be kept separate from other prisoners. There is a separate provision which says that this should not result in an undue deprivation of contact with other prisoners.

1925 So when a juvenile is received into prison, consideration is given to his age, his current circumstances, and the current circumstances in the prison itself when deciding to what degree the juvenile will need to be segregated. Juvenile prisoners are never housed in a cell with an adult prisoner. That simply does not happen. They are either housed in a separate wing or in a wing where other prisoners are located, albeit the best behaved prisoners who are currently in prison. In any event, the juvenile is always under the supervision of a prison officer throughout the day and never left on his own with other prisoners.

1930 We have a vocational instructor that is available and used exclusively for juveniles when they are in custody. They spend... When I say 'they', last year we only had one individual, but juveniles spend most weekday mornings under the care of that particular vocational instructor. We also have a qualified teacher available exclusively for juveniles and who will impart the necessary lessons, so that the education side of the juvenile is also taken into account whilst he is in custody.

1935 There is a range of other professionals and agencies that are necessarily engaged to provide services, depending on the particular case, including psychologists, Care Agency support, and that particularly arises if that juvenile is already known to the Care Agency. So what the professionals will do is produce a care plan for the juvenile for the purposes of meeting his needs whilst in prison, and ensure that every day that is spent in custody is as purposeful and engaging as possible.

1940 The prison we currently have does not have a dedicated juvenile wing. I am advised that one of the wings, a 10-bed wing, was in fact earmarked as a possible juvenile wing. This wing was subsequently reclassified as a vulnerable person's wing, but it can be used for juveniles if there are no sex offenders or other vulnerable prisoners in custody using that particular wing. There is in any event another separate small wing, a 12-bed wing that can also be used to house prisoners. It is dependent upon the population of the prison, but since the population has fallen dramatically in the last 12 months, it is certainly possible to vacate this section and use it exclusively for juveniles if it is deemed necessary.

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So by and large the prison, although without a dedicated wing, is adequate and has adequate facilities and additional resources are brought in to support the juvenile whenever there is a juvenile in custody.

1955 **Hon. S M Figueras:** I am grateful and whilst acknowledging that clearly, given the current prison occupancy figures and the fact that this is seldom something that is required and also the Hon. Minister's first answer that there are no immediate plans, are there any plans whatsoever that the Minister can share with us at this stage?

1960 **Hon. G H Licudi:** Mr Speaker, I said there are no immediate plans but it is something we are prepared to consider if it is deemed necessary.

Hon. Members will know that we have a commitment to look at and procure a secure unit and that is in connection with particular provision in the Children Act which has not been commenced yet, and which will provide for secure accommodation for children.

1965 That is not intended to be a youth detention centre; it is intended to be a secure unit for other purposes. But it is perfectly possible and feasible if we wanted to develop that to have as a wing, a self-contained unit which could almost double up as a youth detention centre if we wanted to go down that route.

1970 We do not have immediate plans to do that. We do not believe that it is necessary, we are working on a secure unit and when we do that, we will be considering whether that can also be used for other purposes, but the intention at the moment is that that secure unit is not going to be used as a youth detention facility because of the circumstances that I have already described, which we consider are adequate and as provided for in the legislation.

Q323/2014
Registered sex offenders –
Number for last 12 months

Acting Clerk: Question 323, the Hon. S M Figueras.

1975 **Hon. S M Figueras:** Mr Speaker, can the Minister for Justice provide details to this House of the number of registered sex offenders in Gibraltar on a month by month basis for the last 12 months?

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

1980 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there are currently eight persons on the sex offender's register. Of these, two were registered in April 2013, one in July 2013, one in December 2013, three in January 2013 and one in February 2014. Sorry, I should have said January 2014.

1985 **Hon. S M Figueras:** Mr Speaker, just one supplementary. Is the Minister able to say whether of the eight currently on the register, whether there is any that have been reported, or rather who have reported for registration, other than in circumstances of being convicted in Gibraltar?

1990 **Hon. G H Licudi:** Mr Speaker, I do not want to go too much into who is in and who is out and the circumstances and all that. Hon. Members will recall that when we had discussions previously and debate previously about the sex offenders register. There was this issue as to whether there were sufficient powers in the Act to deal with people outside Gibraltar, or even people who had committed offences before the coming into effect of the Act.

1995 I can certainly confirm to the hon. Members that those powers are being exercised and are being used and the eight are not all related to convictions in Gibraltar which would automatically qualify for nominations.

2000 **Hon. D A Feetham:** So it follows that some of those are effectively people who have been convicted of sex offences outside, so the conviction is outside Gibraltar but there has been some form of application, I cannot remember the exact mechanics now off the top of my head, but there has been some form of application to get them registered onto the list here in Gibraltar. Can the Minister tell us how many of those eight are in that category, in other words that are sex offenders convicted outside Gibraltar?

2005 **Hon. G H Licudi:** Mr Speaker, as I said, I do not particularly want to go into an argument –

Hon. D A Feetham: No, I am not going to have an argument.

2010 **Hon. G H Licudi:** – as to who is in and who is out. There are different circumstances, the hon. Member has mentioned the possibility of making applications. There is a sexual offences prevention order that can be obtained, there is a risk of sexual offences order that can be obtained, and powers have been exercised in respect of that, including – and I do not want to go into numbers, but including – in respect of offences committed outside Gibraltar.

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Q324/2014

Employment Service – Registered employers

Acting Clerk: Question 324 the Hon. D J Bossino.

2015 **Hon. D J Bossino:** Can the Minister for Employment provide up to date details of the employers registered with the Employment Service by industry group?

2020 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2025 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the number of employers registered with the Employment Service by industry group as at December 2013 was as follows: electricity supply – 5; water supply – 2; ship building – 32; other manufacturing – 67; construction – 679; wholesale trade – 100; retail trade – 506; hotel trade – 10; restaurants and bars – 222; repairs of consumer goods – 68; sea transport and related services – 93; air transport – 9; road transport – 218; post and communications – 18; banking, finance and insurance – 1,175; public administration and defence – 9; police and fire service – 24; sanitary services – 7; education 41; medical and health service – 150; other services – 827.

2030 **Hon. D J Bossino:** Mr Speaker, I am grateful for that. Can I ask the Hon. Minister if there is any reason why the information has not been updated in the website, because the information was available on a monthly basis...? Actually not on a monthly basis, I am not sure on what basis. It started in March 2011, then there is a jump to September 2011 and then since the hon. Member took office, it has been on a monthly basis in 2012 all the way through to December 2012.

2035 Can I ask why that practice seems to have stopped in terms of putting that information online?

Hon. J J Bossano: There is no particular reason that I know of. It is just that whoever does that job has not done it.

2040 **Hon. D J Bossino:** Do I take it that from that answer, there is no difficulty in the Government updating this information, in other words from December 2012 to the information which he has just given across the floor of the House? It would be very useful to see the trend and I am sure he will appreciate that and then I do not need to ask this type of question in the future. I am grateful.

2045 **Hon. J J Bossano:** I see no reason for not doing it, but I will find out when I get back to the Department, Mr Speaker.

Acting Clerk: Question 325, the Hon. D J Bossino.

2050 **Hon. D J Bossino:** Sorry, may I have a supplementary? I was just consulting with the Leader of the Opposition in relation to Question 324. There has been an increase, I think pretty much on a monthly basis in the industry group relating to construction. Does the hon. Member have an explanation for that?

2055 **Hon. J J Bossano:** Well, the Member may have noticed that there is actually no construction work going on – (*Laughter*) more scaffolding, more people working – and he will see that is reflected in the statistics when they are finally published. In the construction industry, there is more activity now than there was a year ago, but in any event I think he needs to understand that although this is a register of employers,

2060 it does include people who are self-employed who, in the system that we have in Gibraltar, can actually be employers as well as being self-employed. So you may find that the increase is not an increase in big firms; in many cases it is an increase in people who are really working on their own and maybe employing a mate as a labourer or something like that.

Q325-332/2014
Future Job Strategy –
Salaries paid to trainees; type of training given; finances

Acting Clerk: Question 325, the Hon. D J Bossino.

2065 **Hon. D J Bossino:** Can the Minister for Employment provide details of the expenditure in terms of salaries paid to the trainees in the FJS since it started in February 2012 to date, broken down on a monthly basis?

2070 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 326 to 332.

2075 **Acting Clerk:** Question 326, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state whether the trainees in the graduate scheme have been paid their yearly increases above the minimum wage, as promised in the GSLP manifesto?

2080 **Acting Clerk:** Question 327, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state whether any training is being provided under the FJS in relation to Port-related activities?

2085 **Acting Clerk:** Question 328, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state how many employees each of Construction Training Company Limited, ETCL, Graduate Research Development Company Limited and STCL have had, broken down by months, since February 2012 to date?

2090 **Acting Clerk:** Question 329, the Hon. D J Bossino.

2095 **Hon. D J Bossino:** Can the Minister for Employment provide details of the number of private employers which have employed FJS trainees, with details of how many trainees have been employed by each employer, broken down by months, since February 2012 to date?

Acting Clerk: Question 330, the Hon. D J Bossino.

2100 **Hon. D J Bossino:** Can the Minister for Employment state the industry area of the private employers which have to date employed trainees under the FJS scheme?

Acting Clerk: Question 331, the Hon. D J Bossino.

2105 **Hon. D J Bossino:** Can the Minister for Employment state how many of the trainees who have been employed under the FJS remain employed to date?

Acting Clerk: Question 332, the Hon. D A Feetham.

2110 **Hon. D A Feetham:** Mr Speaker, can the Government please state whether there have been any allegations of financial irregularities in relation to the management of the Future Job Strategy or in relation to anyone exercising that role?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2115 **Mr Speaker:** Before the Hon. Minister answers all these questions, may I make what I hope will be a useful practical suggestion. There is a great deal of statistical information in the answers – one, two, three, four, five, six, seven and a half pages.

2120 It would save the Hon. Minister a lot of breath, it would save a lot of time, may I make the suggestion that I arrange for these pages to be photocopied and circulated to Members of the Opposition and while we are waiting for that, we can proceed with Question 333 and then come back and answer and deal with any supplementaries arising from all these pages.

Hon. D A Feetham: Mr Speaker, it is an excellent suggestion.

2125 **Mr Speaker:** Is the Hon. Minister happy with that?

Hon. J J Bossano: Not at all Mr Speaker. I am not happy. (*Laughter*)

2130 **Mr Speaker:** You are not happy?

Hon. J J Bossano: No. (*Laughter*)

Mr Speaker: May I ask why?

2135 **Hon. J J Bossano:** Certainly, because the hon. Members have got the choice of seeking an oral answer or a written answer, and if they want a written answer, they wait until the end of the session and they get the thing in writing. They are trying to have their cake and eat it and therefore (*Laughter*) as far as I am concerned, they are not going to get that cake and eat it from me.

2140 So, since they want an oral answer... Let me say, Mr Speaker, that it was my view, when I was at the other side of the House, that if I asked for an oral answer, I should get an oral answer and it was the view of the then Government that questions asking for statistics should be put down for written answer. They do not practise in Opposition what they preached in Government, and I am going to do in Government what I asked for in Opposition. So when I am asked for an oral answer, I give one.

2145 **Mr Speaker:** Now with due respect to the Hon. Minister, if photocopies are made of his answer to all these questions and they are circulated, that can be deemed to be an oral answer. The only thing is that we are saving the Minister 15 or 20 minutes of having to read a whole series of figures out. (*Interjection and laughter*) I mean, it is ultimately up to him but I am trying to be sensible, I think. (*Interjection*)

2150 **Hon. J J Bossano:** Well, Mr Speaker, whether one is sensible or not is always a subjective judgement, (*Laughter*) but of course oral answers are for the benefit of a crowded gallery and everybody watching us on television, (*Laughter*) and I would not want anybody to be deprived of the opportunity of listening to all these statistics to which the Opposition attach such importance that they have almost paralysed the Department working out everything over the last two years. So if you will indulge me, I will continue giving the answer.

Hon. D A Feetham: Could I, Mr Speaker, it would be –

2160 **Chief Minister (Hon. F R Picardo)** Could I suggest to provide assistance to both sides –

Hon. D A Feetham: Well Mr Speaker, I have stood up –

Hon. Chief Minister: [*Inaudible*]

2165 **Hon. D A Feetham:** I was stood up before. (*Laughter*) I gave in last time.

2170 Mr Speaker, what I was going to suggest is that perhaps the Hon. the Minister can read it out, then he can have his oral answer, but if you could provide photocopies of what he is going to be reading out, at the very least we can follow. Because the problem with this particular practice, is that you are bunching up an awful lot of questions with an awful lot of statistics and it is actually very difficult for Opposition Members to then start taking notes (*Interjection*) and it would help us, indeed, in relation to our supplementaries, but also to understand the answer if photocopies were to be made.

But again, we are totally in the hands of the Hon. Minister. If he does not agree with that, then we cannot do anything to make him budge.

2175 **Hon. Chief Minister:** Mr Speaker, if I might, I think the useful compromise I was going to propose is not a million miles away from what the Hon. the Leader of the Opposition has suggested. I think we have suffered when we have been in Opposition, this practice which it appears is another one of the practices that Mr Feetham is now decrying that they engaged in when in Government, another one of the things that he has managed to finally change from the GSD that he so decries of old, and especially given their admission
2180 of their carelessness in their ability to jot down statistics as they are provided, I think it would be a very useful compromise if a photocopy could be provided to Members opposite, but of course that the hon. Member be given the opportunity to read out his answer which he wishes, and is entitled to do. I think in that way we achieve both of the objectives we wish to achieve.

2185 **Mr Speaker:** May I just comment that I think it is a regrettable practice that developed sometime between over the years between 1992 and 2011. It certainly was not the practice prior to 1992 for statistical information of this length to be provided in the House. It just was never done.

2190 **Hon. J J Bossano:** Mr Speaker, may I just remind you that in fact the last time this level of statistics was asked for, you pointed out to the Members – I think it was in October last year – that if they wanted statistical questions, they had the opportunity of asking for written answers. Having been told by you that that should be the way, they should do it, they have chosen not to do it that way. So therefore, they will have to sit and listen to what they want to hear. Otherwise they should not be asking for it to be oral.

2195 Mr Speaker, in the 24 months from February 2012 to January 2014 the expenditure on salaries of trainees, in thousands of pounds, was as follows:

	Month 1	296
	Month 2	348
	Month 3	402
2200	Month 4	459
	Month 5	485
	Month 6	520
	Month 7	566
	Month 8	561
2205	Month 9	595
	Month 10	605
	Month 11	620
	Month 12	568
	Month 13	554
2210	Month 14	513
	Month 15	521
	Month 16	467
	Month 17	445
	Month 18	437
2215	Month 19	419
	Month 20	415
	Month 21	430
	Month 22	420
	Month 23	405
2220	Month 24	379

The 150% and the 175% enhancement has already been paid to graduate trainees. The further increase to 200% due in the third year has not yet been paid.

No training is being provided in Port-related activities.

2225 There is no company called STCL. Assuming the hon. Member is seeking the information in respect of the Supported Employment Company, the information is as follows. In the 24 months from February 2012 to January 2014 the number of employees in each of the four companies is as follows:

	Company 1	
2230	Month 1	0
	Month 2	0
	Month 3	0

	Month 4	0
	Month 5	0
2235	Month 6	0
	Month 7	0
	Month 8	0
	Month 9	58
	Month 10	77
2240	Month 11	90
	Month 12	118
	Month 13	185
	Month 14	183
	Month 15	174
2245	Month 16	160
	Month 17	160
	Month 18	156
	Month 19	147
	Month 20	143
2250	Month 21	153
	Month 22	153
	Month 23	137
	Month 24	129
2255	Company 2	
	Month 1	358
	Month 2	404
	Month 3	460
	Month 4	516
2260	Month 5	551
	Month 6	529
	Month 7	539
	Month 8	521
	Month 9	534
2265	Month 10	507
	Month 11	486
	Month 12	389
	Month 13	296
	Month 14	290
2270	Month 15	298
	Month 16	283
	Month 17	253
	Month 18	231
	Month 19	232
2275	Month 20	227
	Month 21	211
	Month 22	197
	Month 23	173
	Month 24	204
2280	Company 3	
	Month 1	13
	Month 2	24
	Month 3	30
2285	Month 4	44
	Month 5	47
	Month 6	50
	Month 7	59
	Month 8	56
2290	Month 9	62
	Month 10	63
	Month 11	63
	Month 12	64

	Month 13	67
2295	Month 14	66
	Month 15	58
	Month 16	50
	Month 17	51
	Month 18	53
2300	Month 19	57
	Month 20	68
	Month 21	74
	Month 22	78
	Month 23	78
2305	Month 24	78
	Company 4	
	Month 1	0
	Month 2	0
2310	Month 3	0
	Month 4	0
	Month 5	0
	Month 6	46
	Month 7	46
2315	Month 8	47
	Month 9	60
	Month 10	63
	Month 11	64
2320	Month 12	67
	Month 13	67
	Month 14	66
	Month 15	70
	Month 16	70
	Month 17	72
2325	Month 18	73
	Month 19	72
	Month 20	73
	Month 21	73
	Month 22	72
2330	Month 23	74
	Month 24	74

The number of private employers with trainee employees between February 2012 and January 2014 with a breakdown for each month by employer and number of employees is as follows:

2335			
	Month	Employee	Employer
	Month 1	1	120
		2	23
		3	3
		4	2
	Month 2	1	167
		2	20
		3	3
		4	2
	Month 3	1	199
		2	27
		3	3
		4	2
	Month 4	1	219
		2	40
		3	3
		4	2
	Month 5	1	199
		2	20

	3	15
	4	2
Month 6	1	242
	2	20
	3	3
	4	2
Month 7	1	248
	2	22
	3	3
	4	2
Month 8	1	260
	2	28
	3	4
	4	2
Month 9	1	256
	2	28
	3	7
	4	2
	5	1
	8	2
Month 10	1	240
	2	34
	3	15
	4	6
	5	4
Month 11	1	261
	2	28
	3	7
	4	2
	5	1
Month 12	1	266
	2	10
	3	4
	4	1
Month 13	1	260
	2	11
	3	2
	4	1
	5	1
Month 14	1	244
	2	11
	3	3
	5	1
Month 15	1	241
	2	16
	3	3
	5	2
Month 16	1	225
	2	16
	3	2
	5	2
Month 17	1	164
	2	16
	3	2
	5	4
	6	2
	24	1
Month 18	1	129
	2	16
	3	5
	5	4

	6	2
	24	1
Month 19	1	70
	2	19
	3	6
	4	3
	5	6
	6	2
	24	1
Month 20	1	52
	2	32
	3	5
	4	3
	5	3
	6	1
	10	1
	23	1
Month 21	1	48
	2	25
	3	13
	4	3
	5	3
	6	3
	22	1
Month 22	1	55
	2	13
	3	7
	4	2
	5	5
	6	3
	8	1
	10	1
	23	1
Month 23	1	53
	2	12
	3	9
	4	1
	5	3
	6	2
	7	1
	8	1
	10	1
	17	1
Month 24	1	43
	2	15
	3	11
	4	3
	5	6
	9	1
	13	1

The industry areas of the private employers... I am afraid the hon. Member will not win anything today. (Laughter and banging on desks) Mr Speaker, the industry areas of the private employers who have between February 2012 and January 2014 taken on trainees under the scheme are as follows: electricity supply; water supply; ship building; other manufacturers; construction; wholesale trade; retail trade; hotel trade; restaurants and bars; repairs of consumer goods; sea transport and related services; air transport; road transport; post and communication; banking; finance and insurance; police and fire service, sanitary services; education; medical and health services and other services.

As at the end of January 2014, 722 former trainees were in employment.

Finally Mr Speaker, there have been no such allegations. (Banging on desks)

Mr Speaker: After that *tour de force*, I understand that television viewers have switched back on. (*Laughter and banging on desks*) Supplementaries.

2350 **Hon. D J Bossino:** I am grateful, Mr Speaker. Can I just sat that (*Interjection*) Exactly, absolutely Mr Speaker, completely knocked out. I must say it is a joy to actually be able to follow the hon. Gentleman for once in the answers that he gives us, I really am chuffed.

2355 Mr Speaker, in relation to the answer he gave, I think it was in connection with the number of FJS trainees employed in each of the FJS companies – (*Interjection*) exactly. He gives me, he cites the numbers, Company 1, Company 2, Company 3, and Company 4. Can he give me the names of the companies?

Mr Speaker: What now? (*Laughter*) The names of all the companies. Oh, only four, very well.

2360 **Hon. J J Bossano:** Mr Speaker, the names of the companies are in the question that he put, in the order in which he put it. (*Interjection*) Yes.

2365 **Hon. D J Bossino:** I am grateful for that. Also, could he also enlighten me in relation to the percentage figures he has given me in connection with the pay increases to graduate trainees? He refers to 150%, 175% and 200%. I am sure that mathematically that is absolutely correct, but the way I understood it from reading the manifesto was the minimum wage plus 50, the minimum wage plus 75 and the minimum wage plus 100. Can he just give me some explanation as to why those precise figures?

2370 **Hon. J J Bossano:** Well yes, something plus 50 is 150% of something and therefore the hon. Member asked me about the increases above the minimum wage, they have been paid 150% of the minimum wage, they have been paid 175% and they have not yet been paid the 200% which will happen after the new financial year which is on 1st April.

2375 **Hon. D J Bossino:** I am grateful. Mr Speaker, a brief supplementary.
He says after the new financial year. Does he not recognise that that is a delay in terms of, those graduate trainees would have been employed for example in February 2012, I think it would have been beyond the third year anniversary of their employment. I think the manifesto commitment was that they would be paid the 100% increase on the third year anniversary.

2380 **Hon. J J Bossano:** Well clearly, Mr Speaker, the hon. Member is not familiar with the way that pay rises happen. I mean a couple of months retrospection is not out of... it is not going to create, I think, excessive hardship to people who are in effect getting twice the minimum wage. There are several thousand people on the minimum wage in Gibraltar.

2385 **Hon. D J Bossino:** I am grateful for the confirmation in relation to retrospection, Mr Speaker, in his answer. There is one particular case which, I can only refer to one and I am not saying that it is necessarily sort of prevalent in all the individuals who are participating in the scheme, but certainly one case has been brought to my attention where I am being told that the 75% increase that the individual has received, basically that person has only received 50% of the 75% increase, as opposed to the entire 75%.

2390 Is he aware of this one case or is it something which is...? Because he has told me that the 75% increase has indeed been paid but I can tell him that the information that I have, very recent information, is that there is at least one individual who has received the entirety of the 75% increase.

2395 **Hon. J J Bossano:** Well, the individuals to my knowledge that have received it have been the individuals who have signed the variation in their contract to bring the increase about. There is only one individual that I know of who... there was a situation when a lot of these graduates were placed in Government offices as part of their training and they were working the same hours as everybody else in the office, which was a 37-hour week.

2400 As an oversight, the contracts that were originally given to them were given for 39 hours and it was not the fault of the individuals involved, because it was not that they asked for 39 hours; it was since the graduates came in at a later stage than the manual workers did and the manual workers were on 39. Well people made the mistake and gave them contracts. Therefore we honoured those contracts for 39 hours, even though they were working 37.

2405 When the increase came in, everybody was asked to sign, accepting that from the date that it went from 150% to 175%, their hours would come down from 39 to 37 which is what they were working. To my knowledge, only one person has objected to that and therefore I imagine we are both talking about the same person.

Hon. D J Bossino: But is that person not to be receiving the 75% increase, how does that correlate with the – ?

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Hon. J J Bossano: Everybody except this one person accepted that it should be 75% for a 37-hour week and this person insists that it should be 37% for a 39 hour week, so she is still on the original contract unless and until she accepts that she will get 25% more but stop getting paid for two hours which she is not working and should not have been working.

2415

Hon. D J Bossino: Mr Speaker, in relation to his answer to Question 327 which he will recall relates to Port-related activities, his reply was that no training has been provided in Port-related activities. Can he give me an indication as to when they will be provided?

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Hon. J J Bossano: Well Mr Speaker, I have answered the question by finding out if there is anybody in Port-related activities and the answer is that there is not. I do not know whether there has been any in Port-related activities before now. I assume that he means by Port-related activities something more than being a clerk in the Port, which is not a Port-related activity because the activity is the same whether you are in the Port or in Europa Point.

2425

Hon. D J Bossino: Mr Speaker, the question – I will explain it to him. The question arises from a manifesto commitment entitled ‘Port Training’ and I will quote, it says:

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‘Apprenticeships and training in port related activities are essential to guarantee future generations of Gibraltarians can do the jobs required in the Port Services sector.’

That is why I have asked the question so my supplementary, as to what is going to happen in the future.

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Hon. J J Bossano: Well, I am told this is not done in respect of taking on employees. I mean can I remind the Member, Mr Speaker, that people who provide training opportunities are required to employ the people at the end of the training. Therefore, there are instances where people get unpaid training and it may be the case either because they are training people already in their employment or because anybody that is interested in acquiring certain skills is given an opportunity. But it is certainly not part of the training that is provided for people where there is a vacancy that has been open which has to be filled and is filled by a trainee, which is the only ones that the Employment Service is involved in.

2440

Hon. D J Bossino: Mr Speaker, in connection with the answer he gave where he says that, at the end of January 2014, 722 former trainees were still in employment. I marry that figure with a figure I know he has already provided in this House and to the press, as to how many of those who are participating in the scheme have been employed. I will do the comparison.

2445

But is there any monitoring? In other words, once the trainee is taken on, assuming that he is taken on beyond the... basically a decision is made to take the trainee on in the first month and then the trainee is provided for a three-month period, paid for by the Gibraltar Government for that three-month period and then he is taken on because of the guaranteed employment. Is there any monitoring being done by his Department as to the permanency of that employment? Because there could always be the situation, the case when an individual may be taken on beyond the third month but in the fourth, fifth or sixth month, in other words before the 52-week period when statutory rights kick in, could be dismissed. Is there any monitoring being done by his Department in relation to that point?

2450

Hon. J J Bossano: Mr Speaker, that was a fear that was expressed by Opposition Members at the beginning of the scheme. It is a fear that has not materialised and that I would expect not to materialise.

2455

We have a close relationship with the employers that have been... I mean there is no way of forcing an employer to take on a trainee and therefore the employers that do it, do it willingly. They do it willingly because they have got a vacancy that they have opened and it is a vacancy they need to fill. So clearly, if they took on the employee and then sacked him a few months down the road, then there would be an unfilled vacancy and a registered unemployed person and that is monitored.

2460

He needs to remember that the difference is that with the scheme that existed prior to the 2011 Election, it was possible to do that and get away with that because there was no commitment. The people who were placed in the private sector were people that were being placed in the private sector where, as I have told the House in the past, when I came into the Department and I started asking these employers to take on the employees many, many of them, three quarters of them said, well look, they did not really have a need for the person; they were just being sort of public spirited by giving people an opportunity to get work experience, given that they were getting paid an allowance of £400 or £350.

2465

2470 That is no longer the case, so we are able to monitor it simply by virtue of the fact that we monitor all the vacancies that get open and we monitor all the people that register as unemployed on a daily basis and we know who has been through our system. So when I am telling him that there are 722, that is the numbers that are employed having been through the training scheme. That is the figure that I have got today and that was for the end of the month of January.

2475 **Mr Speaker:** Do hon. Members have any other supplementaries?

Hon. D J Bossino: No.

Mr Speaker: Next question.

**Q333/2014
Industrial Tribunal –
Employment of permanent Chairman**

2480 **Acting Clerk:** Question 333 the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state when the Government envisages it will employ a permanent Chairman of the Industrial Tribunal?

2485 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

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

2490 **Hon. D J Bossino:** Mr Speaker, is there any reason why the answer is no? I mean, can he shed a bit more light? Does he have a date as to when...? I understand that it is a manifesto commitment and I just want to know when he thinks he will be employing a permanent Chairman of the Industrial Tribunal or what issues he is considering?

2495 **Hon. J J Bossano:** It will happen before the next General Election, Mr Speaker.

**Q334/2014
Census 2012 –
Publication of results**

Acting Clerk: Question 334, the Hon. Mrs I M Ellul-Hammond.

2500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can Government say when the results from the 2012 census will be published?

Acting Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2505 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** No, Mr Speaker.

2510 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, did the Hon. Minister say that they would not be publishing the results of the Census?

Hon. J J Bossano: No, I am not saying that, Mr Speaker.

2515 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, when will the results for the 2012 Census be published?

Hon. J J Bossano: Mr Speaker, the hon. Member has not asked me whether they are going to be published, but whether I can say when they will be published, and the answer is I cannot say when they will be published. They will be published when the Statistics Office is ready to publish them.

2520 **Mr Speaker:** Next question.

Q335/2014
Shipbuilding/marine repairs industry –
Major reportable accidents, February 2014

Acting Clerk: Question 335, the Hon. J J Netto.

2525 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide Parliament with a statement in relation to the Major Reportable Accidents in the Shipbuilding/Marine Repairs Industry in February 2014, as shown in table HS2 of the Government website, and stating if any contravention over the Factories Act or any of its subsidiary legislation has taken place?

2530 **Acting Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I am informed that at approximately 15:30 on 3rd February 2014, a Gibdock employee was asked by the crane driver to check if the cradle connected to Crane 5, next to Dock 3, was free of cables and mooring ropes. He requested confirmation as to whether the subcontractors who were working there before lunch had left without informing him about the progress of the job, as the cradle was at the bottom of the dock where he had a blind spot, hence he could not see if the cradle was connected to the cables and the ropes.

2540 The Gibdock employee went down to the docks, stepped onto the dock alters to overlook the cradle down below and slipped, as it was raining and the dock alters were wet. He slipped, stumbled over and landed on the cradle that was hanging below him. The crane driver saw him stumble over so he instructed him not to move. Immediately the dockworkers' foreman attended the scene of the accident to check on the employee.

2545 When the dockworkers' foreman saw the employee, he was conscious and everything was under control. He also saw that the cradle was completely disconnected and safe to lift. He instructed the crane driver to slowly lift the cradle up onto the quayside for the ambulance and paramedics to have better access to the employee. By the time the dockworkers' foreman had instructed that the cradle was clear to lift, the ambulance service had already been advised and were on their way.

2550 During this time, the Safety Officers were on the scene at the incident and they took over control of the situation until the ambulance arrived minutes later. The Health & Safety Inspector then arrived at the location of the incident when the paramedics were placing the Gibdock employee into the ambulance. The employee sustained a fracture to his left elbow.

The Health & Safety Inspectors informed me that they found no evidence of contravention of any of the legislation.

Q336/2014
Development and Planning Commission –
Environmental Impact Assessment Screening Report

2555 **Acting Clerk:** Question 336, the Hon. J J Netto.

2560 **Hon. J J Netto:** Mr Speaker, further to Question 706/2013 which was answered in writing, will the Hon. Deputy Chief Minister please provide Parliament with a copy of the EIA Screening Report submitted to members of the DPC, despite stating that such a report is not a public document, in order to allow Members of the Opposition to monitor developments in such important matters to the community, and if not, why does the Government feel that they should not keep the Opposition informed?

Acting Clerk: Answer, the Hon. the Deputy Chief Minister.

2565 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the EIA screening report is an internal document submitted by the Town Planner in order to assist Members of the DPC with their deliberations. The report has been overtaken by events. It concluded that there were no indications to warrant a full EIA in respect of the proposed development.

However, a Screening Direction has been given that an EIA should nonetheless be carried out.

QUESTIONS FOR WRITTEN ANSWER

Acting Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2570 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W36 to W63 of 2014, inclusive.

ADJOURNMENT

Acting Clerk: The Hon. the Chief Minister.

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker I have the honour to move that the House do now adjourn until tomorrow morning at 9.15 a.m.

Mr Speaker: I now put the question, which is that the House do now adjourn until tomorrow morning, Friday 21st March at 9.15 a.m. Those in favour? (**Members:** Aye.) Those against? Carried. The House will now adjourn until tomorrow morning at 9.15 a.m.

2580

The House adjourned at 7.06 p.m.